

Submission on Draft Amendment C161mar to the Macedon Ranges Planning Scheme
by Macedon Ranges Shire Council

INTRODUCTION

This submission is made by Macedon Ranges Shire Council (**Council**) in response to the exhibition of combined Macedon Ranges Planning Scheme Draft Amendment C161mar (**Amendment**) and planning permit application PLN2024/129 (**Permit Application**).

In summary, the Amendment proposes to facilitate the redevelopment of 131.8 hectares of land located north west of the existing Riddells Creek township and boarded by Kilmore Road to the west, Amess Road to the south, Frost Lane to the north and farmland to the east (**Subject Land**) by introducing a new planning framework which will facilitate approximately 1,360 new households and 3,808 new residents. The Permit Application proposes to facilitate the subdivision of Stage 1 of the Amess Road Precinct Structure Plan at 115 Amess Road, 12 Wohl Court, 61 Wohl Court and 58 Wohl Court, Riddles Creek.

The Amendment and Permit Application have been prepared by the owner of over 53% of the Subject Land, Banner Asset Management Group (**Proponent**).

The Minister for Planning (**Minister**) has indicated to Council that, following consideration of any submissions received, the Minister may refer this matter to the Priority Projects Standing Advisory Committee for further advice before making a final decision on whether to prepare, adopt and approve the Amendment and Planning Permit.

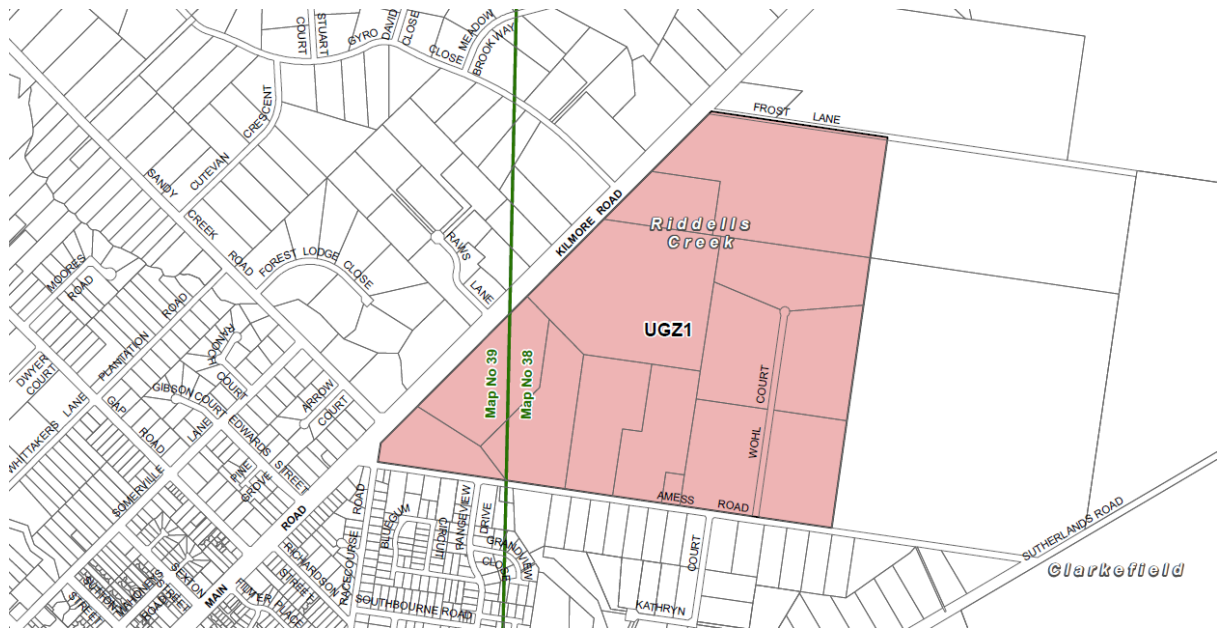
Summary of the Amendment

The Amendment proposes to rezone the Subject Land from the Urban Growth Zone (**UGZ**) to the Urban Growth Zone – Schedule 1 (**UGZ1**), and:

- introduce a new Urban Growth Zone – Schedule 1 (**UGZ1**);
- introduce a new Development Contributions Plan Overlay – Schedule 3 (**DCPO3**);
- introduce a new Road Closure Overlay (**RCO**);
- amend the Schedule to Clause 52.16 Native Vegetation Precinct Plan;
- amend the Schedule to Clause 52.17 Native Vegetation;
- amend the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision;
- amend the Schedule to Clause 72.03 What Does This Planning Scheme Consist Of?;
- introduce three new incorporated documents into the Schedule to Clause 72.04:
 - *Amess Road Precinct Structure Plan* (**PSP**);
 - *Amess Road Development Contributions Plan* (**DCP**); and
 - *Amess Road Native Vegetation Precinct Plan* (**NVPP**).
- facilitate the approval of the Permit Application .

The Subject Land is currently characterised as generally rural land. Land to the north and east is zoned Farming Zone (**FZ**), land to the west is zoned Low Density Residential (**LDRZ**) and land to the

south is zoned LDRZ or Neighbourhood Residential Zone (**NRZ**). An extract of the proposed UGZ1 map (as exhibited) is included below:



Source: Exhibited Amendment – zone maps 38 and 39

The Subject Land is also presently affected by the Heritage Overlay – Schedule 83 (**HO83**), which relates to Dromkeen and Monterey Pine. There are no changes proposed to HO83 as part of the Amendment.

Background to the Amendment

Since 2018, the Proponent has engaged with Council officers in relation to the preparation of the draft PSP and associated planning controls for the Subject Land.

In September 2019, Council undertook informal community consultation.

In February 2020, the Proponent lodged a formal request to amend the Macedon Ranges Planning Scheme (**Scheme**). Work continued on the PSP and technical documents until 2022.

In July 2022, the Proponent held a series of community engagement sessions.

In February 2023, the Proponent submitted revised documentation to Council. The Proponent asked Council to request authorisation from the Minister to prepare and exhibit the Amendment, in its role as planning authority for the Subject Land.

On 12 April 2023, Council resolved not to support requesting the Minister to authorise the preparation of the Amendment.

The Proponent applied to the Development Facilitation Program (**DFP**).

Public exhibition of the Amendment commenced on 10 June 2024 (for a period of 30 days). Submissions are due to be lodged in response to exhibition by 10 July 2024.

The Subject Land

In summary, the Subject Land:

- consists of 14 titles over approximately 131.8 ha;
- is currently used as rural lifestyle lots with a number of existing occupied dwellings;
- rises generally from the east to west but is predominately flat apart from a small hill along the western side of the precinct and some downslopes associated with drainage lines;
- is bound by:
 - Frost Lane to the north;
 - Farming land to the east;
 - Amess Road to the south; and
 - Kilmore Road to the west.

The below image shows the Subject Land and surrounding interfaces:



Source: Amess Road, Riddells Creek – New Residential Community Part A Strategic Assessment Report

The position of Council

Council does not support the Amendment or the Permit Application and submits neither should be approved.

However, if the Amendment and Permit Application were approved, the PSP and DCP will need to be revised to take into account the impacts of the development on the landscape and distinctive character and form of Riddells Creek, the impacts of an increased population on existing infrastructure and

community facilities, the impacts of Melbourne Water not providing a Development Services Scheme (DSS) and the inability of Council to contribute to infrastructure that is required.

This submission is split into the following three sections:

- **Section 1:** PSP
- **Section 2:** Development Contributions; and
- **Section 3:** Permit Application.

SECTION 1: SUBMISSION IN RELATION TO THE PSP

Council has summarised the key issues in relation to the PSP and its response below.

Council reserves its right to add to and expand on these issues if the Amendment were to progress to consideration by a Priority Projects Standing Advisory Committee.

Distinctive area and landscape

Macedon Ranges Shire was recognised as a distinctive area and landscape in 2019. The Amess Road area has sweeping views over Riddells Creek and to the Macedon Ranges.

Clause 2.03-2 (Environmental and landscape values) of the Macedon Ranges Planning Scheme (**Scheme**) provides:

Macedon Ranges Shire has many significant landscapes including the Macedon Ranges and the Cobaws which are part of the Great Dividing Range. These provide topographic variety and relief, contrasted with deeply dissected river and creek valleys of the eastern volcanic plains. Significant landscapes include sites of national, state, regional and local significance such as Mount Macedon and Hanging Rock, and volcanic cones and peaks including Golf Course Hill, Melbourne Hill, Mount William and The Jim Jim that form dominant landscape features.

Landscape character within the shire is also defined by:

- Heritage gardens with native vegetation, exotic species, hedgerows, managed plantations and pastoral qualities.
- Significant views and vistas from and to the undulating wooded hills, also forming visual edges to the shire.
- Treed avenues within townships and on their approaches.
- Distinctive settlements set within a rural environment.

As a growing peri-urban municipality, competing demands (for example residential development, or clearing to reduce bushfire risk) pose challenges and threats that could have a detrimental effect on the shire's visual and landscape qualities.

Strategic directions for significant environments and landscapes are to:

- Protect and enhance sites of landscape and geological significance, including the shire's volcanic cones and peaks and the Hanging Rock Precinct.
- Protect and enhance the character of existing rural landscapes.

[our emphasis]

Section 46 AZK of the *Planning and Environment Act 1987* (**Act**) provides as follows:

Responsible public entities not to act inconsistently with Statement of Planning Policy

A responsible public entity must not act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area.

[our emphasis]Under the Statement of Planning Policy, it provides as follows:

In accordance with s 46AV(1)(c) of the Planning and Environment Act 1987, it is stated that the:

- Objectives in this statement are binding on RPEs
- Strategies in this statement are in the nature of recommendations to which RPEs must have regard.

Responsible public entities should endeavour to integrate the Objectives and Strategies relevant to the issues to be determined and balance conflicting considerations in favour of an outcome that best promotes the intent of this statement for the benefit of present and future generations.

Responsible public entities

In accordance with section 46AZL of the Planning and Environment Act 1987, if a responsible public entity develops or implements policies or programs or makes decisions in relation to the declared area, the responsible public entity should:

- consult with all levels of government and government agencies that are relevant to the decision
- use best practice measures to protect and conserve the unique features and special characteristics of the declared area
- undertake continuous improvement to enhance the conservation of the environment in the declared area.

Council submits that the PSP in its current form, and the Permit Application, is not consistent with the Statement of Planning Policy and to the extent it is inconsistent with the Statement of Planning Policy it should not be approved.

Specifically, Council submits that the approval of the PSP and the Planning Permit will be inconsistent with Objective 8 of the Statement of Planning Policy which is in the following terms:

Objective 8:

To plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.

Of the various strategies identified in the Objective, it includes:

- Encourage infill development that respects the township's character.

Council submits that the PSP and the associated Permit Application will provide for infill development that is inconsistent with, and does not respect the character of the township. It will create a totally new character in the proposed infill area that is closer aligned with growth areas within metropolitan Melbourne in terms of lot size, housing type and subdivision layouts. The development of the PSP and the Planning Permit have not been informed by a township character assessment at all.

Council is also concerned that the Amendment does not adequately protect or enhance the existing rural landscape of the area, which is valued for its openness, settlement history, impressive landforms and diverse natural environment. Although the PSP includes a number of objectives and requirements which refer to the landscape character of the Subject Land, the form of development that is proposed under the PSP is emblematic of growth areas in metropolitan Melbourne and not an infill area associated with a rural township. In addition, further assessment is required to protect the landscape qualities and view lines internal and external to the site.

Density

Council recognises that development of this important infill area is required. However, that development must be consistent with what is envisaged under the Statement of Planning Policy.

Clause 2.03-1 (Settlement) of the Scheme identified Riddells Creek as a 'district town' – as opposed to a 'regional centre' or 'large district town' – and provides:

The majority of growth will be directed to the larger towns and land within existing town boundaries and protected settlement boundaries. High bushfire risk and other environmental constraints affect the potential for growth in some settlements.

The shire has a distinctive character, featuring many smaller semi-rural settlements, and there is a considerable supply of low density residential and rural living land (generally close to townships), with dispersed housing across the rural balance.

Strategic directions for settlement are to:

- Ensure development is consistent with the capacity of settlements, and plan for growth on the basis of environmental constraints, infrastructure and service provision.
- Focus growth in the regional centres of Gisborne and Kyneton in the west of the shire.
- Accommodate moderate growth in Romsey, Lancefield and Riddells Creek.
- Accommodate modest growth in Woodend.
- Support limited infill development in smaller settlements, but retain their existing role, size, services and character.
- Ensure urban development is located within township boundaries and protected settlement boundaries.

...

Riddells Creek's location on the Bendigo rail line provides excellent access to Melbourne and neighbouring larger towns, which makes it an attractive lifestyle choice for commuters. Key issues for Riddells Creek as it grows include the staging of development in the priority residential development precinct and responding to increased demand for services and different types of housing.

The strategic directions for Riddells Creek is to:

- Prioritise growth within the protected settlement boundary and manage staged greenfield growth in the priority residential development precinct in the longer term.

[our emphasis]

The proposed doubling of the population of Riddells Creek is not “moderate growth” by any measure and in addition to being undertaken in a way which is inconsistent with Objective 8 of the Statement of Planning Policy, will also place too much strain on existing infrastructure and service provision. This problem is further exacerbated by the Riddells Creek South Development area and existing infill development, which when combined with the Amendment will push the population of Riddells Creek into the category of a ‘large district town’ which is not consistent with the Planning Policy Framework.

The Amendment is therefore inconsistent with the Statement of Planning Policy and the settlement provisions of the Scheme.

Subdivision and built form

Council recognises, that the Riddells Creek Structure Plan identifies the Subject Land as a ‘priority development precinct’ which is to provide for a range of residential development opportunities that increases housing diversity and provides greater housing choice¹. However, Council is concerned that the Amendment does not adequately respond to the distinctive identity of Riddells Creek.

Clause 2.03-5 (Built Environment and heritage) provides:

The community aspiration is that the shire's town centres retain a village atmosphere and that individual settlements maintain their distinctive identity.

The significant landscape qualities of the shire and highly valued built form of towns necessitate that development is sustainable and respects character. Respecting landscape values in the rural areas, so that built form is submissive to the environment, is a priority. There is a need to provide for greater housing diversity and choice close to town services, while ensuring that multi-dwelling development does not adversely affect the streetscape character of residential areas.

...

Strategic directions for urban design, built form and neighbourhood character are to:

- Protect and enhance the distinctive character and form of the shire's towns and rural settlements.

...

- Promote development that respects the rural character and high landscape values of the municipality.
- Encourage subdivision in residential zones that responds positively to site features, integrates well with the neighbourhood, provides a functional environment and achieves energy efficient and environmentally sensitive layouts.
- Protect and enhance the rural character of the township entrances and gateways.

¹ Riddells Creek Structure Plan (Parsons Brinckerhoff, September 2013) page 11.

R1 to R5 and G1 to G7 of the PSP provide guidance regarding the location for various lot sizes, interface treatments and subdivision outcomes to be achieved. Table 2 outlines the housing density and planned neighbourhood character, Table 3 lists the housing types that may be supported on lot sizes and Plan 5 identifies high amenity areas, heritage reserve areas, conservation areas, parks, drainage reserves and roads.

Council raises the following concerns:

- Table 3, which outlines lots sizes of 350m² to 800m², will lead to outcomes that are inconsistent with the neighbourhood character identified in the Riddells Creek Structure Plan and will not respect the township's character. The majority of lots in Riddells Creek are in excess of 2000m², which create dispersed residential areas with generous setbacks and provide the cherished rural identity of the town. This is reflected by Appendix B – Design Guidelines of The Riddells Creek Structure Plan which refers to “generous setbacks” and provides that a key principle is “the maintenance of generous allotment size to maximise the environmental value and visual appearance of landscape treatment”². The Amendment allows for a density and housing product that does not complement the existing character of Riddells Creek.
- the PSP states that “Distinct neighbourhoods will be created within the Precinct, defined by their location, vantage points, features and relationship to the open space network”³, but that these distinct neighbourhoods are not identified. Council requests that they are identified, and that further guidance is provided regarding how vantage points and key view lines will be preserved.
- more guidance is required in Table 2 and Plan 5 regarding how the location of lot sizes are to respond to the existing neighbourhoods and respect the landscape values of the area; and
- more guidance is required regarding the appropriate density and height and transition to the existing low density residential and farming interfaces.

In particular, Council is concerned that the proposed interface between urban development and non-urban development to the east and north of the Subject Land does not adequately respect the rural character of the area at the interface .

Figure 2 of the PSP⁴ shows that along the east of Subject Land, existing grassland and proposed new local access streets will be divided by a mere 2.5 m nature strip. In Council's view, the rural character and high landscape values of Riddells Creek rural settlements would be much better protected if a wider landscape buffer was provided, such as that proposed for the Kilmore Road interface by Figures 3 and 4 of the PSP⁵, which provide a minimum of 22.5 m of vegetation between the existing road and new development.

² PDF page 81.

³ Page 16.

⁴ Page 34.

⁵ Page 35.

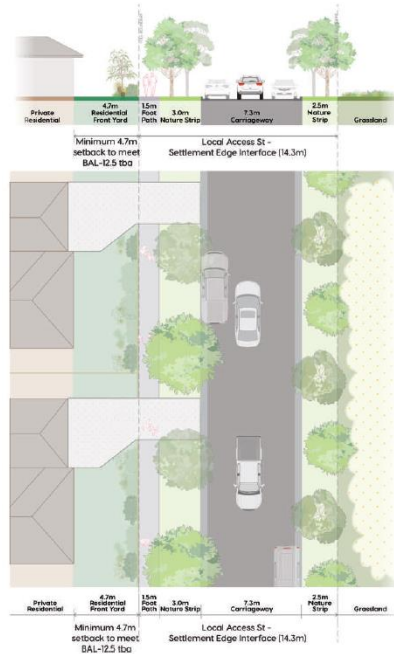


Figure 2 - Settlement Edge Interface

Figure 2 of the PSP – Settlement Edge Interface

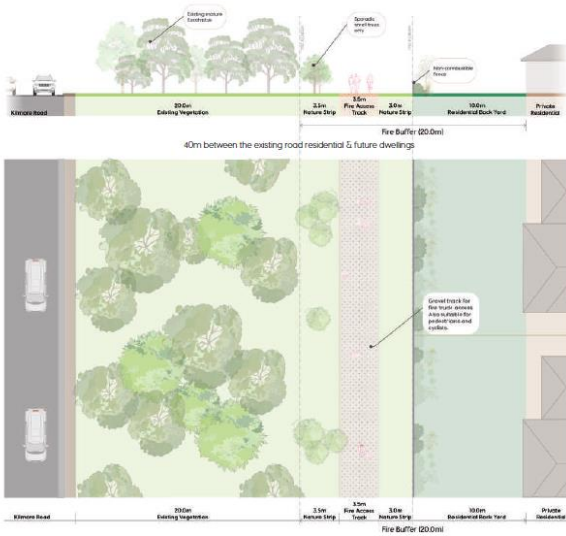


Figure 3 - Kilmore Road Interface - Option 1

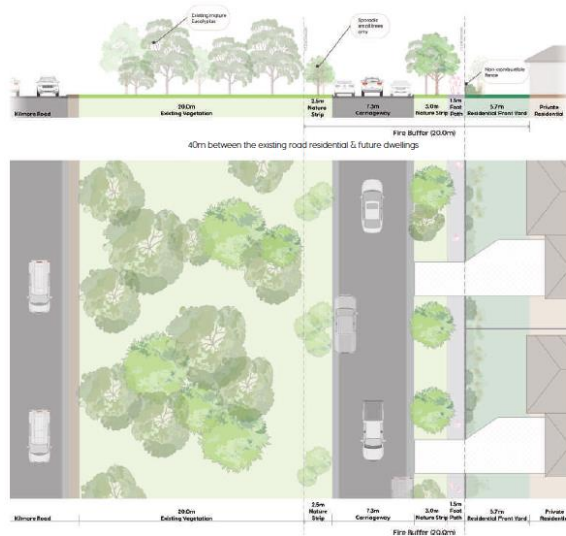


Figure 4 - Kilmore Road Interface - Option 2

Left: Figure 3 of the PSP - Kilmore Road Interface - Option 1. Right: Figure 4 of the PSP – Kilmore Road Interface – Option 2

Similarly, Figure 7 of the PSP⁶ shows that along the north of the Subject Land option 1 provides no additional landscape buffer between Frost Lane and new residential lots. This is unacceptable.

A more sensitive transition which allows for substantial landscape buffers between urban and non-urban form would enable surrounding farming properties to the east and north to continue to operate with minimal impacts upon amenity and help to better maintain a green edge around the existing township, which is a valuable characteristic of Riddells Creek. Such measures would advance the following land use and development visions provided at clause 2.02 of the Scheme:

⁶ Page 37.

- The shire remains predominantly rural, with a hierarchy of settlements set in an attractive and productive rural environment.
- Land is managed effectively, and agriculture remains an important part of the character and economy of the shire, especially in the east of the shire and in the north where there are high quality soils and less land fragmentation.
- Development complements the nature and character of the rural landscapes of the shire. Landscapes, in particular the landscapes around Mount Macedon, Woodend and the nationally iconic Hanging Rock, are highly valued by residents and visitors and facilitate tourism which plays a key economic role in the shire.

Affordable Housing

G8 of the PSP allows for the provision of affordable housing to be discretionary. Council submits that this is unacceptable and is also inconsistent with the Statement of Planning Policy in that the proposal will not support a diverse range of housing needs. The PSP should at least provide an objective to provide affordable housing as defined by the Act and preferably also include a requirement for affordable housing.

Affordable housing is a key social and economic issue, and is supported by the following policy and strategies:

- Section 4(fa) of the Act provides that an objective of planning in Victoria is to facilitate the provision of affordable housing;
- Clause 16.01-2S (Housing affordability) of the Scheme seeks to deliver more affordable housing closer to jobs, transport and services through the facilitation of a mix of private, affordable and social housing in activity centres and urban renewal precincts; and
- Social and affordable housing is a 'top 3' priority in Victoria's 30 Year Infrastructure Strategy (December 2016).

Victoria is presently affected by a significant housing affordability crisis, which is likely to continue in the medium to long term. In this context, the provision of mandatory affordable housing is essential.

Finally, Council believes the Amendment documentation should provide more detail regarding:

- what is meant by affordable housing;
- the affordable housing mix;
- the location of affordable housing; and
- the proposed delivery mechanism.

Heritage

The PSP should incorporate the recommendations of the Heritage Assessment of 163 Main Road, Riddells Creek prepared by Extent Heritage (**Heritage Assessment**) as a background report to the Amendment.

The Heritage Assessment considers that the miners cottage at 163 Main Road (**Miners Cottage**) meets the relevant thresholds to be of local cultural heritage significance and the threshold for

inclusion on the Macedon Ranges Shire Heritage Overlay⁷. To assist with the management of the Miners Cottage as part of the PSP, the Heritage Assessment recommends⁸:

- That the house should be identified in the Structure Plan as an element of potential heritage value
- That the structure plan should allow for additional investigation to be undertaken into the property to better establish its heritage value prior to any development works in this part of the precinct
- That the structure plan should require investigation into opportunities for the retention and incorporation of the building into the development of this area of the precinct.

Despite this, there are no requirements or guidelines in the PSP which reflect or implement the above recommendations. Council notes that miners cottages are a rare type of housing in the Macedon Ranges and that this Miners Cottage is not currently included in the heritage overlay and has not been assessed by Council since 1994.

Given the potential impact that the PSP, in particular the proposed road alignment, may have on the Miners Cottage, Council submits:

- the Miners Cottage should be assessed for its heritage significance as part of the Amendment; and
- the recommendations of the Heritage Assessment must be incorporated into the PSP via appropriate requirements and guidelines.

Similarly, Given the potential impact that the PSP may have on Dromkeen and Monterey Pine (HO83), Council submits that a full heritage assessment is also completed for the property as part of the Amendment. In Council's view, an assessment is likely to change the curtilage of HO83 and allow more development on the property.

Drainage

The drainage scheme for the precinct is based on the assumption that a DSS would be prepared and implemented by Melbourne Water. This is reflected by the Stormwater Management Plan completed by Stormy Water Solutions in February 2023 as well as the Amendment documentation, which refer to a DSS that will guide orderly provision of main drainage services through the Subject Land.

In late June 2024, Melbourne Water advised that it will not prepare a DSS for the precinct because the Proponent owns the majority of the Subject Land which is not the case.

The implications of Melbourne Water not preparing a DSS are critical. A DSS is required to ensure new urban development meets appropriate standards for flood protection, water quality, waterway health and amenity. Additionally, infrastructure requirements on land spanning multiple property owners need to be costed and used to establish contributions scheme of some description, preferably by Melbourne Water under the *Water Act 1989* to fairly share the costs. This must be all at no cost to Council.

Now that Melbourne Water is not preparing a DSS, the PSP does not make proper provision for stormwater management. Neither is there a scheme in place for the implementation of the stormwater drainage facilities including responsibility for constructing and maintaining them. Specifically, Council does not support the PSP without the establishment of a DSS for cost sharing because:

- the PSP includes multiple property owners, which requires catchment scale WSUD treatment for quality and quantity;
- the PSP includes drenching existing large farm dams on the Wurundjeri Creek and constructing waterways, including realignment. Additionally, a constructed waterway is

⁷ 163 Main Road, Riddells Creek Heritage Assessment, pp 18 and 20.

⁸ Page 20.

proposed on the external catchment tributary, which connects to the creek system through this PSP;

- a new culvert crossing on Wurundjeri Creek where Melbourne Water is responsible for hydraulic components is proposed;
- not having an equitable DSS will unfairly burden some property owners and make practical provision of drainage infrastructure difficult if not impossible. For example, removal of farm dams and construction of waterways and culverts will burden individual properties while allowing others to develop with low-cost rain gardens and potentially temporary facilities; and
- developing all land parcels without accessing other land holdings is impossible due to the topography and sub-catchments. For example, the Permit Application proposes to deliver the project without accessing other land holdings, even though the land north of the Permit Application land discharges to Wurundjeri Creek via a wetland. A cost-sharing model is required to deliver both network and wetland.

At the very least, Council submits that absent a proper consideration of the implications of the lack of a DSS, the PSP should not and can not proceed at this time because the provision of drainage facilities to the PSP area is up in the air and unresolved.

Council also raises the following issues, however notes that it has not undertaken a drainage review and reserves its right to add to and expand on these at a later date:

- Council has concerns around the lack of clarity as to the delivery and ongoing maintenance and management of the drainage assets created as part of the development;
- there is nothing in the planning controls or the PSP that speak to the implementation of any drainage strategy and whether any temporary drainage works will be required;
- the owners of 44 Frost Lane (property 5 in the PSP), which is where most of the precinct will drain to, disagree with the drainage strategy that proposes to replace the artificial lake on their property with a constructed waterway that incorporates offline treatment elements to allow development. This should be addressed now as part of the Amendment process, and not deferred to a later date;
- Melbourne Water has raised the possibility that basins will be required on Dromkeen and Monterey Pine (HO83). This should be clarified as part of the Amendment process because such assets may affect the heritage value of the property;
- Council considers there is a lack of information in the Amendment regarding flooding impacts and flood management on the Subject Land. As a result, Council submits there is insufficient information to make informed decisions about the impacts of flooding on the Subject Land;
- the Stormwater Management Plan does not consider integrated water management either through regional scale stormwater harvesting, potable water reduction and wastewater generation reduction;
- additional information is required about the works outside the precinct boundary on the downstream section of the Wurundjeri Creek tributary, including how these works will be funded;
- additional information is required about the downstream impacts of the development and permission is required from property owners where discharge is proposed;

Flora and fauna

The Subject Land is within the Victorian Volcanic Plains bioregion of the Macedon Ranges, which is home to patches of native vegetation of regional importance. These patches of native vegetation are

rare gene pools, which can be used to initiate the establishment of the original plant species and form an important part of the strategy to address climate change in Riddells Creek and the surrounding region.

The opportunity to undertake ecological restoration is also of high priority, and is part of Council’s objectives, particularly in the Biodiversity Strategy for native vegetation situated within the Victorian Volcanic Plains Bioregion.

Council raises the following concerns regarding flora and fauna:

- additional flora should be retained and rehabilitated;
- more regional specific floristic surveys are required to identify vegetation to be retained. In particular, the *Dianella amoena* (Matted Flax-lily), which is listed as Threatened Flora under the *Environmental Protection and Biodiversity Act 1999*, is likely to be present in patches of remnant vegetation in and surrounding Wohl Court
- further assessment for the Geranium sp. 1 is required;
- further assessment for the Golden Sun Moth is required;
- the Biodiversity Assessment Report by Ecolink outlines that not all properties were surveyed for Growling Grass Frogs, additional surveys are required to inform if the Growling Grass Frog occurs;
- there should be translocation plans for arboreal fauna that currently inhabit the Subject Land;
- a comprehensive survey of large old trees and hollows on the Subject Land is required to allow for the protection of fauna actively inhabiting these sites; and
- wildlife corridors should be incorporated throughout the development to assist local arboreal fauna to adapt and easily migrate across the landscape and to help provide a balanced approach to higher density development in a semi-rural setting.

Cultural Heritage

No CHMP or cultural values assessment has been completed in relation to the Subject Land. This is especially important because three water ways run through the site. Council encourages the Proponent to further engage with the Wurundjeri Woi Wurrung traditional owners.

Drafting of PSP

Council has other concerns with the drafting and composition of certain parts of the PSP as follows:

No.	Part	PDF Page	Issue of concern to Council.	Required change
1	4.1	22	Requirement 3 should include all areas along the eastern boundary and northern boundary of the site	Amend to state: “Lower urban density lots must be provided in all areas along the eastern and northern boundaries of the site.”
2	4.1	22	Requirement 5 should reference the neighbourhood character identified in the Riddells Creek Structure Plan	Amend to state: “Development along Kilmore Road and Amess Road must be in keeping with the neighbourhood character identified in the Riddells Creek Structure Plan and provide a sensitive interface

				<p>through design treatments, which include a landscaped strip with backyards adjoining (Option A), or internal loop road between the row of housing and the road reservation (Option B) as indicated by Figures 5 & 6. Where Option A is proposed lots must:</p> <ul style="list-style-type: none"> • Include a single storey dwelling. • Have a minimum width of 20m. • Have no built form within 10m of the landscape strip. • Provide fencing that responds to the rural character and provides a balance between safety and permeability. <p>All to the satisfaction of the responsible authority.”</p>
3	4.1	23	G8 allows the provision of affordable housing to be discretionary.	<p>Insert an objective in section 3.5 that reads</p> <p>“Encourage an increase in the supply of social and affordable housing within Riddells Creek.”</p> <p>Insert a requirement that reads:</p> <p>“An application for subdivision of land into 10 or more residential lots should provide affordable housing as defined by the <i>Planning and Environmental Act</i> 1987. The affordable housing should be located within walkable catchments and provide for a range of housing typologies to meet demonstrated local need.”</p>
4	4.3.2	32	Requirement 18 should include Frost Lane.	<p>Amend to state:</p> <p>“Lots adjacent to Kilmore Road, Amess Road and Frost Lane must not have direct access from these roads.”</p>
5	4.8	55 & 59	RD-03, gravel footpath on Amess Road, should be a shared path as shown by Figure 31 (page 62) of the Riddells Creek Movement Network Plan (2024-2033)	Amend Plan 14 and Table 6 to show RD-03 as a shared path.
6	4.8	55 & 59	Amess Road and Kilmore Road intersection should be a roundabout as shown by Figure 18 (page 40) of the Riddells Creek Movement Network Plan (2024-2033)	Amend Plan 14 and Table 6 to show IN-02 as a roundabout.
7	-	-	A paper road should be provided between residential lots and open space to allow emergency vehicle access.	<p>Add a new requirement that states:</p> <p>“Where a street frontage to a park is not provided, lots must provide for a 4 metre “Paper Road” to allow emergency vehicles and installation of services, including public lighting to the satisfaction of the responsible authority.”</p>

SECTION 2: SUBMISSION IN RELATION TO THE DEVELOPMENT CONTRIBUTIONS

This part of the submission addresses development contributions.

The Amendment documentation contains a number of aspects that deals with levies and contributions for infrastructure.

The Amess Road Precinct Structure Plan contains Part 4.8 which deals with Precinct Infrastructure Delivery. It includes Development staging provisions at 4.9.2 and a precinct infrastructure plan at 4.9.4 and Table 6.

The Amess Road Development Contributions Plan (**DCP**) and the associated amendment documents proposes to raise funds comprising \$18.509m for a selection of infrastructure projects.

The DCP will impose a levy of \$183,681.53 per net developable hectare on development. Under the DCP, Council is identified as both the Collecting Agency and the Development agency responsible for the collection and provision of all infrastructure.

Clause 53.01 proposes to impose a 7% POS contribution for passive open space.

Council is concerned that the Amendment will not provide for the infrastructure that is required or a fair contribution to infrastructure.

Lack of a Community Infrastructure Levy

According to the Community Infrastructure Assessment by ASR Research, the Amess Road PSP will account for approximately 42% of all dwellings located in within the Riddells Creek District by 2036.

Notwithstanding this important and notable fact, it is noted that the DCP pays Community Infrastructure Levy of zero. Yet, the same report concludes (at paragraph 5.2(8)) that based on these development assumptions the proposed development will require a range of local level social infrastructure (including open space) to support the future population and ensure a high level of amenity and accessibility.

The DCP does not provide for any contribution towards community infrastructure. Yet the Community Infrastructure assessment acknowledges that Council has committed to the establishment of a new Gisborne based Regional Sports Hub with a four to six court indoor stadium about 7 minutes driving time from the PSP area. The DCP should include a contribution (CIL) towards the cost of this infrastructure. The amount should be calculated based on the share of usage.

The Community Infrastructure Assessment at paragraph 22 indicates as follows:

22. Although the Amess Road PSP generates a need approximating to 0.5 Level 1 community centres, the site's proximity to existing facilities such as the Riddells Creek Community Centre indicate the following two potential provision and funding options.
 - Option A. The inclusion of 1 Level 1 Community Centre within the Amess Road PSP.
 - Option B. The provision of an off-site financial contribution toward the redevelopment and / or expansion of existing facilities within Riddells Creek.
23. Based on further analysis undertaken on behalf of Macedon Ranges Shire Council, this assessment has identified Option B as the preferred strategy. The specific projects (e.g. additional meeting space and / or early years infrastructure such as kindergartens and maternal & child health services) and the amount to be apportioned to off-site measures will be determined by Council as part of future planning stages associated with the Amess Road PSP.

The amount referred to in paragraph 23 should be calculated and the cost apportioned to the DCP area as part of a Community Infrastructure Levy.

Public Open Space

The public open space contribution is deficient. The public open space contribution is 7% based on the drafting of the schedule to clause 53.01.

The Community Infrastructure Assessment notes that based on the PSP guidelines the quantum of the contribution for unencumbered open space should be 10.1ha (comprising 10% of 100.77ha). Yet the actual land contribution of unencumbered land is 7%.

It is acknowledged that there is encumbered land for conservation and drainage purposes being provided comprising almost 19 hectares. However, the 10% guidelines in the PSP Guidelines already acknowledges that unencumbered land is supplemented by encumbered land. Accordingly, the shortfall is not justified. Under the PSP and the DCP 7.05ha of land is provided for unencumbered passive open space and no land is provided for any active open space. The quantum of land provided for passive open space is acceptable. However, passive open space is not suitable for active sporting purposes.

In so far as the Community Infrastructure Assessment claims that there is more passive open space being provided than the 5% in the Scheme this is incorrect. The 5% in the Scheme is 5% of the site. The 7% referred to in the land budget is 7% of NDA. Site area and NDA are different. The actual site area being provided is 5.4% which is roughly equal to the 5% requirement set out in the planning scheme.

Given that the 7% is to be provided in accordance with the PSP, it is anticipated that the land area set out in the PSP will be provided and that land area is 5.4% of the site area or 7% of NDA.

The total amount of open space credited and uncredited (comprising 25% of NDA) is not dissimilar to what is provided in many other PSP areas.

In Plan 6 of the PSP the open space network is identified and a local park catchment of 400m is shown. This is satisfactory. However, clause 56.05-2 of the Planning Scheme provides at standard C13 that active open space of at least 8ha should be provided in areas within 1 kilometre of 95% of all dwellings. A large part, indeed most of the PSP area is greater than 1 km from active open space. The Community Infrastructure Assessment suggests that the PSP area is proximate to the Riddells creek Recreation Reserve. Only a small part of the PSP area is within the 1km standard. A large part of the PSP area is distant from the recreation reserve. The Community Infrastructure Assessment canvassed two options with one being provision of active open space of between 5 to 7ha or a financial contribution to develop the Riddells Creek reserve. The financial contribution option has been adopted and the contribution is \$3.23 million. Council submits that the DCP area should provide the land for the required recreation reserve and construct the facilities on that land as is the normal approach instead of making a one-off contribution to avoid making the proper contribution. The valuation report identifies a rate per hectare value of \$1m. With a shortfall of between 5 and 7ha a contribution of \$3.2m to upgrade the Riddells Creek Reserve is a long way short of a fair and reasonable contribution even assuming it was only to reflect the value of the unprovided land let alone the provision of the sports ovals, pavilion and facilities required for the population and associated costs such as the relocation of existing facilities including the dog obedience club.

The expected growth of Riddells Creek also noting the release of the Housing Targets recently albeit in draft form requires that there be an appropriate provision of active open space without then having to play catch up. Furthermore, the provision of additional passive open space does not offset the lack of active open space. The two classes of open space have very different functions. It is noted that the Community Infrastructure Assessment states (correctly) that the passive open space should be provided in line with clause 56 of the Scheme. So too should the active open space.



Finally in relation to public open space, Council observes that there is no mechanism in the DCP to provide for the equalisation of public open space contributions as is normally the case.

Cost of DCP infrastructure projects

Council has not had the costs of projects peer reviewed.

Council notes that the costings of projects are based on the costing sheets prepared by Verve. The costing sheets are not accompanied by a report that explains the costing methodology or the opinion of the cost consultant on the level of detail and sufficiency of the plans for the purpose of undertaking a costs assessment.

Council notes that all projects contain a cost contingency of 10% for all projects. The VPA Benchmark Infrastructure Costings Report, which is far more comprehensive than the Verve assessment, and are based on functional layout plans, utilises a contingency of 15% for road projects and 20% for bridge projects.

Council submits that the Verve Report should be expanded to explain the basis of the costings and to provide an opinion of the sufficiency in the level of detail provided in the plans that were costed.

Cost of DCP Land Project

There is only one land project in the DCP. Notwithstanding that there is only one land project, the DCP at 3.2.2 refers to a Public Land Equalisation Method (PLEM) for calculating estimates of land value. If there is only one land project, the land project should be costed on a site specific basis and the DCP land valuation methodology simplified to be just that without any reference to PLEM. The references to PLEM should be removed from the DCP and the land valuation should be undertaken simply on a site specific basis for the one property (namely Property 4) and the value of the required land should be identified. Removal of all other properties will create efficiencies in the annual revaluation costs for the collecting agency.

Clause 3.2.3 of the DCP should be redrafted to acknowledge that there is only one property that has a land project. The same applies to clause 3.2.4.

Drainage

Now that Melbourne Water is not preparing a DSS, there is no scheme in place for paying for stormwater drainage facilities including any cost sharing arrangement. This needs to be addressed before the Amendment can proceed.

Drafting of DCP

Council has other concerns with the drafting and composition of certain parts of the DCP as follows:

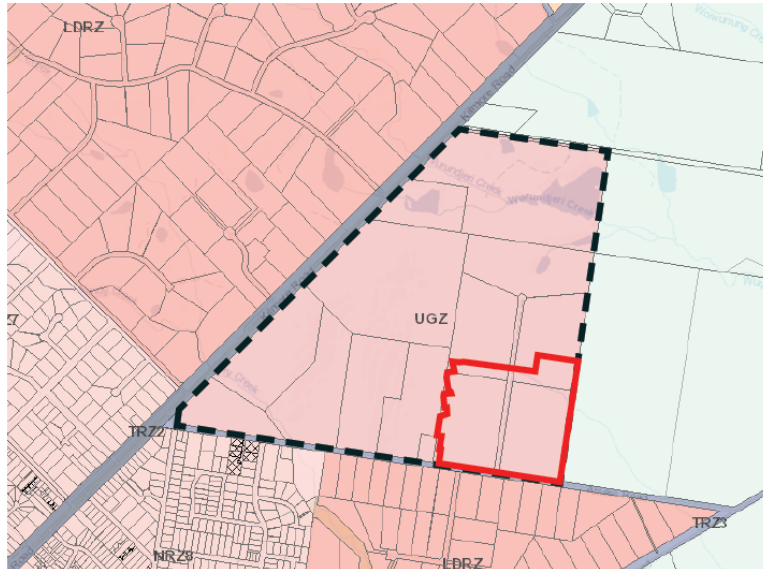
No.	Part	PDF Page	Issue of concern to Council.	Required change
1	1.0	6	<p>The DCP states that it establishes a framework for development proponents to make a financial contribution towards the cost of identified infrastructure.</p> <p>In fact, the DCP must ensure that the owners pay the total cost of identified infrastructure not a contribution. Council will not be directing any of its funds to the identified development infrastructure in the DCP area.</p>	<p>Amend to state:</p> <p>“Establishes a framework for development proponents to pay for the cost of all identified development infrastructure projects.”</p>
2	1.0	6	<p>Similar to comment 1 the cost of infrastructure is not to be shared with the wider area but met by development proponents in the DCP area.</p>	<p>Amend bullet 3 to state:</p> <p>“Ensures that the cost of providing new infrastructure and services is shared equitably between all landowners in the DCP area.”</p>
3	3.3.2	27	<p>Council is the collecting agency for the DCP. Therefore at clause 3.3.2, the reference to Macedon Ranges Shire Council should be deleted and the reference should be to the Collecting Agency.</p> <p>In any event, under section 46K(2) the DCP cannot create discretionary exemptions as set out in clause 3.3.2. Where land is exempt, the cost of the infrastructure is levied against the non-exempt land so that the plan will collect the envisaged levies. By providing a discretionary exemption, the plan will not collect the required levies if the discretion is exercised and therefore the required infrastructure cannot be fully funded.</p>	<p>Remove clause 3.3.2.</p> <p>Alternatively, amend the reference from <i>Macedon Ranges Shire Council</i> to <i>Collecting Agency</i>.</p>
4	2.4	22	<p>The last paragraph should be deleted as it is not reflective of how a DCP is implemented.</p>	<p>Delete last paragraph as it is inaccurate and does not reflect how a DCP is implemented.</p>

			<p>“All items in the DCP will be provided as soon as is practicable and as soon as sufficient contributions are available, consistent with Section 4 and acknowledging the development agency’s capacities to provide the balance of funds not recovered by the DCP.”</p> <p>DCP infrastructure must be provided at the time it is required and provided as works in kind. While credits will be given where appropriate, if there are insufficient credits, and insufficient funds in the DCP account the developer must finance the provision of the infrastructure until funding becomes available in the DCP. No borrowing for early works is proposed under the DCP.</p>	Council is not a funder of infrastructure. Development must fund infrastructure.
5	3.1.1	24	Paragraph 3 should be amended to have regard to where land which is not identified as developable land becomes available as developable land. In that event, a levy should be paid on that land.	Adjust the third paragraph to read: “The NDA for the DCP is outlined in Table 5. The contributions ‘per net developable hectare’ must not and will not be amended to respond to minor changes to the land budget that may result from the subdivision process. <u>However if land which is not developable land becomes developable, the Development Infrastructure Levy must be paid on the amount of additional net developable hectares.</u> In all other cases the DCP is permanently linked to the calculation of the NDA set out in Appendix A.”
6	4.4	33	The reference to Local Government Act 1989 is outdated.	Amend the reference to Local Government Act 2020.
7	4.4	33	The reference to section 46QA is incorrect.	The reference should be to section 46Q as the collecting agency is a municipal council.
8	4.5	33	At part 4.5 the indexation methods are referenced as Rawlinsons. Council queries why the indexation is inconsistent with the indices referenced at clause 13 of the Ministerial Direction for Infrastructure Contribution Plans given that it is the more contemporary indices.	Amend the indices at clause 4.5 to align with the indices referenced at clause 13 of the Ministerial Direction for Infrastructure Contribution Plans.
9	4.6	34	The DCP does not specify the period of time for which it operates as envisaged by section 46Q(4)(b) of the Act. The DCP should include, potentially at clause 4.6 an operational period such as 20 years.	Amend the DCP to provide for the period for which it is intended to operate. Council suggests a period of 20 years from the Approval Date.

SECTION 3: SUBMISSION IN RELATION TO THE PERMIT APPLICATION

The subject land

The Permit Application proposes to facilitate the subdivision of Stage 1 of the PSP at 115 Amess Road, 12 Wohl Court and 58 Wohl Court, Riddells Creek. This land is owned by the Proponent and is located in the southeast corner of the Subject Land as shown by the red outline in the below image.



(Source: Amess Road, Riddells Creek – New Residential Community: Part B – Planning Application Assessment – 96A, page 18)

In summary, the permit application land:

- is approximately 20 ha;
- abuts Amess Road and the eastern PSP boundary with adjacent rural land;
- currently comprises two dwellings in the south;
- is divided by Wohl Court, an existing unsealed road which runs north to south; and
- is sparsely vegetated with existing trees in the north east corner.

The Permit Application

The Permit Application was lodged on 24 April 2024.

The application documents included:

- Amess Road, Riddells Creek – New Residential Community: Part B – planning Application Assessment – 96A (**Planning Application Assessment**);
- Riddells Creek PSP: Urban Design Report – Stage 1 Planning Application;
- Stormwater Management Strategy;
- Traffic Impact Assessments;

- Engineering Servicing Report (Permit Area 1);
- Arboricultural Report;
- Bushfire Management Plan;
- Preliminary Geotechnical Investigation; and
- Hydrogeological Assessment.

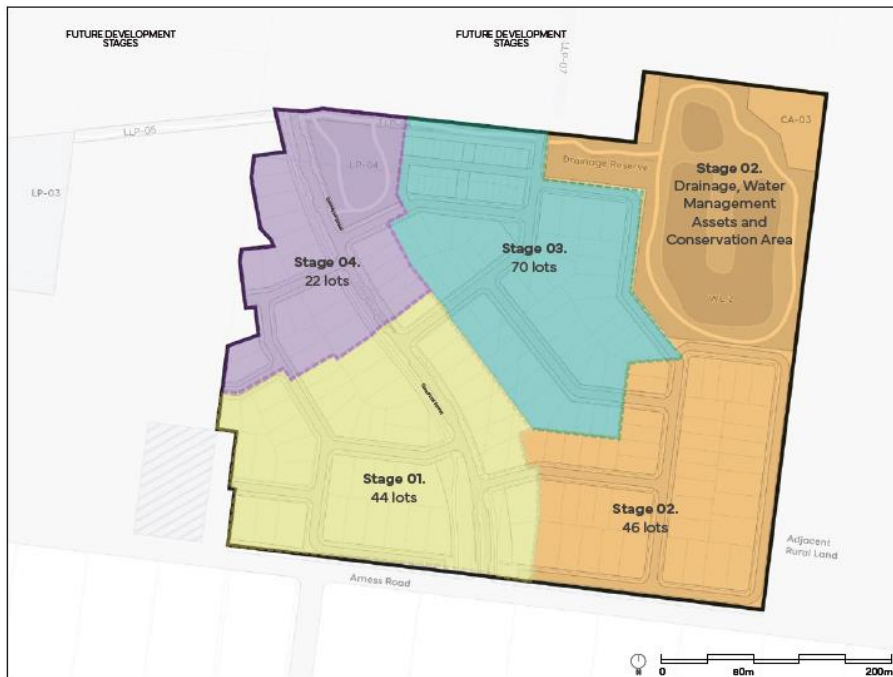
The proposal

The proposal is described in the application documents set out above. The main features of the application are:

- it proposes:
 - 182 lots including:
 - lots between 350 and 1015m²; and
 - 28 amenity based density lots;
 - 0.56 ha local park (LP-04);
 - 0.19 ha linear local park (LLP-06);
 - wetland (WL 2);
 - conservation area (CA-03); and
 - partial delivery of the major connector road from Amess Road that will eventually connect to Kilmore Road.
- the subdivision will progress across 4 stages, generally in an anti-clockwise direction from the south-west corner. WL 2 and CA-03 are proposed to be delivered in Stage 2, while Stages 3 and 4 will deliver LLP-6 and LP-04; and
- Wohl Court will be decommissioned.



Subdivision layout (Source: Amess Road, Riddells Creek – New Residential Community: Part B – Planning Application Assessment – 96A, page 10)



Staging Plan (Source: Amess Road, Riddells Creek – New Residential Community: Part B – Planning Application Assessment – 96A, page 12)

The Planning Policy Framework

The following provisions of the planning policy framework are relevant to the creation of new communities:

- Clause 11 – Settlement:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation, and open space, commercial and community facilities and infrastructure.

- Clause 11.02-1S – Supply of urban land:

Objective

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

- Clause 11.02-2S – Structure planning:

Objective

To facilitate the orderly development of urban areas.

- Clause 11.02-3S – Sequencing of development:

Objective

To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

- Clause 11.03-5S – Distinctive areas and landscape:

Objective

To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

- Clause 12 – Environmental and landscape values

- Clause 12.05-2S – Landscapes

Objective

To protect and enhance significant landscapes and open spaces that contribute to character, identical and sustainable environments.

- Clause 15.01-1S – Urban Design

- Clause 15.01-3S – Subdivisional design

- Clause 15.01-4S – Healthy neighbourhoods

- Clause 15.01-5S – Neighbourhood character:

Objective

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

- Clause 51.01-6S – Design for rural areas:

Objective

To ensure development respects valued areas of rural character.

The Municipal Strategic Statement

At a municipal strategic statement level, the strategic statement includes the following relevant policies:

- Clause 12.05-2L – Landscapes – Macedon Ranges, strategies include:

Protect and enhance the ecological and landscape values of Riddells Creek, including the bush setting of some areas and views to the Macedon Ranges which provide a backdrop to the township.

Minimise the impact of development in Riddells Creek on the views of the Macedon Ranges.

- Clause 15.01-3L – Subdivision design – Macedon Ranges, strategies include:

Support a grid-based layout with substantial street tree planting in new residential subdivisions in Kyneton and Riddells Creek.

- Clause 15.01-6L – Design for rural areas – Macedon Ranges, strategies include:

Minimise the impact of development in Riddells Creek on the views of the Macedon Ranges.

Applied zone

The zone that will be applied to the land affected by the Permit Application will be the General Residential Zone (**GRZ**). The purposes of the GRZ at clause 32.08 include:

To encourage development that respects the neighbourhood character of the area.

The decision guidelines at clause 32.08-14 relating to subdivision require consideration of:

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of clause 56.

The purposes of the urban growth zone at clause 37.07 include:

- To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.
- To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.

Clause 37.07-7 decision guidelines require consideration of, amongst other things:

- The impact of the siting, design, height, bulk, colours and materials to be used on the natural environment, major roads, vistas and water features, future urban use of the land, and the measures to be undertaken to minimise any adverse impacts.

- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- Whether the use and development will require new or upgraded infrastructure, including traffic management measures.

Distinctive area and landscape

As above, Council submits that Permit Application will provide for infill development that is inconsistent with and does not respect the landscape and character of the township.

The proposed subdivision creates a totally new character in contrast to the existing low density residential lots to the south of Amess Road, which have an area greater than 10,000 m². In contrast, the largest lots proposed by the Permit Application are between 600 and 800 m² (over 12 times smaller). Indeed, the proposed subdivision layout is closer aligned with growth areas within metropolitan Melbourne and does not reflect the existing township character at all.

Additionally, Council is concerned that the Permit Application does not adequately protect or enhance the significant landscape of the area, which is valued for its openness, settlement history, impressive landforms and diverse natural environment. CA-03 allows for the protection of the existing native vegetation in accordance with the NVPP. However, most of the existing vegetation is proposed to be removed and no masterplan landscape plan or information regarding tree planting has been provided.

Density

Similar to above, Council recognises that development of this infill area is needed. However, considers the proposed density to be inconsistent with the Statement of Planning Policy and settlement provisions of the Scheme.

Subdivision and built form

Similar to above, Council is concerned that the proposed eastern interface between urban development and non-urban development does not adequately respect the rural character of the area at the interface. Figure 9 of the Planning Application Assessment⁹ shows that, in accordance with the PSP, existing grassland and the proposed local access street on the eastern boundary will be divided by a mere 2.5 m nature strip. In Council's view, the rural character and high landscape values of Riddells Creek rural settlements would be much better protected if a wider landscape buffer was provided.

Affordable housing

The Permit Application provides no information regarding the provision or location of affordable housing. This is unacceptable.

Bushfire management and safety

The Permit Application is unclear as to how the internal 19m bushfire setback outlined in the Bushfire Management Plan is to be achieved. In particular, the setback of the amenity based density lots toward the northern interface needs clear interim protection in the form of a 19m setback from the grassland and a 4m paper road should be located between the lots and LLP-06 to provide access to emergency services.

Internal circulation network

Council is generally supportive of the internal circulation network, but raises the following concerns:

⁹ Page 16.

- a roundabout at the intersection of the proposed primary connector road and Amess Road is required;
- a footpath or shared path adjacent to Amess Road is required to provide pedestrian access to the town centre;
- as above, a 4m paper road is required north of the amenity based lots that front LLP-06; and
- the proposed cul-de-sacs are required to be designed for 10.9m waste collection vehicle movement and a forward direction or 3-point turn.

Drainage

Council has not undertaken a drainage review of the Permit Application and reserves its right to address drainage issues via submissions and permit conditions at a later date. Council notes that the Permit Application provides no information as to what is proposed in relation to drainage pending the provision of the overall drainage assets through the Subject Land.

CONCLUSION

Council reserves its right to add to and expand on these issues if the Amendment and Perming Application were to progress to consideration by a Priority Projects Standing Advisory Committee.