

Planning and Environment Act 1987

Panel Report

Macedon Ranges Planning Scheme Amendment C100 Riddells Creek Structure Plan

21 June 2016

Planning and Environment Act 1987

Panel Report pursuant to Section 25 of the Act

Macedon Ranges Planning Scheme Amendment C100

Riddells Creek Structure Plan

21 June 2016

A handwritten signature in blue ink, appearing to read 'M Kirsch', with a long, sweeping horizontal stroke extending to the right.

Michael Kirsch, Chair

A handwritten signature in blue ink, appearing to read 'M Ballock', with a long, sweeping horizontal stroke extending to the right.

Michael Ballock, Member

Contents

	Page
Executive Summary	1
1 Introduction.....	3
1.1 Panel process.....	3
1.2 Council’s revised Amendment.....	3
1.3 Issues dealt with in this report.....	4
2 Background.....	5
2.1 The exhibited Amendment.....	5
2.2 Riddells Creek Structure Plan, December 2013	8
2.3 Riddells Creek Preliminary Draft Neighbourhood Character Study, April 2013.....	9
2.4 Riddells Creek Neighbourhood Character Precinct Profiles, July 2015.....	9
2.5 Other background documents	11
3 Planning context	12
3.1 Policy framework.....	12
3.2 Planning scheme provisions	14
3.3 Ministerial Directions and Practice Notes.....	16
3.4 Residential Zones Standing Advisory Committee	17
3.5 Other strategic plans	18
3.6 Planning Scheme Amendments	18
3.7 Conclusion and recommendation	19
4 Strategic issues	20
4.1 Riddells Creek’s settlement role.....	20
4.2 Implementation of the Riddells Creek Structure Plan	21
5 Priority residential development precincts	23
5.1 Residential land supply and demand	23
5.2 Northern precinct.....	25
5.3 Southern precinct.....	26
5.4 Urban Growth Zone.....	29
6 Residential precincts.....	31
6.1 Neighbourhood character	31
6.2 Zone schedules	33
6.3 General Residential Zone Schedule 3 (Riddells Creek Town Centre Residential Precinct).....	37
6.4 General Residential Zone Schedule 4 (Riddells Creek Garden Setting Precinct).....	38
6.5 Neighbourhood Residential Zone Schedule 7 (Riddells Creek Rural Bushland Precincts A, B and C).....	38
7 Other zoning and overlay issues.....	44
7.1 Special Use Zone Schedule 5	44
7.2 Low Density Residential Zone	48

7.3	Environmental Significance Overlay Schedule 7	51
7.4	Design and Development Overlay Schedule 24	51
7.5	256 Gyro Close, Riddells Creek.....	53
8	Other issues	55
8.1	Reference documents	55
8.2	Consequential changes.....	55

Appendix A **Submitters to the Amendment**

Appendix B **Parties to the Panel Hearing**

Appendix C **Document list**

List of Tables

	Page
Table 1 Neighbourhood Character Precincts and Zones	10
Table 2 Summary of residential zone schedules	33

List of Figures

	Page
Figure 1 Exhibited Riddells Creek Strategic Framework Map Clause	6
Figure 2 Exhibited zoning plan	7
Figure 3 Riddells Creek Development Framework Plan	8
Figure 4 Riddells Creek Neighbourhood Character Precincts	10

List of Abbreviations

BMO	Bushfire Management Overlay
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
CFA	Country Fire Authority
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
DTPLI	Department of Transport, Planning and Local Infrastructure (former)
EPA	Environment Protection Authority
ESO	Environmental Significance Overlay
GRZ	General Residential Zone
LDRZ	Low Density Residential Zone
LPPF	Local Planning Policy Framework
MARRA	Macedon Ranges Residents' Association
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
PSP	Precinct Structure Plan
RCZ	Rural Conservation Zone
RGZ	Residential Growth Zone
SPPF	State Planning Policy Framework
SUZ	Special Use Zone
UGZ	Urban Growth Zone
VPO	Vegetation Protection Overlay
VPP	Victoria Planning Provisions

Executive Summary

(i) Summary

Amendment C100 to the Macedon Ranges Planning Scheme seeks to implement the *Riddells Creek Structure Plan, 2013* and the *Riddells Creek Neighbourhood Character Precinct Profiles, 2015*.

The Amendment was exhibited between September and October 2015 and attracted over 90 submissions that raised a broad range of issues.

The key issues related to:

- the proposed increase to the minimum subdivision area within the Low Density Residential Zone to the northwest of Main Road
- the need and justification for the two Priority Residential Development Precincts and the proposed rezoning of these areas to the Urban Growth Zone
- the justification and implications of applying the Neighbourhood Residential Zone
- the content of the proposed Neighbourhood Residential and General Residential Zone schedules
- the suitability of the proposed Special Use Zone Schedule 5
- the accuracy of the *Riddells Creek Neighbourhood Character Precinct Profiles*
- the extent to which the Amendment accurately implements the *Riddells Creek Structure Plan*.

The Panel generally supports the Amendment and the various revisions proposed by Council following its consideration of submissions and the further information that became available during the Panel process.

However, the Panel has recommended that the Rural Bushland A Precinct be deleted and that this area be rezoned General Residential Zone Schedule 4 and included in the Garden Setting Precinct. The Panel found that the use of the Rural Bushland A Precinct and the application of the Neighbourhood Residential Zone in this area has not been justified.

The Panel has also recommended that that the General Residential Zone Schedules 3 and 4 rely on the default discretionary 9m maximum building height rather than the mandatory 8m maximum height proposed in the exhibited Amendment. The Panel found that the proposed 8m mandatory maximum height has not been justified.

Similarly, the Panel has recommended that the Neighbourhood Residential Zone Schedule 7 include a maximum height of 9m rather than the default 8m. The Panel found that this additional design flexibility was warranted given the 'low density' character of these areas.

The other recommended changes are relatively minor and are intended to improve the performance of the new provisions and the Planning Scheme.

Finally, the Panel commends Council for its commitment to this process and records its appreciation of the assistance provided by Council officers and submitters during the Hearing.

(ii) Recommendation

For the reasons set out in this Report, the Panel recommends that the revised version of Amendment C100 provided by Council as part of its submission be adopted, subject to the following:

1. **Replace the text in Clause 3.0 (Maximum building height requirement for a dwelling or residential building) in the General Residential Zone Schedules 3 and 4 with 'None specified'.**
2. **Include '9 metres' in Clause 5.0 (Maximum building height requirement for a dwelling or residential building) in the Neighbourhood Residential Zone Schedule 7.**
3. **Apply the General Residential Zone Schedule 4 to the Rural Bushland A Precinct.**
4. **Change the Rural Bushland A Precinct to the Garden Setting Precinct in the Riddells Creek Neighbourhood Character Precincts Map in Clause 21.13-5.**
5. **Include the following additional strategy in the Garden Setting Precinct in Clause 21.13-5:**

Support the creation of smaller lots through the consolidation and subdivision of long narrow lots instead of battle-axe style lots.
6. **Delete Precinct 4 – Rural Bushland A from Clause 21.13-5.**
7. **Delete the Rural Bushland A Precinct from the *Neighbourhood Character Precinct Profiles 2015* and make any consequential changes that are appropriate.**
8. **Include any consequential changes to the Precinct 1 - Garden Setting descriptive text in Clause 21.13-5 to accommodate the deletion of Precinct 4 - Rural Bushland A.**
9. **Delete the proposed changes to the exhibited version of the Special Use Zone Schedule 5 that relate to the Riddells Creek Fire Brigade site.**
10. **Review the past industrial use and possible contamination of 10-24 Sutherlands Road, Riddells Creek and, if appropriate, apply the Environmental Audit Overlay in conjunction with the Special Use Zone Schedule 5.**
11. **Delete the fourth dot point under 'Design requirements for key opportunity sites' '11-13 Station Street and 11-15 Hamilton Street' in Clause 3.0 of the Design and Development Overlay Schedule 24.**
12. **Include the Riddells Creek Structure Plan as a Reference Document in Clause 21.13-5.**
13. **Review the Amendment in order to identify and address any consequential changes that might be necessary in response to the Panel's recommendations.**

1 Introduction

1.1 Panel process

Macedon Ranges Planning Scheme Amendment C100 (the Amendment) was prepared by the Macedon Ranges Council as Planning Authority. As exhibited, the Amendment proposes to implement elements of the *Riddells Creek Structure Plan, 2013* and the *Riddells Creek Neighbourhood Character Precinct Profiles, 2015*.

The Amendment was authorised by the Department of Environment, Land, Water and Planning (DELWP) on 21 August 2015 subject to Council providing further strategic support in the Explanatory Report for applying the Urban Growth Zone, the Neighbourhood Residential Zone, the Special Use Zone and increasing the minimum lot size in the Low Density Residential Zone. The authorisation also required that Council include a policy in support of the proposed Environmental Significance Overlay Schedule 7 and provide direct notification to Western Water and the Environmental Protection Authority.

The Amendment was placed on public exhibition between 10 September and 23 October 2015 and attracted 91 submissions (refer to Appendix A).

Council gave further notice to landowners who did not make a submission during the exhibition period, but who may have been affected by recommended changes to the Amendment to be considered by Council.

At its meeting of 16 December 2015, Council resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 24 December 2015 and comprised Michael Kirsch (Chair) and Michael Ballock.

Council also resolved to make various changes to the exhibited Amendment following its consideration of submissions. These changes were included as an Appendix to Council's submission to the Panel.

A Directions Hearing was held in relation to the Amendment on 3 February 2016.

The Panel then met in Council's Gisborne office between 17 and 24 March 2016 to hear submissions about the Amendment. The Panel reconvened on 27 and 28 April 2016 to hear submissions in relation to the proposed Environmental Significance Overlay Schedule 7 in Amendments C98, C99 and C100.

Those in attendance at the Panel Hearing are listed in Appendix B and all documents submitted during the Hearing are listed in Appendix C.

The Panel undertook unaccompanied inspections of the general Riddells Creek area and specific sites referred to in submissions before and after the main Hearing.

1.2 Council's revised Amendment

Following its consideration of submissions, Council proposed various changes to the Amendment. The Panel has had regard to the exhibited and revised versions of the Amendment and its recommendations are primarily based on the revised version that Council provided at the Hearing as part of its submission.

1.3 Issues dealt with in this report

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of the general Riddells Creek area and specific sites referred to in submissions.

A number of submitters generally supported the exhibited Amendment, including the Neighbourhood Character Precincts, and the application and content of the various zones and overlays. The Panel acknowledges these submissions and has focused its discussions on those submissions that have opposed or sought changes to the Amendment.

This report deals with the issues under the following headings:

- Planning context
- Strategic issues
- Priority residential development precincts
- Residential precincts
- Other zoning and overlay issues
- Other issues.

2 Background

2.1 The exhibited Amendment

The Amendment proposes to implement elements of the *Riddells Creek Structure Plan, 2013* by amending the Municipal Strategic Statement (MSS), rezoning land, applying overlays, introducing a new residential zone, and introducing/amending schedules to residential zones¹.

The proposed changes include:

- replacing the existing MSS Clause 21.13-5 (Riddells Creek local policy) with an updated clause that includes the *Riddells Creek Neighbourhood Character Precinct Profiles* as a reference document and a Riddells Creek Strategic Framework Map (refer to Figure 1)
- rezoning land bounded by Sutherlands Road, Lions Club Park, Riddells Creek Primary School and Riddells Creek Recreation Reserve from Commercial 2 (C2Z) to Special Use Zone Schedule 5 (SUZ5) (refer to Figure 2)
- rezoning land in the Kilmore Road, Amess Road, Frost Lane and Wohl Court area from Rural Living 1 (RLZ1) to Urban Growth (UGZ) (refer to Figure 2)
- rezoning land in an area south of the railway line, east of Riddell Road and west of Stokes Lane West from Rural Living 1 (RLZ1) to Urban Growth (UGZ) (refer to Figure 2)
- applying the Design and Development Overlay Schedule 24 (DDO24) to all land in the Commercial 1 Zone (C1Z) and some adjoining land in the Public Use and Public Park and Recreation Zones in the town centre
- applying the Environmental Significance Overlay Schedule 7 (ESO7) to a buffer around the Riddells Creek Wastewater Treatment Plant
- introducing Schedules 3 and 4 to Clause 32.08 General Residential Zone (GRZ3 and GRZ4) and applying these zones to existing GRZ1 areas identified for moderate infill development
- introducing Clause 32.09 Neighbourhood Residential Zone (NRZ7) and applying this zone to existing GRZ1 areas envisaged for limited growth
- amending Schedule 1 to Clause 32.03 Low Density Residential Zone (LDRZ) to increase the minimum subdivision area for all LDRZ land northwest of Main Road to 2 hectares
- amending the Schedule to Clause 66.04 to list the operator of the wastewater treatment plant as a Determining Referral Authority.

¹ The Amendment was drafted to be consistent with the updated MSS proposed for inclusion in the Macedon Ranges Planning Scheme via Amendment C84 that was approved in September 2015.

Figure 1 Exhibited Riddells Creek Strategic Framework Map Clause

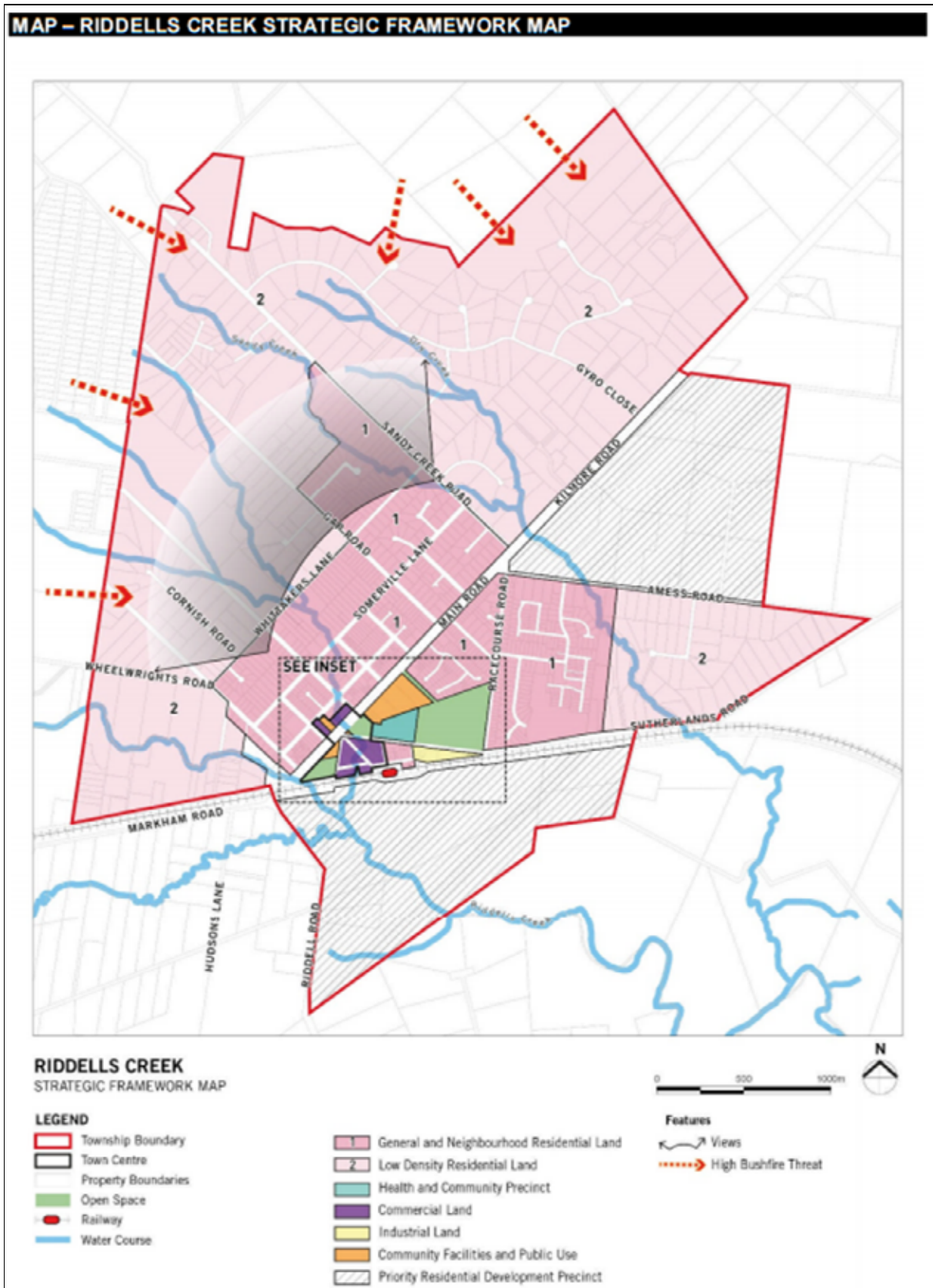
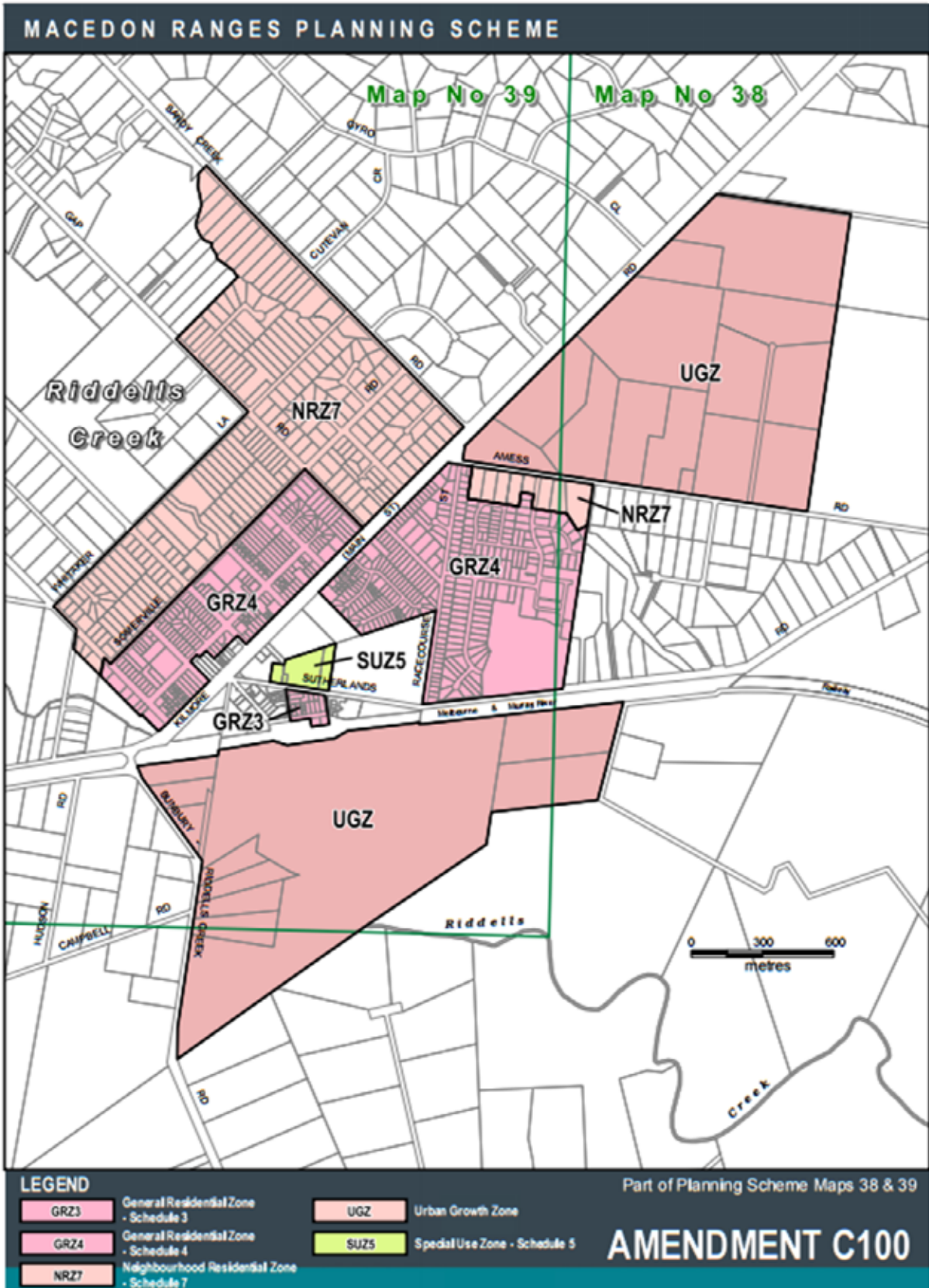


Figure 2 Exhibited zoning plan



2.2 Riddells Creek Structure Plan, December 2013

The *Riddells Creek Structure Plan* (the *Structure Plan*) provides a planning framework for Riddells Creek until 2036 and includes the following vision:

To provide for the progressive sustainable development of Riddells Creek that enhances its township function, while ensuring that any future development preserves the high environmental, heritage and landscape qualities of the area and reinforces Riddells Creek’s unique character and identity.

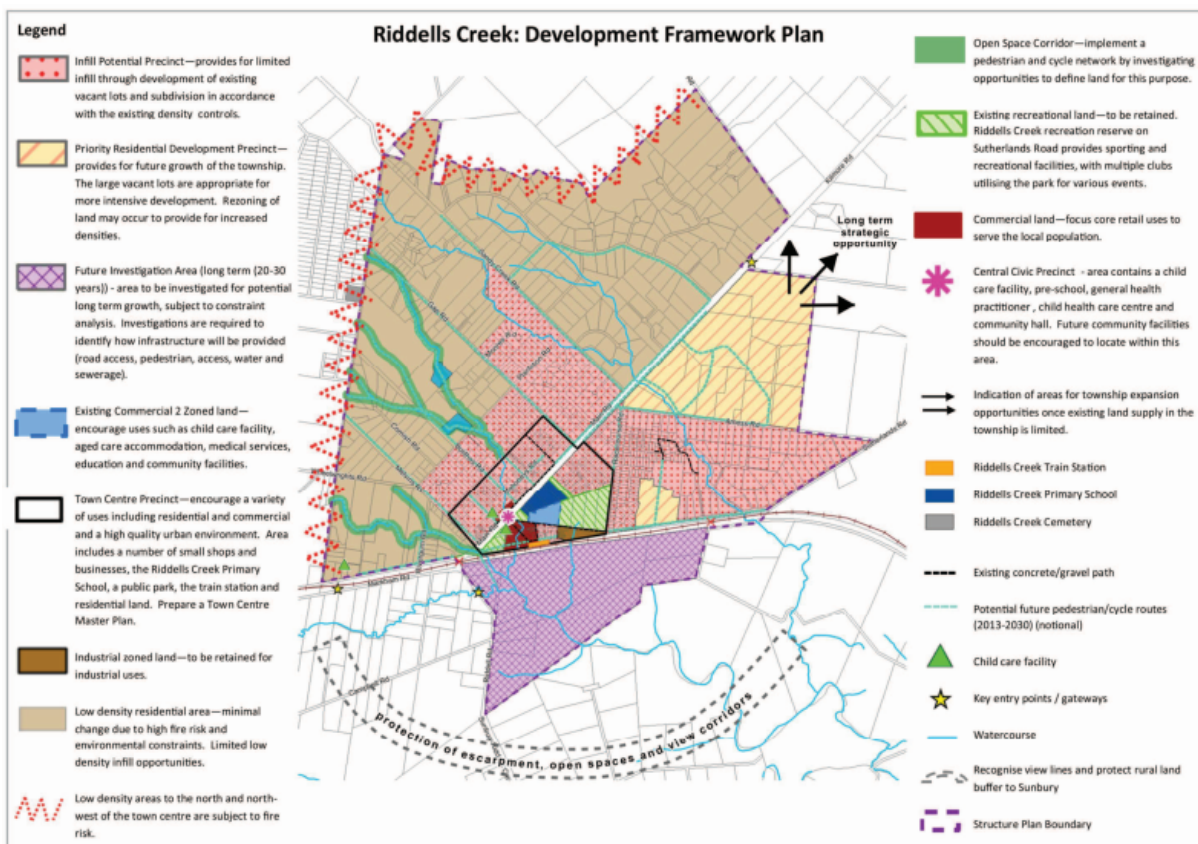
The *Structure Plan* process involved extensive stakeholder consultation and was informed by a number of background reports and investigations.

The *Structure Plan* is based on the following 6 themes:

- Character and role of the town centre
- Residential development and housing choice
- Employment, commercial and industrial development
- Open space, natural systems and heritage features
- Utilities and infrastructure
- Environmental sustainability.

Each theme includes an overview, principles, directions and actions, elements of which are reflected in the Riddells Creek Development Framework Plan (refer to Figure 3).

Figure 3 Riddells Creek Development Framework Plan



The *Structure Plan* also includes an implementation section that identifies further strategic work and matters to be implemented through planning scheme amendments. Elements of this material are included in Amendment C100.

The *Structure Plan* also includes Design Guidelines (Appendix B) that were based in part on the *Riddells Creek Preliminary Draft Neighbourhood Character Study* and which informed the preparation of the *Riddells Creek Neighbourhood Character Precinct Profiles*. These documents are discussed in the following sections.

Council adopted the *Structure Plan* in December 2013, subject to:

- identifying the area south of the railway line as a ‘priority development area’ rather than a ‘future investigation area’
- preparing a Riddells Creek Development Contributions Plan
- preparing a Planning Scheme Amendment to implement the key elements of the *Structure Plan*.

2.3 Riddells Creek Preliminary Draft Neighbourhood Character Study, April 2013

The *Structure Plan* project also included and was informed by the preparation of the *Riddells Creek Preliminary Draft Neighbourhood Character Study* (the *Character Study*).

The *Character Study* assessed the ‘existing character’ of the town’s residential and low density residential areas and analysed 24 character precincts that were consolidated into 4 generalised precinct types:

- Central township
- Inner low density residential area
- Township allotments
- Outer low density residential development area.

The *Character Study* includes an implementation section that recommends various actions, including new Planning Scheme provisions. The recommendations include applying a Design and Development Overlay (DDO) schedule to the Central Township precinct and a Local Planning Policy to the other precincts to guide subdivision and dwelling proposals where a planning permit is required. The *Character Study* includes a draft Local Planning Policy and DDO Schedule.

The *Character Study* was not adopted by Council.

2.4 Riddells Creek Neighbourhood Character Precinct Profiles, July 2015

The *Riddells Creek Neighbourhood Character Precinct Profiles* (the *Precinct Profiles*) were prepared by Council and relied, in part, on the 2013 *Character Study*.

The document identifies 6 precincts, shown on Figure 4, that were used as the basis for applying various zones and schedules in Amendment C100 (refer to Table 1).

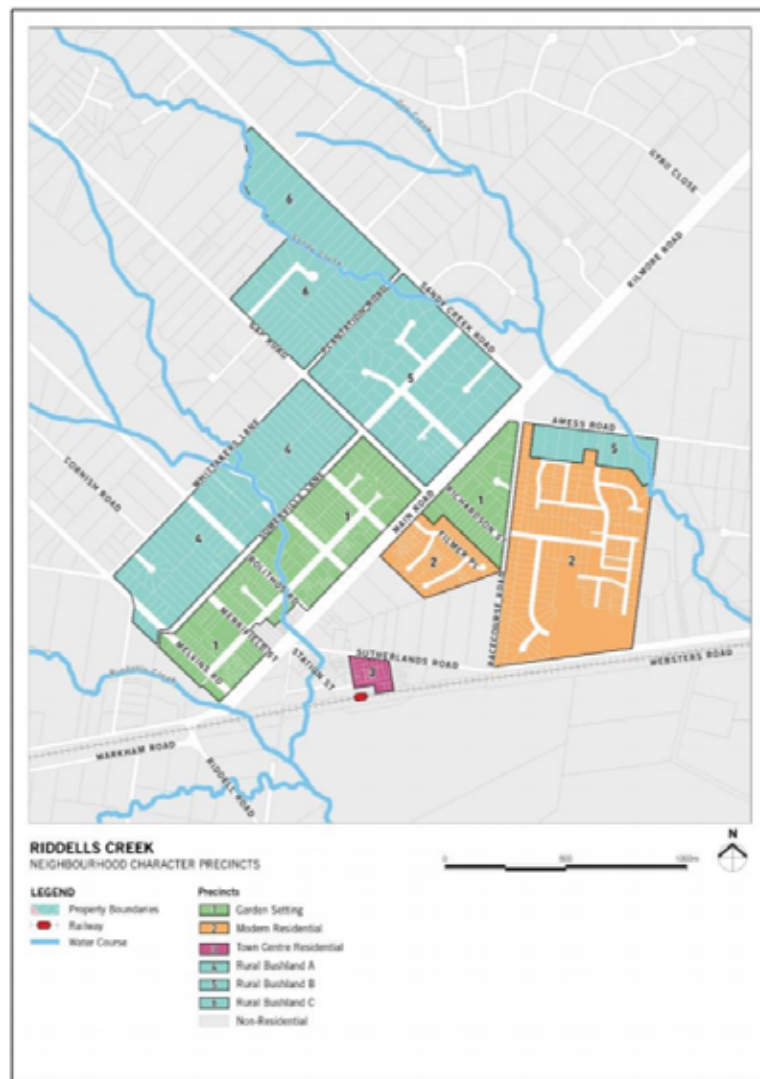
Material relating to the 6 precincts is also included in the exhibited Clause 21.13-5 (Riddells Creek Residential Neighbourhood Character Precincts).

Table 1 Neighbourhood Character Precincts and Zones

Neighbourhood Character Precinct	Proposed Zone
Garden Setting	General Residential Zone 4
Modern Residential	General Residential Zone 4
Town Centre Residential	General Residential Zone 3
Rural Bushland A	Neighbourhood Residential Zone 7
Rural Bushland B	Neighbourhood Residential Zone 7
Rural Bushland C	Neighbourhood Residential Zone 7

The 6 precinct profiles include a precinct description, key features and preferred future character. The description and preferred future character were based on ‘measurable data’ including lot sizes, site coverage, dwelling setbacks, together with building materials and forms, front fencing and landscaping.

Figure 4 Riddells Creek Neighbourhood Character Precincts



2.5 Other background documents

Council prepared or commissioned the following documents in support of the *Structure Plan* process and/or the development of the Amendment:

- *Riddells Creek Residential Land Needs Assessment*, July 2013 (SGS Economics and Planning)
- *Riddells Creek Commercial and Industrial Study, Revised Draft*, February 2013 (SGS Economics and Planning)
- *Riddells Creek Residential Demand Assessment*, March 2016 (Urban Enterprises)
- *Riddells Creek Bushfire Risk Assessment*, February 2016 (Terramatrix).

The Panel has considered the relevant elements of these reports and, where appropriate, refers to them in this report.

3 Planning context

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies. This section outlines the key matters that the Panel has had regard to in responding to submissions.

3.1 Policy framework

(i) State Planning Policy Framework

The Panel has had regard to the following key elements the State Planning Policy Framework:

- Clause 10.04 (Integrated decision making).
- Clause 11.01-2 (Activity centre planning) encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that provide a variety of land uses and are highly accessible to the community.
- Clause 11.02-1 (Supply of urban land) supports planning that accommodates projected population growth over at least a 15 year period and provides clear direction on locations where growth should occur. It establishes that residential land supply is to be considered on a municipal basis, rather than a town-by-town basis.
- Clause 11.02-3 (Structure planning) supports the orderly development of urban areas.
- Clause 11.04-6 (A State of cities) supports rebalancing Victoria's population growth from Melbourne to rural and regional Victoria.
- Clause 11.05-2 (Melbourne's hinterland areas) applies to land within 100 kilometres of the Melbourne's Central City.
- Clause 11.12 (Loddon Mallee South regional growth) applies the 'towns and rural centres' designation to Riddells Creek.
- Clause 12.04-1 (Environmentally sensitive areas) seeks to protect environmentally sensitive areas with significant recreational value including the Macedon Ranges.
- Clause 12.04-2 (Landscapes) seeks to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.
- Clause 13.04-2 (Air quality) supports suitable separation between land uses that reduce amenity and sensitive land uses.
- Clause 13.05-1 (Bushfire planning strategies and principles) includes the overarching strategies:

Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.

Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.

- Clause 15.01-5 (Cultural identity and neighbourhood character) supports the recognition and protection of cultural identity, neighbourhood character and sense of place.
- Clause 16.01-1 (Integrated housing) supports a housing market that meets community needs.

- Clause 16.01-2 (Location of residential development) supports new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.
- Clause 16.02-3 (Residential aged care facilities) supports the timely development of residential aged care facilities to meet existing and future needs.
- Clause 17.01-1 (Business) encourages development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.
- Clause 19.02-1 (Health facilities) supports the integration of health facilities with local communities.
- Clause 19.02-4 (Distribution of social and cultural infrastructure) supports fairer distribution of and access to social and cultural infrastructure.

(ii) Local Planning Policy Framework

The Panel has had regard to the following key elements of the Local Planning Policy Framework:

- Clause 21.04 (Settlement) identifies Riddells Creek as a “*small town*” (population of 2,000<) moving towards a “*district town*” (population of 6,000<) with its population anticipated to be at the cusp of a “*district town*” and a “*large district town*” (population 10,000).

Riddells Creek is identified for “*moderate growth*” in recognition of its position on the railway line and the relative absence of impediments to growth.

This Clause also foreshadows the preparation of a Structure Plan for Riddells Creek.

- Clause 21.06-3 (Bushfire) supports prioritising fire risk in planning decisions, avoiding increasing bushfire risk and minimising exposure of people to bushfire risk.
- Clause 21.08-3 (Built environment) supports appropriate control of the high landscape qualities of the Shire and the built form of its towns to ensure development is sustainable and respects character.
- Clause 21.09-1 (Housing in towns) supports responsive and affordable housing and a diversity of lot sizes and styles to meet the requirements of all age groups, household types, lifestyles and preference.
- Clause 21.10-1 (Commercial and industry) supports increasing local commercial and industrial employment opportunities within the Shire.
- Clause 21.10-3 (Retail and services) seeks reduced leakage of economic activity to nearby areas, particularly in terms of basic grocery supply, medical provision and education.
- Clause 21.11-1 (Integrated transport) that focuses growth in the larger towns adjacent to the Calder corridor and the railway line.
- Clause 21.12-1 (Community development) supports town centres that make a positive contribution to community wellbeing and support healthy, vibrant and resilient communities.

- Clause 21.13-5 (Riddells Creek)² includes the objectives:
 - To protect and respect the township's character, setting and prominent view lines to the surrounding hills.*
 - To substantially restrict development in the areas subject to flooding and of high bushfire hazard and risk.*
 - To encourage enhanced commercial development within the town centre that reinforces Station Street as the primary commercial focus and in line with the town's district town status/role.*
- Clause 22.01 (Macedon Ranges and surrounds) restates "Statement of Planning Policy No 8 – Macedon Ranges and Surrounds".
- Clause 22.05 (Battle axe allotments) applies to battle axe subdivisions and subdivisions with common property access on all land zoned General Residential Zone and Township Zone.

3.1.1 Discussion

The Panel is satisfied that the general thrust of the Amendment is consistent with the SPPF and LPPF, although the Panel has queried some matters, including the extent to which the Amendment prioritises the protection of residential character over other policies relating to residential development.

These issues are discussed in chapters 4 and 6 of this report.

3.2 Planning scheme provisions

(i) Zones

The Amendment proposes to introduce the **Neighbourhood Residential Zone (NRZ)** that has the following purposes:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To recognise areas of predominantly single and double storey residential development.

To limit opportunities for increased residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

To implement neighbourhood character policy and adopted neighbourhood character guidelines.

² Amendment C100 updates this clause to implement elements of the Riddells Creek Structure Plan and other investigations.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The Amendment also proposes to introduce the **Urban Growth Zone (UGZ)** and to apply it to two future growth areas. The purposes of the UGZ are:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

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.

To contain urban use and development to areas identified for urban development in a precinct structure plan.

To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.

To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.

(ii) Overlays

The Amendment seeks to apply the **Environmental Significance Overlay (ESO)** to a buffer around the Riddells Creek Sewerage Treatment Plant. The purposes of the ESO are:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify areas where the development of land may be affected by environmental constraints.

To ensure that development is compatible with identified environmental values.

The Amendment also proposes to apply the **Design and Development Overlay (DDO)** to the Riddells Creek town centre. The purposes of the DDO are:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify areas which are affected by specific requirements relating to the design and built form of new development.

3.2.2 Discussion

The Panel generally supports the proposed use of these zones and overlays, although it has some concerns about the extent of the proposed Neighbourhood Residential Zone and some content in the proposed schedules.

These issues are discussed in chapters 5 and 6 of this report.

3.3 Ministerial Directions and Practice Notes

3.3.1 Ministerial Directions

The following Ministerial Directions are relevant to the Amendment.

(i) Ministerial Direction on the Form and Content of Planning Schemes

The Panel is satisfied that the Amendment is generally consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act, subject to its findings about the proposed use of the Neighbourhood Residential Zone.

(ii) Ministerial Direction No 1 - Potentially Contaminated Land

The Panel believes that this Direction is relevant to the proposed Special Use Zone Schedule 5 and discusses this in chapter 7.1 of this report.

(iii) Ministerial Direction No 11 - Strategic Assessment of Amendments

Ministerial Direction No. 11 sets out the requirements a Planning Authority must meet when preparing an amendment to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. The Panel is satisfied that the Amendment is generally consistent with Ministerial Direction 11 (Strategic Assessment Guidelines).

(iv) Ministerial Direction No 12 – Urban Growth Areas

The Panel is satisfied that the Amendment is consistent with this Direction.

3.3.2 Planning Practice Notes

The following Planning Practice Notes are relevant to the Amendment.

(i) Planning Practice Note 13 – Reference and Incorporated Documents (PPN13)

PPN13 explains the role of external documents in planning schemes, the difference between incorporated and reference documents and when a document should be incorporated or be a reference document.

(ii) Planning Practice Note 28 - Using the Neighbourhood Character Provisions in Planning Schemes (PPN28)

PPN28 provides guidance to planning authorities about how to plan for neighbourhood character and how to apply neighbourhood character provisions when preparing amendments to planning schemes.

(iii) Planning Practice Note 30 – Potentially Contaminated Land (PPN30)

PPN30 provides guidance for planners and applicants about how to identify if land is potentially contaminated, the appropriate level of assessment of contamination for a planning scheme amendment or planning permit application and circumstances where the Environmental Audit Overlay should be applied.

(iv) Planning Practice Note 43 – Understanding Neighbourhood Character (PPN43)

PPN43 provides guidance for applicants, the community and responsible authorities about understanding what is meant by neighbourhood character and preparing or assessing a proposed residential development so that it meets the neighbourhood character requirements of the residential development provisions in planning schemes.

(v) Planning Practice Note 47 – Urban Growth Zone (PPN47)

PPN47 explains the purpose and provisions of the Urban Growth Zone (UGZ) and the role of precinct structure plans in the UGZ.

(vi) Planning Practice Note 59 – The role of Mandatory Provisions in Planning Schemes (PPN59)

PPN59 sets out criteria that can be used to decide whether mandatory provisions may be appropriate.

(vii) Planning Practice Note 64 – Local Planning for Bushfire Protection (PPN64)

PPN64 provides guidance about local planning for bushfire protection and assists councils to tailor the Local Planning Policy Framework in response to bushfire matters where necessary.

(viii) Planning Practice Note 78 – Applying the Residential Zones (PPN78)

PPN78 provides information and guidance about the purposes and features of the residential zones, how to apply the residential zones and the schedules to the residential zones.

3.4 Residential Zones Standing Advisory Committee

The Residential Zones Standing Advisory Committee (RZSAC) was appointed by the then Minister for Planning in February 2014 to advise on the method and application of introducing the new Neighbourhood Residential Zone, General Residential Zone and Residential Growth Zone into local planning schemes.

The RZSAC released a *Stage One Overarching Issues Report* in June 2014 that provides useful context for considering the application of the new residential zones, including the Neighbourhood Residential Zone.

3.5 Other strategic plans

3.5.1 Loddon Mallee South Regional Growth Plan, 2014

The *Loddon Mallee South Regional Growth Plan* is a policy guideline in Clause 11 of the State Planning Policy Framework and forms the basis for Clause 11.12 (Loddon Mallee South regional growth).

The Plan describes Riddells Creek as follows:

Riddells Creek is likely to continue to grow at a moderate rate. Current population projections indicate the town could reach a population of just over 6000 people by 2041. Supply estimates indicate potential capacity for approximately 4900 additional people on existing residentially zoned land. Further investigation is required to identify future areas for greenfield growth as well as opportunities for infill and medium density development within the township boundaries.

Riddells Creek provides a rural township lifestyle option that Gisborne has traditionally delivered. It is well connected to existing railway infrastructure, services industries and businesses. Planning for settlement growth will need to consider potential bushfire and flood hazards.

3.5.2 Macedon Ranges Settlement Strategy, 2011

The *Macedon Ranges Settlement Strategy* was implemented through Amendment C84 that was approved in September 2015 following a Panel Hearing.

A number of submitters referred to the *Strategy*, and while it provides useful background information, the Panel has primarily had regard to those elements of the *Strategy* that have been implemented through Amendment C84 and are now included in the Planning Scheme.

3.5.3 Macedon Ranges Shire Council Moving Towards Sustainable Communities Report, 2010

This report was prepared as an input into the *Settlement Strategy* and provides a high-level analysis of services and infrastructure needs to 2036 in eight settlements, including Riddells Creek. Council relied on this report in support of the proposed Special Use Zone Schedule 5 in the Amendment.

3.6 Planning Scheme Amendments

3.6.1 Amendment C84

Amendment C84 was approved in September 2015 and implemented the:

- *Macedon Ranges Settlement Strategy, 2011*
- *Report of the Expert Review of Planning Policy, 2008*
- *Small Towns Study, 2006.*

The Amendment was the subject of a Panel Hearing that led to an interim Panel report being released in September 2012 and a final report being released in April 2014.

The Amendment introduced the current Clause 21.13-5 (Riddells Creek) that includes the following implementation action:

Prepare a Riddells Creek structure plan to: provide additional medium long-term opportunities for greenfield residential development; facilitate sustainable development; identify preferred and non-preferred medium density areas; manage bushfire and flood risk having particular regard for how development should be informed by these threats; facilitate development of a well designed and interconnected town centre; and consider long term requirements for business land.

This further work is reflected in the *Structure Plan* and Amendment C100.

3.6.2 Amendment C110

Amendment C110 proposes to implement key aspects of the *In the Rural Living Zone Strategy*, (September 2015) by amending the Municipal Strategic Statement, rezoning land, applying overlays, deleting overlay controls and amending schedules to the Rural Living Zone. The key objective of the *Strategy* is to provide for a finite 30 years supply of rural living zoned land across the Shire.

The Amendment was the subject of a Panel Hearing in April 2016.

3.7 Conclusion and recommendation

The Panel is satisfied that the Amendment generally supports and is consistent with the broader policy context, subject to its findings and recommendations relating to some detailed elements of the Amendment. The Panel also generally supports the changes proposed by Council in its revised Amendment documentation included in its submission to the Panel at the Hearing.

For these reasons, the Panel recommends that the revised version of Amendment C100 provided by Council as part of its submission to the Panel be adopted, subject to the other recommendations in this report.

4 Strategic issues

4.1 Riddells Creek's settlement role

4.1.1 The issue

The issue is whether the Amendment is consistent with Riddells Creek's broader role and function as expressed in State and local policy.

4.1.2 Submissions

Various submissions referred to Riddells Creek's settlement role and the extent to which it should contribute to population growth within the Shire.

Mr Burt (59), for example, submitted: *"There is absolutely no strategic justification for the excess and accelerated growth proposed by the Amendment"*. Mr Burt preferred that growth be focussed within the existing town through more intensive redevelopment and a relaxation of the NRZ7 provisions.

The Macedon Ranges Residents' Association (79) raised a number of overarching issues in relation to population growth within the Shire, submitting that the various proposals for additional residential land within the Shire:

- *Represent accelerated growth and go beyond any planned growth in the Settlement Strategy;*
- *Exceed State policy requirements, and risk creating an over-supply of land for residential purposes;*
- *Are not compatible with high environmental significance, and pending legislative protection;*
- *Put towns under duress, and create pressure for additional unplanned growth and development.*

Council provided the background to those elements of the current Municipal Strategic Statement (MSS) that relate to the settlement roles of Riddells Creek and the other towns in the Shire. This included the *Macedon Ranges Settlement Strategy* and its implementation through Amendment C84. Council also highlighted relevant elements of the current MSS, including:

- Riddells Creek's designation as a *"small town"* (population of 2,000<) moving towards a *"district town"* (population of 6,000<) (Clause 21.04, Table 1)
- Broad settlements strategies, including:
 - Encourage the development of Riddells Creek and Lancefield as district towns. The anticipated population of Riddells Creek is anticipated to be at the cusp of a district town and a large district town. (Clause 21.04, Objective 1)*
- Riddells Creek's identification for *"moderate growth"* in recognition of its position on the railway line and the relative absence of impediments to growth. (Clause 21.04, Objective 1)

Council concluded that the Amendment would provide for a level of growth commensurate with the town's settlement role.

4.1.3 Discussion and conclusions

The Panel agrees with Council that existing policies anticipate the continuing growth of Riddells Creek and notes that there is policy support for growth to achieve district town status and, in the longer term, large district town status.

While this needs to be reconciled with other policies relating to character, landscape and the environment, it is clear that Riddells Creek has been identified for growth and that planning should seek to facilitate and support that growth. This is consistent with the Panel's reading of the *Settlement Strategy*, the *Structure Plan* and the MSS.

The Panel also believes that the 'district town' designation does not denote an absolute or maximum level of population that might be accommodated within the town. It represents the role and size of the town at some point in time and it is conceivable that it will grow beyond that level in the longer term.

Population growth issues are discussed further in chapter 5 of this report that deals with the 'Priority Residential Development Precincts'.

4.2 Implementation of the Riddells Creek Structure Plan

4.2.1 The issue

The issue is whether the Amendment accurately and appropriately implements the *Riddells Creek Structure Plan*.

4.2.2 Submissions

The Macedon Ranges Residents' Association (79) submitted that the Amendment "*represents substantial change in terms of content, components and direction from the adopted Structure Plan*". The Association highlighted various issues, including the failure to use the *Riddells Creek Preliminary Draft Neighbourhood Character Study* as the basis for applying zones and schedules.

A number of submitters, including Jacinta Bootle (75), Sandra and Graham Stewart (76), and Annette and Richard Benson (57) submitted that the Amendment did not include or implement key elements of the *Structure Plan*. They submitted that the Amendment should either be modified to achieve greater consistency with the *Structure Plan* or should not proceed.

Council submitted that:

Most zone and overlay changes recommended in the Structure Plan have been included in Amendment C100 and the proposed MSS content has been prepared to maintain a high level of consistency with the Structure Plan's intent.

Council advised that the language and drafting of the Amendment is consistent with *PPN4 Writing a Municipal Strategic Statement* and has had regard to:

- *Using plain English, concise language and consistent wording and expression*
- *Avoiding repetition*
- *Structuring objectives and strategies under clear themes – using the SPPF themes*
- *Only including objectives and strategies that can be achieved through the planning scheme.*

Council also noted that:

- some elements of the *Structure Plan* require further analysis before they can be implemented and these have been included as items of further strategic work in Clause 21.13-5
- the translation of the *Structure Plan* was not always obvious and that the Explanatory Report that accompanied the exhibition of the Amendment included an attachment that identified how the various *Structure Plan* recommendations were implemented in the Amendment
- the Amendment uses the State Planning Policy Framework themes instead of the *Structure Plan* themes in order to be consistent with *PPN4* to achieve consistency with Amendments C98 and C99.

4.2.3 Discussion and conclusions

Having reviewed these submissions and the material supplied by Council, the Panel generally accepts Council's view that the Amendment implements the key elements of the *Structure Plan*.

While not all of the *Structure Plan's* detail might have been included in the Amendment, the Panel is satisfied that the key elements have been and that Council has been faithful to the general intent of the *Structure Plan*. Nevertheless, the Panel has identified various changes to elements of the Amendment that it believes are warranted and these are discussed in following chapters of this report.

The Panel also notes that many of the 'implementation' issues raised in submissions related to neighbourhood character issues associated with the selection of zones and content of schedules. These issues are also discussed later in this report.

5 Priority residential development precincts

5.1 Residential land supply and demand

5.1.1 The issues

The issues are whether the Amendment will provide an adequate supply of residential land, whether two growth areas are required and on what basis the demand for residential has been assessed.

The Amendment proposes to rezone two areas Urban Growth Zone (UGZ). The northern precinct referred to as Area 4 in the *Structure Plan* (103 ha) and the southern precinct referred to as Area 5 (138 ha). The total area proposed for rezoning to the UGZ is 241 ha. However, the *Structure Plan* identified the northern precinct as a 'Priority Development Precinct' and the southern precinct as 'Future Investigation Area' in the Development Framework Plan (refer to Figure 2).

5.1.2 Evidence and submissions

Much of the argument around this issue centred on the likely future population growth of Riddells Creek. A number of submissions also referred to the accuracy of the population projections.

The *Macedon Ranges Shire Council Settlement Strategy* contains the following with respect to Riddells Creek:

- *The existing role of Riddells Creek is a District Town (2,000-6,000 residents)*
- *It is likely this role will change to a Large District Town (6,000-10,000) by 2036.*

Council submitted that the *Structure Plan* estimated a need for 57 ha of land in addition to the existing residential zoned land to meet the projected growth to a population of 6,000 by 2036. Council engaged Urban Enterprise to provide an updated residential land demand and this work produced three scenarios for Riddells Creek to 2036:

- Projection of past approvals - population 4,238
- Victoria in Future (low growth) - population 4,510
- Forecast ID (high growth) - population 5,460.

Council estimated that the land required to be rezoned for each scenario would be 37.6 ha, 52 ha and 103 ha respectively.

Mr Chris McNeill, in his evidence, presented a different perspective:

Council population and dwelling forecasts indicate a significant increase in the population of the Riddells Creek district from 4,500 persons in 2016 to 7,800 persons in 2036. This population increase is forecast to require around 1,300 additional dwellings (around 60 dwellings per annum), of which the most will be accommodated in the Riddells Creek township.

A number of submissions pointed to differences in population figures. Mr McNeill explained that some of the differences in projections were due to the use of different statistical geographic areas. Mr McNeill's view was that both figures are correct but simply encompass

different spatial areas. He estimated that the current supply of developable residential land was in the order of 200 lots and stated that:

It is not necessary to undertake a detailed analysis of supply at Riddells Creek. Whether a demand figure of 60 lots per annum is adopted or a lower figure, it is evident the present state of broadhectare supply is constrained and well below the threshold 15 year benchmark outlined in Clause 11.02 of the State Planning Policy Framework.

The Macedon Ranges Residents Association (79) submitted that the *Settlement Strategy's* starting point for the population of Riddells Creek was the study area which was larger than the town. In 2006 that represented a difference of 875 persons. The Association concluded that the 2036 population then proportionally overstates the town's projected population. The Association also submitted that the population projections have been controversial and "*hurts Riddells Creek more than most towns because of the high growth applied*".

5.1.3 Discussion and conclusions

The Panel recognises that projecting future population is an inherently difficult exercise that is made more complicated by the use of different statistical geographies by different agencies. These projections are complicated further by the changes to these geographies that occur in the inter-censal periods. Nevertheless, it is of concern to the Panel, given the work undertaken as part of the development of the *Settlement Strategy* and the *Structure Plan* that a single robust population projection has not been developed and accepted as the basis for the future planning and growth of the township. Like all projections, it would be subject to revision over time but it would provide a common starting point for the planning authority, the community and developers.

Regardless of which projection is adopted, it is clear to the Panel that the current supply of residential land is limited and there is a need for additional residential land to meet the growth of the town. Mr McNeill's view that the availability of developable residential land is well below the 15-year threshold does not appear to be disputed.

Rezoning both areas to the UGZ is the first step in meeting this demand. However, the Panel is aware that Precinct Structure Plans will need to be prepared, exhibited and approved before this land can be developed. Consequently, it will be some time before this land is available to the market. Mr Wood, in his evidence, stated that it would take four to five years before the land to the south would be available.

In response to questions, neither Mr McNeill nor Mr Milner saw any adverse impact from a land supply that extended beyond 15 years. It was also put to the Panel that having two areas available for development would eliminate a monopoly situation and provide competition and choice. In addition, any oversupply would more than likely lead to price discounting. The Council supported this view.

In light of the evidence and submissions on these issues, the Panel concludes that:

- The population of the Riddells Creek township, as defined in the *Structure Plan* will increase to somewhere between 4,238 and 7,800 by 2036
- The current supply of developable residential land is limited and there is a need for additional land to accommodate the future growth of Riddells Creek.

- Identifying two growth areas for this development provides more choice and competition and it is likely that it will take some time for these areas to become available to the market.
- Should an oversupply of land occur, there is little downside.

5.2 Northern precinct

5.2.1 The issue

The issue is whether this precinct is suitable for longer-term residential growth.

This precinct is proposed to be zoned Urban Growth Zone (UGZ) and consists of a number of properties which total 103 ha in area.

The area is identified in the *Riddells Creek Structure Plan* as:

Priority Residential Development Precinct – provides for future growth of the township. The large vacant lots are appropriate for more intensive development. Rezoning of land may occur to provide for increased densities.

5.2.2 Submissions

Council submitted that both the *Settlement Strategy* and the *Structure Plan* identified that more land would be required to accommodate the projected growth of Riddells Creek. In addition, the *Structure Plan's* Development Framework Plan identified the northern precinct as a priority residential development precinct for future growth.

A number of the affected landowners supported the inclusion of their land in the UGZ highlighting that the precinct has ready access to all major services. Those supporting this proposal submitted that future development of this area was strategically justified and had a number of positive features, including multiple road frontages, proximity to the town centre and capacity for staged development.

However, there were submitters who opposed the further development of this precinct because of its distance from the town centre and potential traffic impacts on Amess Road. Duane Burt (59), for example, submitted that the justification for rezoning this area was unclear and that it should be abandoned.

The Macedon Ranges Residents Association (79) submitted that the *Structure Plan* recommended the application of a Development Plan Overlay (DPO) and the investigation of an appropriate zone, and that the application of the UGZ was premature and contrary to these recommendations.

5.2.3 Discussion and conclusions

The Loddon Mallee South Regional Growth Plan, 2014 sets the State policy context that recognises the future growth of Riddells Creek. The theme of population growth in Riddells Creek was continued in the *Settlement Strategy* and the *Riddells Creek Structure Plan*. The *Structure Plan* identifies this northern precinct as the priority development area for the township.

The Northern Precinct is in relatively close proximity to the town centre as well as other facilities such as schools, community facilities, medical services and the railway station.

Council advised that as early as 2000 this area had identified as suitable for the future expansion of Riddells Creek.

The *Structure Plan* identified this area as a Priority Residential Development Precinct because of the general availability of services, the absence of any flooding and a lower bushfire risk. For these reasons, the Panel accepts that the Northern Precinct is an appropriate location to accommodate some of the future growth of the town.

Given the substantial amount of strategic justification for the continuing growth of Riddells Creek and the suitability of the Northern Precinct to accommodate some of this growth, the Panel supports this element of the Amendment.

The Panel discusses the suitability of the UGZ in chapter 5.4 of this report.

5.3 Southern precinct

5.3.1 The issues

The issues are whether this area is suitable for longer-term residential growth and whether two precincts are required or are appropriate for long-term residential growth.

This area is proposed to be zoned Urban Growth Zone (UGZ) and consists of seven properties which total 138 ha in area.

The area is identified in the Riddells Creek Structure Plan as:

Future Investigation Area (long term (20-30 years)) – area to be investigated for potential long term growth, subject to constraint analysis. Investigations are required to identify how infrastructure will be provided (road access, pedestrian access, water and sewerage).

5.3.2 Evidence and submissions

The Macedon Ranges Residents Association (79) questioned the lack of justification and process for changing a 20-30 year 'investigation area' into a 'priority growth area'.

Mr Burt (59) submitted that the rezoning of this area is "*conceptually appropriate*" while noting that it has "*challenges*".

VicRoads (89) submitted that the proposed rezoning is "*premature*" and should be considered in terms of the town's long-term growth. This view was shared by the Department of Economic Development, Jobs, Transport and Resources (26).

Other submitters raised concerns about traffic generation and pedestrian movement through the site as well as the impact on the intersection with Riddell Road and Main Road. Annette Webber (67) submitted that the precinct should not be developed until a grade-separated pedestrian crossing of the railway line could be provided. The risk of fire was another concern and some submissions made reference to the 2013 fire that affected this precinct.

Some submitters were concerned about the absence of adequate infrastructure in this precinct and submitted that a perceived high cost to develop the land would not be an efficient use of infrastructure. Others thought that a second priority growth area would divide the township.

However, a number of submissions, including the landowners, supported the proposed rezoning of the southern precinct. Ms Aileen Chin (on behalf of Sally Charan) (68) highlighted the proximity of the precinct to the main commercial area and railway station and submitted that this was a major advantage. In addition, development of the precinct would provide the opportunity to protect waterways and to provide pedestrian access through the precinct. Sharon Childs (58) submitted that developing the land south of the railway would keep commuter traffic out of the township.

Randall Bick (21) and others submitted that the proposed UGZ should be extended to the east to include those properties west of the exhibited Environmental Significance Overlay 7 (ESO7) proposed for the Western Water Sewerage Treatment Plant buffer.

Mark Bartley (on behalf of Alan Bravo and Ronald Kent) (doc 16) supported this element of the Amendment and submitted that the precinct offered the capacity for an “integrated” Precinct Structure Plan (PSP) and would stimulate the development of the town. He also submitted that there were no downsides to having two growth areas available to Riddells Creek and that the two priority areas would have comparable development costs. He also argued that the real demand for land was closer to 150 ha and not the 57 ha identified in the *Structure Plan*.

Mr Bartley relied on the evidence of Greg Wood, Chris McNeill, Peter Wills and Rob Milner.

With respect to recent detailed projections undertaken by Council, Mr Wood stated:

This projection, assuming the population outside the township remains reasonably static, would see the township at potentially 6,800 population by 2036 or growth by approximately 2,820 population. This equates to approximately 1,050 dwellings at 2.7 persons per dwelling.

He informed the Panel that it would take four to five years before the first lots could be delivered and that the southern precinct was superior because of its proximity to the town centre.

Mr McNeill stated that town’s surge in growth over time and consequently meant that a town-by-town analysis, rather than a municipal level analysis is often more instructive. He informed the Panel that there is currently an undersupply of residential land in Riddells Creek and believed that providing two growth areas would eliminate a monopoly situation and provide competition. He concluded that this would have a significant upside for consumers.

In relation to traffic issues, Mr Wills, concluded:

I concur with the previous view provided by Traffix Group that the development of the subject land is unlikely to cause a congestion issue, will not have a material impact on the safe operation of the crossing and therefore a grade separation is not required.

He submitted that the traffic volumes may require improvements to key points in the network, such as the Gisborne-Kilmore Road and Riddell Road intersection.

Mr Milner submitted that the size of the land parcel available in the southern precinct was unusual in the Municipality. He argued that the site offered many advantages that support

policy delivery, most of which centre around the proximity to the railway station. He also stated that oversupply is an inappropriate concept and that he could not identify a downside to identifying two priority development areas in Riddells Creek.

Council noted that the Amendment would rezone more land than was anticipated in the *Structure Plan* but added that this was a “*more precautionary approach, allowing for the possibility of a higher growth scenario*”. Council also submitted that any potential oversupply issues or the possibility of ad hoc or poorly sequenced development will be addressed through the staging requirements that will be established through the Precinct Structure Plan/s that are required under the UGZ.

5.3.3 Discussion

The Panel supports the identification of this area for future development and is satisfied based on evidence and submissions that there are no fundamental impediments to this area being developed. Although various issues will require further analysis and resolution, the UGZ and PSP process will provide the mechanisms to achieve this outcome.

The Panel supports Mr Bartley’s contention that there is a need to maintain a “*rolling 15 year minimum*” supply of land in Riddells Creek and that the current level of supply is currently below that level. The Panel also agrees that the southern precinct is well positioned relative to the railway station and the town centre, and will provide an opportunity to achieve walkability to both of these destinations.

The Panel accepts Mr Bartley’s advice that without the need to provide a grade separated crossing of the railway line, the cost of providing infrastructure to the southern precinct will be comparable to the costs for the northern precinct. Consequently, there is no real cost penalty for developing either area.

In the Panel’s view the application of the UGZ is appropriate because it will require the development of a detailed Precinct Structure Plan/s and provide a basis for assessing the detailed costing of the infrastructure required to develop this area.

The Panel acknowledges concerns about the quantum of land being rezoned across both precincts, but concludes that the potential “*oversupply*” concerns raised by some submitters are overstated:

- Firstly, the UGZ will act as a holding zone until PSPs are prepared – this will protect the land for future urban development.
- Secondly, both precincts have multiple owners who appear to be in different stages of readiness to develop the land.
- Thirdly, the PSP process can be quite lengthy and it might take 3-5 years before a PSP is prepared and implemented through an approved planning scheme amendment. It would then take time to subdivide, service and make the land available for development.
- Fourthly, the PSP can provide a mechanism to manage the staging and release of land if this is considered necessary.

The provision of two growth precincts would also provide competition and choice, avoid a monopoly situation and mitigate any potential delays in one property coming onto the market.

Mr Bick (21 doc 13) and others sought an expansion of the Southern precinct (and the associated UGZ) to the east in order that their properties be included. This proposal was not exhibited as part of the Amendment and potential stakeholders have not had the opportunity to comment on it. In addition, the Panel was not presented with any evidence about the suitability or capacity of this land to be developed. For these reasons, the proposal cannot proceed as part of Amendment C100 and the Panel has not formed any views about its merits.

5.4 Urban Growth Zone

5.4.1 The issue

The issue is whether the Urban Growth Zone (UGZ) is the appropriate Victoria Planning Provision (VPP) tool to facilitate future development of the Priority Residential Development Precincts.

5.4.2 Evidence and submissions

The Macedon Ranges Residents' Association (79) opposed the rezoning of the Priority Residential Growth Areas and the use of the UGZ. The Association noted that the Panel that considered submissions on Amendment C67³ opposed the use of the UGZ as a means of implementing the Gisborne/New Gisborne Outline Development Plan. Without repeating the detail of that Panel report, the Panel is satisfied that the circumstances of the respective areas and Amendments are quite different, and notes that there is now broader use and understanding of the UGZ, including its use in regional areas.

The Association also noted that the use of the UGZ was not recommended in the *Structure Plan*, which instead recommended the use of a Development Plan Overlay for the northern precinct.

Council submitted that the application of the UGZ would allow staged and coordinated development and infrastructure provision in the growth precincts. It would also enable the staged and coordinated release of land, especially when held in multiple ownerships.

To explain the application of the UGZ, Council submitted:

It was not known whether the UGZ could be applied outside metropolitan Melbourne when the Structure Plan was prepared. The UGZ sets the priority development areas aside for future residential development by preventing development of the land that would compromise future urban uses. The UGZ also requires staged and coordinated development and infrastructure provision via precinct structure plans, which need to be exhibited via a subsequent planning scheme amendment process. This ensures that the community and relevant agencies have the opportunity to provide input into the plans. These benefits make the UGZ a more effective tool compared to applying a residential zone and DPO.

³ The Macedon Ranges Amendment C67 Panel report was released in September 2010.

5.4.3 Discussion

In submissions, the Panel was referred to *Planning Practice Note 47 Urban Growth Zone (PPN47)*.

PPN47 states that the purpose of the UGZ is:

- *to manage the transition of non-urban land into urban land*
- *to encourage the development of well-planned and well-serviced new urban communities in accordance with an overall plan*
- *to reduce the number of development approvals needed in areas where an agreed plan is in place*
- *to safeguard non-urban land from use and development that could prejudice its future urban development.*

It also states that a Precinct Structure Plan (PSP) must be prepared before land in a UGZ can be converted to urban uses. The role of the PSP is to:

- *ensure that the key strategic planning issues in a precinct are considered when planning ahead for urban development*
- *ensure communities in new urban areas have good access to services, transport, jobs, shops, open space and recreation facilities*
- *identify and address any opportunities and constraints that will affect future urban development*
- *give developers, investors and local communities greater certainty and confidence about future development in growth areas.*

The Panel is satisfied that the UGZ is an appropriate zone for the two growth precincts. The UGZ protects the land for future development and provides the mechanism for detailed planning to occur through the development of PSPs. Once prepared, the PSP will need to be incorporated into the planning scheme through the planning scheme amendment process that will provide a formal opportunity for community and stakeholder involvement.

Applying the UGZ does not infer that these areas will be immediately available for development - extensive analysis and planning will be necessary before any lots could be created and put on the market. In this interim period, the UGZ provides a widely accepted mechanism to protect the land for future development.

6 Residential precincts

6.1 Neighbourhood character

6.1.1 The issue

The issue is whether there is adequate justification for implementing provisions to protect neighbourhood character.

As outlined in chapter 2.4 of this report, the Amendment proposes to introduce six neighbourhood character precincts based on the *Riddells Creek Neighbourhood Character Precinct Profiles*, July 2015. These precincts provide the basis on which the GRZ3, GRZ4 and NRZ7 have been proposed.

6.1.2 Submissions

The Macedon Ranges Residents' Association (79) supported the protection of neighbourhood character in Riddells Creek but raised issues about the extent to which the Amendment would achieve this. In particular, the Association expressed concerns about the failure to use the *Riddells Creek Preliminary Draft Neighbourhood Character Study* as the basis for selecting zones and schedule content. The Association submitted that the *Riddells Creek Neighbourhood Character Precinct Profiles* prepared by Council were significantly different and had not been the subject of any community consultation or endorsement.

The Association also supported the use of the NRZ, submitting that it was justified by the "constraints, scale built form and character" of Riddells Creek. Nevertheless, the Association submitted that additional schedules should be applied in the NRZ7 area.

Other submitters, including Jacinta Bootle (75), submitted that the Neighbourhood Character Precinct Policy in Clause 21.13-5 was "repetitive and overly generic".

Some submitters opposed the neighbourhood character provisions, arguing that they unnecessarily restricted development and did not reflect recent development.

Annette Webber (67) supported more intensive development within the Rural Bushland Precincts and the LDRZ areas, submitting that infill development was preferable to low density development and expanding the town's footprint.

Carina Doolan (80) submitted that the *Precinct Profiles* needed further review and that it was too late to restrict infill development in some areas. Ms Doolan also submitted that infill development should be preferred before developing surrounding rural land and that it would facilitate housing diversity and lessen the reliance on cars.

Council provided the background to the *Riddells Creek Preliminary Draft Neighbourhood Character Study*, highlighting that:

- It was a background document that was not included in the final *Structure Plan* adopted by Council in December 2013.
- It was predominantly descriptive in nature and did not "provide policy statements about each precinct's preferred character or specific/quantitative requirements or standards that are able to be translated into clear planning controls".

Council advised that:

... when Council adopted the Structure Plan in December 2013, the officers report noted that the Neighbourhood Character Study was still in draft form and would be finalised during the planning scheme amendment process in conjunction with the application of the new residential zones.

Work was therefore required to assess the appropriate application of the new zones in the Riddells Creek context and adapt the Design Guidelines (included as Appendix B to the Structure Plan) into appropriate planning scheme controls.

In order to address these issues, officers undertook the following supplementary research:

- Numerous site inspections were conducted to observe dwelling eras, forms, building materials, front fencing and landscaping/vegetation characteristics.*
- Lot size data was analysed and mapped for each General Residential zoned property.*
- Site coverage and front setback data was analysed and mapped for one in every three General Residential Zoned properties.*
- Side and rear setbacks and lot frontages were assessed from aerial photography.*

The outcomes of this review were documented in the Riddells Creek Neighbourhood Character Precinct Profiles 2015. These Profiles were released for public comment along with the exhibited version of Amendment C100.

6.1.3 Discussion

(i) The Riddells Creek Preliminary Draft Neighbourhood Character Study, April 2013

The *Character Study* provides some useful general analysis of existing and preferred neighbourhood character but does not provide a complete or thorough basis for preparing zone or overlay schedules. Most notably, it does not translate the description of relevant neighbourhood character elements into numeric standards that might be applied in zone or overlay schedules. It was also prepared prior to the introduction of the new residential zones and did not include an assessment of the implications of the new zones.

The Panel also has concerns about the practicalities and sense of identifying 24 residential precincts in a relatively small town such as Riddells Creek.

For these reasons, the Panel agrees with Council that the *Character Study* does not include adequate material on which to develop appropriate neighbourhood character provisions.

(ii) The Riddells Creek Neighbourhood Character Precinct Profiles, July 2015

The *Character Precinct Profiles* are a refinement of the *Neighbourhood Character Study* and provide a more considered basis on which to apply zones and zone schedules. The profiles identify 6 precincts (compared to 24 in the *Character Study*) and the Panel is satisfied that they provide a reasonable description of some key physical elements of these areas.

However, the Panel also notes that within and between some precincts, there are areas of reasonably significant variation, particularly in terms of lot sizes. For example, the Rural Bushland A Precinct contains some areas of more conventional urban residential subdivision, whereas the Rural Bushland C Precinct is predominantly a low density residential area. Despite this, both precincts are proposed to be included in the NRZ7 and be subject to a 4,000 sqm minimum subdivision area.

Some of these NRZ7 'issues' are discussed further in chapter 6.5, however the Panel is generally satisfied that the Precinct Profiles provide a reasonable representation of the key character elements within each precinct and a basis for reviewing the content of the proposed zone schedules.

6.2 Zone schedules

Some submissions raised issues about the content of various schedules. Where these issues are common to all three schedules they are addressed in this section and where they are specific to a particular schedule they are addressed in the subsequent sections that deal with specific schedules and precincts.

A summary of the key elements of the exhibited residential zone schedules are included in Table 2⁴.

Table 2 Summary of residential zone schedules

Element and standard	GRZ3	GRZ4	NRZ7
Maximum building height	8 metres	8 metres	8 metre default
Maximum number of dwellings on a lot	n/a	n/a	2 dwellings default
Minimum subdivision area	n/a	n/a	4,000 square metres
Minimum street setback A3 and B6	None specified	6 metres (where there are no existing buildings on abutting lots)	6 metres (where there are no existing buildings on abutting lots)
Site coverage A5 and B8	None specified	40%	20%
Permeability A6 and B9	30%	30%	40%
Landscaping B13	At least 2 canopy trees	At least 2 canopy trees	At least 2 canopy trees

⁴ Table 1 provides a condensed summary of the provisions and should be read in conjunction with the exhibited schedules.

Element and standard	GRZ3	GRZ4	NRZ7
Side and rear setbacks A10 and B17	None specified	2 metres	5 metres
Walls on boundaries A11 and B18	None specified	0 metres	0 metres
Private open space A17 and B28	Lesser of 80 square metres or 20% of the lot, 40 square metres minimum	Lesser of 80 square metres or 20% of the lot 40 square metres minimum	None specified
Front fence height	None specified	None specified	None specified

Following its consideration of submissions, Council proposed various changes to the schedules, mainly to improve the clarity of the provisions rather than fundamentally change their intent. The proposed changes also reflect Council's further analysis of various issues. The Panel generally supports those changes, except where discussed below.

6.2.1 Building heights

(i) Submissions

The Macedon Ranges Residents' Association (79) generally supported the proposed height provisions, as did Julie and Kevin Redman (50).

Kirsten Webber (84) opposed any height restrictions, submitting that 8m does not "satisfactorily provide for 2 storey construction with a pitched roof". Ms Webber also proposed that "sensitively designed developments up to three storeys" should be permitted within the town centre and surrounding residential land. She submitted that:

The Structure Plan simply seeks to reinforce existing character – Riddells Creek Town Centre should instead have a vision for a preferred character. There is an opportunity to accommodate change ...

Annette Webber (67) submitted that "homes are an expression of the individual not a vehicle for state control" and queried why a dwelling with a steep pitched roof should not be able to exceed 8m.

Council noted that during the *Structure Plan* process, "the community expressed a clear preference to retain the town's existing low-scale, 'village feel'". Council submitted that because "over 90% of the housing stock in Riddells Creek is single level, detached dwellings" it was appropriate to apply the 8m maximum building height in the GRZ schedules and to rely on the default 8m maximum height in the NRZ schedule.

(ii) Discussion

The Panel notes that:

- the *Neighbourhood Character Precinct Profiles* do not address or make any specific recommendations about building heights

- the *Structure Plan* does not include any assessment or recommendations relating to building heights in residential areas
- the *Preliminary Draft Neighbourhood Character Study* does not include any assessment or specific recommendations relating to building heights.

Despite this, Council has proposed that the GRZ3 and GRZ4 have a mandatory maximum building height of 8m, rather than rely on the default discretionary 9m height in Clause 54. The rationale seems to be that most dwellings in the town are single storey, although it is not clear why this is a positive feature or why it should be the basis for restricting the height of new dwellings. Given the absence of any clear strategic justification for this proposal, the Panel is not satisfied that it should proceed.

In relation the NRZ7, is not clear to the Panel why the maximum building height should be restricted to 8m, given that the NRZ7 will apply to defacto 'low density residential' areas that have large lots, large setbacks, and low site coverage provisions. In these areas, building height is less of issue and less of a threat to neighbourhood character. The Panel also notes that it is not uncommon for two storey dwellings to be marginally taller than 8m.

For these reasons, the Panel believes that the additional flexibility provided by a 9m maximum building height is warranted and recommends that this be included in the NRZ7.

In relation to the 'town centre', the Panel notes that the proposed Design and Development Overlay Schedule 24 (DDO24) will control building heights. While the DDO24 supports predominantly single storey development with second storeys that are set back, these are not mandatory requirements.

(iii) Recommendations

The Panel recommends:

1. **Replace the text in Clause 3.0 (Maximum building height requirement for a dwelling or residential building) in the General Residential Zone Schedules 3 and 4 with 'None specified'.**
2. **Include '9 metres' in Clause 5.0 (Maximum building height requirement for a dwelling or residential building) in the Neighbourhood Residential Zone Schedule 7.**

6.2.2 Setbacks

(i) Submissions

The Macedon Ranges Residents' Association (79) submitted that the exhibited setback requirements in the three schedules did not differ significantly from the current requirements and would not facilitate improved design outcomes. The Association proposed that the requirements "*be changed to be more sympathetic with existing character, particularly for greenfield situations, and in particular for the Rural Bushland character precinct*".

Council relied on the assessment of setbacks in the *Neighbourhood Character Precinct Profiles*, which formed the basis for the provisions in the zone schedules. Council also

highlighted where the schedules differed from Clause 54 and Clause 55 requirements, noting that they would assist in maintaining and providing front gardens and a detached streetscape character.

(ii) Discussion

The Panel supports Council's submissions on this issue and agrees that the proposed setback requirements will assist in achieving the outcomes sought in the *Neighbourhood Character Precinct Profiles*. There is no apparent reason why this approach should be changed for 'greenfield' areas, as sought by the Association.

6.2.3 Fencing and canopy trees

(i) Submissions

The Macedon Ranges Residents' Association (79) submitted that the Amendment should include a Design and Development Overlay (DDO) schedule to implement controls for fencing and canopy trees.

Council described the relevant Planning Scheme provisions and concluded that fencing should be addressed by a DDO and that canopy trees should be addressed by a Vegetation Protection Overlay (VPO). Council noted that both of these issues were identified as items of further strategic work in the Amendment.

(ii) Discussion

The Panel notes Council's submission on these issues and its commitment to investigating suitable means to address them in the future. The Panel supports the proposed items of 'Further Strategic Work' in proposed Clause 21.13-5.

The Panel also notes that the additional controls sought by the Macedon Ranges Residents' Association were not included in the exhibited Amendment and would need to be progressed through a future Amendment.

6.2.4 Permit requirement for dwellings on lots between 300 and 500 square metres

(i) Submissions

The Macedon Ranges Residents' Association (79) proposed that a planning permit should be required for dwellings on lots between 300 and 500 square metres in the GRZ3 and GRZ4. The Association submitted that this was necessary given that there is no minimum lot size in these zones and that dwellings on lots in this range might result in "*character loss*".

Council did not support this change.

(ii) Discussion

The Panel supports the application of the GRZ to these precincts, and notes that the purposes of this zone encourage "*respect*" for neighbourhood character. However, they also provide for housing "*diversity*" and "*moderate housing growth*". The Panel expects that the

character of these areas will evolve over time and disagrees with the view that the character of these areas should never change.

In this context, the Panel does not support introducing the additional permit requirement sought by the Association. The Panel believes that it would be unjustified and unnecessary.

6.2.5 Application requirements and decision guidelines

(i) Submissions

The Macedon Ranges Residents' Association (79) submitted that application requirements and decision guidelines drawn from the *Structure Plan* should be included in either the zone schedules or Clause 21.13-5. The Association argued that specific 'Riddells Creek' references were needed to augment the relevant Statewide provisions.

Council submitted that:

Existing decision guidelines and application requirements within the header clauses of NRZ and GRZ are considered sufficient. Additional policy guidance is also provided in the proposed LPPF for each neighbourhood character precinct policy.

(ii) Discussion

The Panel agrees with Council and is satisfied that there is adequate guidance in the proposed and existing provisions.

6.3 General Residential Zone Schedule 3 (Riddells Creek Town Centre Residential Precinct)

6.3.1 The application of the GRZ3

(i) The issue

The issue is whether the Town Centre Residential Precinct should be zoned GRZ4 or the exhibited GRZ3

(ii) Submissions

Juanita White and Geoff Pitt (41) opposed the application of the GRZ3, preferring that the GRZ4 be applied to the Town Centre Residential Precinct. They cited various concerns about encouraging higher density development in this area, including proximity to the industrial estate, a lack of market demand and poor residential amenity.

Council relied on the assessments in the *Structure Plan* and the *Precinct Profiles* in support of the precinct boundaries and GRZ3 provisions.

(iii) Discussion

The Panel supports the exhibited application of the GRZ3 and notes it is only proposed for a small area adjacent to the Town Centre. The Panel also notes that it is also adjacent to land zoned Industrial 1 to the east and agrees this while this might influence future residential development outcomes in this area, it is not a reason to apply the GRZ4.

The Panel is satisfied that the GRZ3 should be applied as exhibited, subject to the changes to the content of the schedule recommended elsewhere in this report.

6.4 General Residential Zone Schedule 4 (Riddells Creek Garden Setting Precinct)

6.4.1 Sites and areas

(i) The issue

The issue is whether the Garden Setting Precinct should be zoned GRZ3 instead of the exhibited GRZ4.

(ii) Evidence and submissions

Juanita White and Geoff Pitt (41) that the Garden Setting Precinct (proposed for the GRZ4) should have the GRZ3 applied. They argued that this Precinct is more suited to higher density development and the GRZ3 given its proximity to the town centre and the market demand for dwellings, including unit development, in this area.

Paul Mantyvirta (63) submitted that the Modern Residential Precinct should be subject to the GRZ3 rather than the exhibited GRZ4.

Council relied on the assessments in the *Structure Plan* and the *Precinct Profiles* in support of the precinct boundaries and GRZ4 provisions.

(iii) Discussion

The Panel supports the exhibited application of the GRZ4, including the provisions in the schedule. The Panel is satisfied that the proposed variations to Clause 54 and Clause 55 requirements have been adequately justified and that they will assist in achieving the outcomes sought in the *Precinct Profiles*.

6.5 Neighbourhood Residential Zone Schedule 7 (Riddells Creek Rural Bushland Precincts A, B and C)

6.5.1 The use and content of the Schedule

(i) The issue

The issue is whether the content of the NRZ7 schedule should be changed.

(ii) Evidence and submissions

The Macedon Ranges Residents' Association (79) supported the use of the NRZ but submitted that the NRZ schedule should specify a maximum building height (8m) rather than rely on the default 8m provision in Clause 32.09-8 in the NRZ. The Association noted that Statewide changes to the NRZ might increase the maximum height. The Association raised a similar concern in relation to Clause 32.09-3 in the NRZ and the number of dwellings on a lot. Council submitted that this approach was unlikely to be supported by the Department.

Other submitters were critical of using the NRZ and what were perceived as overly prescriptive and restrictive elements of the schedule.

Duane Burt (59) opposed the exhibited 4,000 sqm minimum subdivision area in the NRZ7, submitting that it had not been justified in the *Structure Plan* or the *Character Profiles*. He submitted that this restriction was inappropriate in an area that is fully serviced, has high infill potential and is currently zoned for urban residential development. He proposed that either there should be no minimum subdivision area or it should be 800 sqm.

Mr Burt also submitted that the setback requirements in the NRZ7 were “*excessive*” and had not been adequately justified. He proposed that “*a more reasonable side and rear setback requirement would be 2 metres*”. He did not ‘challenge’ the proposed 15m front setback requirement.

Council relied on the assessments in the *Structure Plan* and the *Precinct Profiles* in support of the precinct boundaries and NRZ7 provisions.

(iii) Discussion

The Panel generally supports the NRZ7 provisions (except for the 8m height discussed earlier), and notes Council’s advice about how they were derived and what they are intended to achieve.

However, the Panel shares Mr Burt’s concerns about the 4,000 sqm minimum subdivision area, particularly where this is applied to areas where there are smaller lots and proximity to the town centre. While one response to this issue could be to reduce the minimum subdivision area (as suggested by Mr Burt), another is to remove the NRZ7 from these areas and to apply a more appropriate zone or schedule.

This issue is discussed further in the following section.

6.5.2 Sites and areas

(i) The issue

The issue is whether the proposed extent of the NRZ7 is appropriate.

(ii) Submissions

Paul Mantyvirta (63) submitted that the area bounded by Sandy Creek Road, Gap Road, Somerville Lane and Main Road should be included in the Garden Setting Precinct and be subject to the GRZ4 rather than the NRZ7.

Gaye and Craig Sharman (24) opposed the proposed application of the NRZ7 to 25 Bolitho Road, submitting that the subdivision provisions would prohibit them from subdividing this lot. They submitted that this corner lot is only 800m from the Riddells Creek railway station.

John Lawry and Janine Strachan (7), and Kirsten Webber (84) opposed the inclusion of the area on Melvins Road between Somerville Lane and Whittakers Lane in the Rural Bushland A Precinct and the proposed application of the NRZ7. They submitted that the area should be included in the Garden Setting Precinct and be subject to the GRZ4. They noted that this

area has comparatively smaller lot sizes and a different character, and is in close proximity to the Town Centre and railway station.

Juanita White and Geoff Pitt (41) opposed the Rural Bushland B designation and the NRZ7, particularly to the area between Somerville Lane and Main Road. They submitted that this area was in close proximity to the Town Centre and should be capable of further subdivision.

Mr Fraser (20) proposed that the Somerville Road boundary between the Garden Setting Precinct (GRZ4) and the Rural Bushland A Precinct (NRZ7) should be moved to avoid having different outcomes on either side of Somerville Road.

A number of landowners on the south side of Amess Road opposed the exhibited NRZ7 and sought the GRZ4 for this area. They submitted that these larger lots should not be constrained by the proposed 4,000 sqm minimum subdivision area and that allowing further subdivision would be a more efficient use of infrastructure and services.

Council provided the following background in relation to the Amess Road submissions:

- *The group of properties is an isolated large-lot 'island' with new smaller lot development in the Rangeview state immediately to the south, and proposed urban expansion on the opposite of Amess Road to the north.*
- *Five of the lots, if subdivided, would have alternate access from Bluegum Circuit / Rangeview Drive in the Modern Residential Precinct.*
- *There is a precedent for smaller lot subdivision at 42 Amess Road (corner of Rangeview Drive).*
- *The owners are working together to have restrictive covenants removed.*
- *Allowing subdivision would be a more efficient use of infrastructure and services, and*
- *The 'rural feel' of Amess Road could be maintained with controls to ensure that lots fronting that road retain single dwellings with large frontages and large front gardens (deep setbacks), while new lots created to the rear by subdivision could have a different (Modern Residential) character.*

A number of landowners in the Low Density Residential Zone opposed the proposed increase in the minimum subdivision area within the schedule to this zone and submitted that various areas and sites be included in the NRZ6 instead. These submissions are discussed in chapter 7.2 of this report.

Council relied on the assessments in the *Structure Plan* and the *Precinct Profiles* in support of the exhibited precinct boundaries and NRZ7 provisions. However, it agreed with submissions relating to the area south of Amess Road and resolved to apply the GRZ4 to this area (instead of the NRZ7) and to include it in the Modern Residential Precinct (instead of the Rural Bushland B Precinct). It also resolved to make consequential changes to other provisions to reflect this position.

In relation to the area at the 'south western end of the Rural Bushland A precinct', Council did not support changing the exhibited NRZ7, submitting that:

While no precinct is completely uniform in character, there is a distinct difference between the two sides of Somerville Road in terms of predominant lot sizes, frontages, setbacks and site coverage. Proposed precinct boundaries

along roads reflect the existing pattern and character of development. Proximity to the town centre is one matter to consider in determining precinct density controls; in this case, it is outweighed by neighbourhood character considerations, including the negative impact of further 2-lot 'battle-axe' subdivisions.

In relation to the area between Somerville Lane and Main Road, Council did not support changing the exhibited NRZ7, submitting that:

While there are lots within the precinct that are approximately 2,000m², the predominant size in the precinct is approximately 4000m² with wide (40m) frontages, so further subdivision down to 2,000m² is discouraged. There is also a distinct absence of multi-dwelling development. This contrasts with the pattern of development in the proposed Garden Setting Precinct on the opposite side of Gap Road. Proximity to the town centre is one matter to consider in determining precinct density controls; in this case, it is outweighed by neighbourhood character considerations.

(iii) Discussion

Firstly, the Panel supports the proposed changes relating to the area south of Amess Road. This is a more sensible approach that appropriately recognises the development potential and opportunities of this area. The Panel also supports the 'consequential' changes proposed by Council in its revised Amendment documentation provided as part of its submission.

In relation to the other NRZ7 areas, the Panel generally supports the application of this zone to the Rural Bushland B and C Precincts, but not to the Rural Bushland A Precinct. This Precinct was the subject of a number of submissions that sought the GRZ4. These submissions noted that this Precinct contains a number of lots less than 4,000 sqm, has a range of urban services and is in close proximity to the Town Centre, various community facilities and the Railway Station.

Council did not support these submissions, largely on the basis that it attributed greater 'weight' to achieving neighbourhood character outcomes than implementing urban consolidation policies.

The Panel does not agree with this approach and notes that although the SPPF and MSS promote respect for neighbourhood character, they also highlight the need to take a broader view of urban development policies. Clause 16 (Housing), for example, includes a range of relevant objectives including:

To promote a housing market that meets community needs.

To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

To provide for a range of housing types to meet increasingly diverse needs.

To deliver more affordable housing closer to jobs, transport and services.

These objectives are reflected in the MSS which includes the ‘housing’ objective:

To provide for responsive and affordable housing and a diversity of lot sizes and styles to meet the requirements of all age groups, household types, lifestyles and preference.

The implications of applying the NRZ7, particularly in terms of restricting the density and form of residential development, need to be considered within the broader, and often competing, policy context. This is consistent with *PPN78* and the findings of the Residential Zones Standing Advisory Committee (RZSAC) *Stage One Overarching Issues Report, 2014*.

The Panel agrees with submitters that the Rural Bushland A Precinct has a number of characteristics and locational advantages that make it suitable for more intensive development and that the proposed 4,000 sqm minimum subdivision area (and other restrictions) is a significant and unjustified constraint on facilitating that development.

For these reasons, the Panel does not support applying the NRZ7 to the Rural Bushland A Precinct.

Some submitters raised similar issues in relation to the Rural Bushland B Precinct, noting that it includes some smaller lots (for example, in the Edwards Street area). The Panel considered how this area should be treated, and concluded that the proposed NRZ7 and precinct description should apply. In forming this view, the Panel notes that Precinct B (and Precinct C) is generally more distant from the Town Centre and other facilities, and has a more consistent ‘low density’ character than Precinct A.

In terms of Precinct A, the Panel has considered whether it should recommend an alternative zone or simply allow the current GRZ1 to be retained. On balance, the Panel believes that Council should apply the GRZ4 and include the area in the Garden Setting Precinct. The use of this zone is consistent with Council’s approach to the area south of Amess Road, while the Garden Setting Precinct is the most suitable of the available ‘precincts’ for this area. However, it may be necessary to make consequential changes to the Precinct descriptions in Clause 21.13-5 to reflect this change.

The Panel also believes that the Rural Bushland A Precinct should be deleted from the *Neighbourhood Character Precinct Profiles* in order to avoid future confusion. This may require consequential changes to other elements of that document.

Finally, Council submitted that allowing further “2-lot ‘battle-axe’ subdivisions” in this precinct would have a negative impact. The Panel agrees that this is a legitimate concern, and while it supports further subdivision and development in this area, it believes that the Kilmartin Court type of subdivision would be a significantly better outcome than allowing battle-axe subdivisions. To assist Council manage this issue, the Panel recommends that Clause 21.13-5 include an additional strategy under Precinct 1 – Garden Setting that supports the Kilmartin Court style of subdivision rather than battle-axe lots.

(iv) Recommendations

The Panel recommends:

- 3. Apply the General Residential Zone Schedule 4 to the Rural Bushland A Precinct.**
- 4. Change the Rural Bushland A Precinct to the Garden Setting Precinct in the Riddells Creek Neighbourhood Character Precincts Map in Clause 21.13-5.**
- 5. Include the following additional strategy in the Garden Setting Precinct in Clause 21.13-5:**

Support the creation of smaller lots through the consolidation and resubdivision of long narrow lots instead of battle-axe style lots.
- 6. Delete Precinct 4 – Rural Bushland A from Clause 21.13-5.**
- 7. Delete the Rural Bushland A Precinct from the *Neighbourhood Character Precinct Profiles 2015* and make any consequential changes that are appropriate.**
- 8. Include any consequential changes to the Precinct 1 - Garden Setting descriptive text in Clause 21.13-5 to accommodate the deletion of Precinct 4 - Rural Bushland A.**

7 Other zoning and overlay issues

7.1 Special Use Zone Schedule 5

7.1.1 The issues

The issues are:

- whether the Special Use Zone 5 (SUZ5) is the appropriate zone for the site
- whether the site has been contaminated by a previous industrial use
- whether provision should be made for access to the rear of the Riddells Creek Fire Brigade site.

The Amendment proposes to rezone land bounded by Sutherlands Road, Lions Club Park, Riddells Creek Primary School and Riddells Creek Recreation Reserve from Commercial 2 (C2Z) to SUZ5 (Refer to Figure 2).

7.1.2 Evidence and submissions

This is a substantial parcel of land (2.1ha) close to the centre of the town with a number of surrounding community and civic uses, yet the site remains vacant. There was little disagreement that the current zoning had not been successful in encouraging the development of the land.

This area was included in Amendments C8 and C49 both of which proposed the rezoning of the land for residential use. Both proposals were rejected by the respective Panels. Amendment C49 proposed to rezone the land from Business 3 Zone to a Residential Zone in 2006. The C49 Panel concluded that there was insufficient strategic justification for the proposed Amendment. The C8 Panel considered a similar proposal and reached a similar conclusion.

Council summarised the purpose of the SUZ5:

The Structure Plan identified the land as an area to encourage use such as child care facility, aged care accommodation, medical services and community facilities. It says that the community has identified the desire for additional community facilities (public and private) such as medical centres and services, child care and education facilities.There is a parcel of vacant commercial 2 zoned land located within the town centre to the north of Sutherlands Road. Uses such as child care and medical services, education and community facilities, aged care and accommodation uses are encouraged within this location. However, the structure plan makes no recommendations as to zoning to be applied.

Council provided the following explanation for the choice of the SUZ5:

Residential zones such as the GRZ and MUZ do not provide discretion over dwellings and commercial zones such as the C1Z or the existing C2Z do not provide discretion over retail and other commercial uses. Applying any of these zones would prevent implementation of the Structure Plan's vision for the precinct to provide for health, education or community facilities, as the

area is likely to be fully developed with Section 1 uses that are contrary to the primary objectives for the area.

Applying the Special Use Zone enables the introduction of a schedule tailored to the specific objectives for the area, with other uses being considered under discretionary Section 2 provisions.

The need for these activities was identified in the *Macedon Ranges Shire Council Moving Towards Sustainable Communities Report*, 2010 and the *Structure Plan* process then identified the site. Council submitted that there is an identified need to meet the needs of a growing community and the SUZ5 is appropriate Victoria Planning Provision (VPP) tool to deliver this.

Paul Chiappi (on behalf of Arden Resources Pty Ltd) (doc 9) supported the rezoning of the land but opposed the SUZ5. Mr Chiappi submitted that the town would be better served by including the land in the Mixed Use Zone (MUZ), which would enable the *Structure Plan's* dual visions of community services and infill residential development.

Mr Chiappi relied on the evidence of Mr Papaleo who observed that no quantitative assessment of the need for these community services had been undertaken. He also acknowledged that he had not had regard to the *Sustainable Communities Report*. Mr Papaleo stated:

...the subject site is a strategic site in the Riddells Creek Town Centre. By limiting residential development and promoting a range of uses for which a need and/or viability is yet to be established, it is likely that there will be significant opportunity costs to the community, both economic and social, likely to be incurred from the proposed rezoning to SUZ5. This will be the direct result of the site remaining undeveloped, the consequence of which will be the continued under-supply of much needed diverse housing. Furthermore, the support that would otherwise be provided to the Town Centre will not exist, and the opportunity to maximise infrastructure efficiencies, lost.

Mr Chiappi also relied on the evidence of Mr Milner who stated that although the site's size, nature and location make it very suitable for development, it has been vacant for at least 15 years. Mr Milner's evidence was that the MUZ offers a better approach because of its flexibility, whereas the proposed SUZ is too restrictive.

Mr Milner also provided a revised SUZ that, he submitted, would better enable the development of the site should the Panel support the use of that zone. Mr Milner's evidence supported the position advanced by Mr Chiappi that:

The MUZ allows for the uses identified by the community as desirable in this area, without unreasonable restrictions on other residential or commercial uses that may be appropriate for the site.

The Macedon Ranges Residents' Association (79) submitted that the site was valuable land for the town under its current commercial zoning. More thought and care was needed in deciding how the land should be used and integrated into the town centre and as a consequence, the Association considered that the rezoning was 'immature' and should not be supported.

7.1.3 Discussion

(i) The Special Use Zone

The site is notable for its size and proximity to the railway station and the commercial centre of Riddells Creek. The Panel is not in a position to comment on whether the lack of development is the result of a lack of opportunity or resolve to develop, or a combination of different circumstances.

Both Council and the landowner agreed that the commercial zone has not been successful. Previous Panels have recommended against a residential zoning. Consequently, the list of appropriate zones has been substantially narrowed. The landowner has requested a MUZ on the basis that it is not a residential zone. Indeed, Mr Milner suggested that only those undertaking a focused analysis of the planning system would identify the MUZ as a residential zone. Nevertheless, Planning Practice Note 78 identifies the MUZ as one of six residential zones and one where a dwelling is an as-of-right use.

Under these circumstances, it is likely that applying the MUZ would be an opportunity lost, in terms of the *Structure Plan's* vision for the site. In addition, there appears to be little strategic justification for a solely residential use of this land. This has been the case in the past and still seems to be the case now.

Under the SUZ5 proposal, a dwelling is a Section 2 use and consequently a permit can be granted for residential use, subject to appropriate justification. Mr Papaleo's evidence was, in part, that the site was too large to support only community uses. If this is the case, then the SUZ5 provides an opportunity to justify an application for residential development on part of the site whilst maintaining an opportunity for a variety of community services. This would be consistent with the third purpose of the SUZ5:

To provide for limited residential development that does not compromise the community, education, health, medical and aged care focus of the precinct.

Mr Papaleo also argued that not allowing residential development on the site would exacerbate a perceived undersupply of housing. The Panel is satisfied that Amendment C100 will provide ample opportunity to accommodate future housing needs without needing to develop all or part of this site for residential purposes.

Mr Milner provided an alternative SUZ5 that, amongst other things, included dwelling as a Section 1 use. The Panel believes that this approach simply seeks to replicate the opportunities under the MUZ and will not assist Council in achieving its strategic aims for this site.

For these reasons, the Panel supports the exhibited SUZ5.

(ii) Potential site contamination

The potential contamination of this site was discussed during the Hearing, having regard to the Panel report for Amendment C49. That report included:

In a letter dated 21 December 2006, Ms Susannah Bigolin, Strategic Planner with the Council, advised the Panel Chair that in the course of preparing her

submissions for the Panel Hearing, it had come to the Council's attention that Ministerial Direction No 1 - Potentially Contaminated Land applies to this Amendment. She further advised that in order to address this requirement the Council proposed that an Environmental Audit Overlay (EAO) for the site be included in the Amendment.

That Panel recommended that Amendment C49 be abandoned and there was no further analysis of site contamination issues.

Given that the proposed SUZ5 will allow 'sensitive uses' to be approved, Council will need to give further consideration to this issue before adopting this element of the Amendment. It may be necessary that the rezoning be accompanied by an Environmental Audit Overlay (EAO) consistent with Ministerial Direction 1 – Potentially Contaminated Land.

Mr Chiappi acknowledged that this issue needed further analysis and that the EAO might be warranted.

(iii) Riddells Creek Fire Brigade Site

The Riddells Creek Fire Brigade (86) submitted that a significant issue faced by the Brigade is the narrowness of its site on Main Road, Riddells Creek which limits access to the site. The Brigade proposed that rear access be provided through the neighbouring property at 14-24 Sutherlands Road.

In response, Council submitted that the following wording was added to the exhibited SUZ5:

- *Under Purpose, after 'To Encourage development that enhances pedestrian movements to and through the town centre', insert: To facilitate access to and egress from the rear of the Country Fire Brigade site at 67 Main Road.*
- *In 4.0 Decision Guidelines, insert a new dot point after dot point 4: Whether the development facilitates access to and egress from the rear of the Country Fire Brigade site at 67 Main Road (in consultation with the Country Fire Authority).*

In the Panel's view, the Brigade's request for rear access amounts to a reservation of land for access or a right-of way. Whilst it may or may not be necessary for the efficient operation of the site, there is a process by which an authority can negotiate or acquire access. Adding a purpose and decision guidelines to a proposed zone is not an approach that the Panel supports. This is particularly so in light of the lack of evidence to support the Brigade's contention that this access is required.

For this reason, the Panel does not support Council's proposed additions to the SUZ5.

7.1.4 Recommendations

The Panel recommends:

- 9. Delete the proposed changes to the exhibited version of the Special Use Zone Schedule 5 that relate to the Riddells Creek Fire Brigade site.**
- 10. Review the past industrial use and possible contamination of 10-24 Sutherlands Road, Riddells Creek and, if appropriate, apply the Environmental Audit Overlay in conjunction with the Special Use Zone Schedule 5.**

7.2 Low Density Residential Zone

7.2.1 The issue

The issue is whether the minimum subdivision area in the Low Density Residential Zone (LDRZ) (to the northwest of Main Road, Riddells Creek) should be increased to 2 ha in response to bushfire risk.

The default minimum subdivision areas in the LDRZ are 0.4 ha (where reticulated sewerage is not provided) and 0.2 ha (where reticulated sewerage is connected).

7.2.2 Submissions

(i) Bushfire issues

This proposal attracted more than 30 opposing submissions and was the most contentious of element of the exhibited Amendment.

Stephen Hines (on behalf of various landowners) submitted that the exhibited amendment was not consistent with the *Riddells Creek Structure Plan*. He also submitted that the proposed 2 ha minimum was not strategically justified and could work against achieving the *Structure Plan's* objectives.

Bronwyn Meadows Smith (46) submitted that not all LDRZ land was impacted by the Bushfire Management Overlay (BMO) or in a high bushfire risk area, and that some of these areas provided a transition from the more intensely settled areas of the township.

A number of other submissions echoed these arguments and stated that the increase in the minimum size was unreasonable and would limit any potential for further development of their properties.

Melbourne Water (32) submitted that the Riddells Creek Development Services Scheme (DSS) was developed on the basis on a 0.4 ha minimum lot size and that the LDRZ proposal “*significantly changes the potential future development and need for the DSS*”.

Frank Cassar (23), on the other hand, supported the increased minimum because it would maintain the rural atmosphere and reduce the bushfire risk.

David Allan (on behalf of the CFA) (85) submitted that reducing the number of people in a bushfire area is a good idea, but that larger lots have their own issues in terms of fire management. He also submitted that a blanket 2 ha approach could disadvantage a number of people. He thought that the LDRZ areas were on the lower end of fire risk and that other methods could be used. He added that there was sufficient protection under the existing situation and that another approach would be to extend the BMO. He concluded that applying a 2 ha subdivision minimum would be “*too blunt an instrument*”.

Council advised that this element of the Amendment was intended to reduce potential bushfire impacts in the north west LDRZ area of the town. Following the exhibition of the Amendment, Council commissioned Terramatrix Pty Ltd to review this proposal and to provide independent advice on bushfire planning issues in this area.

Following its consideration of submissions and the findings and recommendations of the Terramatrix report, Council resolved to abandon the proposed changes to the LDRZ schedule

and instead undertake further work on this issue. This was described as Council's 'interim position' and included the following actions:

- *Delete the proposed 2 hectare minimum lot size and retain the current 2000 sqm lot size;*
- *Include a policy to "require development applications in the LDRZ northwest of Main Road to include a Bushfire Management Plan, unless exempted by the responsible authority";*
- *Include a policy to "reduce the risk of fire spreading through unmanaged vacant land by supporting development of vacant lots where the risk to life and property from bushfire can be reduced to an acceptable level"; and*
- *Include further strategic work "Investigate the introduction of planning controls aimed at mitigating bushfire risk in Riddells Creek while facilitating protection of native vegetation, especially in the LDRZ to the north, northwest and west of the township".*

Following a direction from the Panel, Council requested that Terramatrix provide an assessment of Council's 'interim approach'. In response (doc 34) Mr Hamish Allan from Terramatrix stated that all four measures were supported 'in principle', subject to some clarification and pending the further strategic work proposed by Council.

Mr Allan also supported Council's interim approach, noting that there was enough protection while the further investigations are undertaken.

(ii) Treetops Scout Camp

Mr Peter MacLennan (on behalf of the Treetops Scout Camp and Activity Centre) explained that the organisation supported the exhibited proposal to increase the minimum subdivision size in the LDRZ to 2 ha. He stated that the prime concern was to have a small number of neighbours to provide a buffer sufficient for noise abatement and privacy.

Mr MacLennan advised that Treetops is used for scouting activities and other hirers.

7.2.3 Discussion

(i) Bushfire issues

The stated rationale for the introduction of a 2 ha minimum lot size in the LDRZ was to reduce the bushfire risk in this area. There is an inherent logic in this approach and one which is acknowledged in the work undertaken for Council by Terramatrix. However, the Panel relies on the knowledge and expertise of Terramatrix and its report and advice to Council. This report identifies seven bushfire precincts in Riddells Creek, three of which are in the LDRZ. These three precincts are, in order of highest to lower risk:

- Bushfire Management Overlay (BMO) precinct
- Bushfire Prone Areas (BPA) enhanced measures precinct
- BPA existing measures precinct.

The BMO precinct is the area covered by the BMO, the BPA enhanced precinct is the area within 300m of the forest and the BPA existing precinct is the area generally north-east and south-west of the proposed NRZ and more than 300m from the forest.

Terramatrix recommended that development and population growth should be discouraged in the BMO precinct and enhanced bushfire planning controls should apply in the BPA enhanced precinct. The Panel accepts the overall thrust of the report that a more detailed and location sensitive approach would be more appropriate than a blanket minimum subdivision control.

From this perspective, the exhibited 2ha proposal would appear appropriate for parts of the LDRZ but does not appear to be appropriate for the entire zone.

Council concluded that the following changes should be made to the exhibited Amendment to address these issues:

- *Delete the minimum subdivision area in the schedule to the LDRZ:*
- *Replace Strategy 4.1 with:*
Require development applications in the Low Density Residential Zone northwest of Main Road to include a Bushfire Management Plan, unless exempted by the responsible authority.
- *Insert a new Strategy 4.2:*
Strategy 4.2: Reduce the risk of fire spreading through unmanaged vacant land by supporting development of vacant lots, where the risk to life and property from bushfire can be reduced to an acceptable level.
- *Renumber the existing strategies: Strategy 4.3 ... Strategy 4.4.*
- *Include the following as Further strategic work:*
Investigate the introduction of planning controls aimed at mitigating bushfire risk in Riddells Creek while facilitating protection of native vegetation, especially in the Low Density Residential Zone to the north, northwest and west of the township

The Panel supports these changes and is satisfied that they will address the concerns raised in submissions, including those submissions that sought inclusion in the NRZ6 rather than the revised LDRZ. The Panel also notes that these changes were supported in the further advice provided by Terramatrix.

In reaching this view, the Panel encourages Council to undertake the further investigation as a priority.

These changes were included in the revised Amendment documentation provided by Council and do not require a separate recommendation.

(ii) Treetops Scout Camp

Whilst the Panel is mindful of the concerns expressed by Mr McLennan, it believes that these concerns are overstated and are not a reason to increase the minimum subdivision area in the LDRZ. The Treetops site is relatively large (28 ha) and has capacity to address the impacts of future development in the general area by way of landscaping and the siting of future buildings and facilities on the site. The Panel also believes that the scope for additional subdivision and development around the facility is relatively limited given the existing subdivision and development in the area, although it notes that there is a large lot to the south-east (on Bolithos Road) that does seem to have further subdivision potential.

The Panel also notes that depending on the outcome of Council's further investigations of bushfires risk in this area, there may be a future change to the minimum subdivision size in this area.

7.3 Environmental Significance Overlay Schedule 7

7.3.1 The issue

The issue is whether the Environmental Significance Overlay 7 (ESO7) is appropriate.

The ESO7 is a generic 'buffer' provision intended to protect the *'continued operation or expansion of wastewater treatment facilities to service the future growth of the Shire'*.

Amendment C100 proposes to apply the ESO7 to the Riddells Creek Sewerage Treatment Plant operated by Western Water.

7.3.2 Evidence and submissions

Submissions from the Macedon Ranges Residents' Association (76), the Environment Protection Authority (EPA) (29) and Western Water (74) supported the application of the ESO7. Joseph Monaghan, on behalf of Western Water advised the Panel that there were no submissions that opposed the ESO7.

Mr Monaghan relied on the evidence of John Glossop in relation to the use of the ESO and Peter Ramsay who provided detailed evidence about the operations of the facility at Riddells Creek and the basis for calculating the buffer distance. Mr Ramsay concluded:

... my determination of the separation distance has taken into account all installations at the site. The separation distance I calculate is the same as that proposed in Amendment C100. I therefore support ESO7 provided in Amendment C100, with no amendments.

Terry Bellair also presented evidence, which was focused on the Woodend facility and Amendment C98.

7.3.3 Discussion and conclusions

The Panel accepts the evidence of Mr Glossop and Mr Ramsay and supports the exhibited ESO7. The Panel notes that the area covered by the proposed ESO7 does not impinge on areas zoned or identified for 'urban' residential development within the Township Boundary. In this context, the ESO7 does not raise the issues that were relevant to the proposed Woodend ESO7 in Amendment C98.

7.4 Design and Development Overlay Schedule 24

7.4.1 The issue

The issue is whether the exhibited Design and Development Overlay 24 (DDO24) is appropriate.

The Amendment proposes to apply the DDO24 to all land in the Commercial 1 Zone (C1Z) and some adjoining land in the Public Use and Public Park and Recreation Zones in the town centre.

7.4.2 Submissions

The Macedon Ranges Residents' Association (79) submitted that the DDO24 was proposed only for the commercial zone and two open space areas, whereas the *Structure Plan* proposed a DDO for the *Town Centre Area* which included the commercial and residential areas. The Association also submitted that:

The Structure Plan's Town Centre Design Guidelines have been loosely translated into Design and Development Overlay schedule 24 but with a narrower economic development instead of 'town centre' focus. The schedule also converts the Structure Plan's Design Guidelines' 'active' language into actions which only 'should' be done.

Margaret Boyd (60) supported this view and proposed that “*must*” needed to apply to tree removal, rather than “*should*”. Lyn Hovey (38) also submitted that the DDO24 requirements should be mandatory rather than discretionary. Sandra and Graham Stewart (76) submitted that the DDO24 does not apply the same level of constraints as contained in the *Structure Plan*.

Robin and Lyn Godfrey (36 and 37) submitted that the DDO24 had good design objectives but noted that the recent permit issued for a supermarket was at odds with these objectives.

Bill Nicol (Nicol Projects) (doc 6) made a submission on behalf of N and J Poulton and D Mahmood-Mahomed who own land within ‘Key Opportunity Sites’ in the DDO24. He stated that there is some confusion on pages 2 and 3 of the DDO24 as to what design elements are applied to each site. He also requested that the fourth dot point relating to the facilitation of pedestrian access be deleted because there is a public road adjacent to his client’s land that should provide this access. He suggested that Council needed to play a key role in bringing his clients and City West Water together to ensure that the development outcome for the centre will be achieved.

Council advised that Amendment proposed to apply the DDO24 to the Commercial 1 Zone (C1Z) and some land in the Public Use Zone (PUZ) and the Public Purpose and Recreation Zone (PPRZ) in the town centre. The purpose of this control is to “*ensure new development respects and enhances the character of Riddells Creek's town centre*”.

Following its consideration of submissions, Council proposed that the following design objective be included in Section 1.0 of DDO24:

To retain mature trees, including street trees, within the town centre.

7.4.3 Discussion and conclusions

The Panel accepts Council’s submission that different elements of the *Structure Plan’s* recommendations were separated out into appropriate planning tools and that the DDO24 should not be considered in isolation from other relevant provisions. In this context, the Panel accepts that the DDO24 appropriately implements the relevant elements of the *Structure Plan*.

The Panel also accepts the view that the use of the word “*must*” is generally discouraged as overly prescriptive and does not allow the responsible authority to waive or vary requirements if warranted by the situation.

For these reasons, the Panel supports the proposed DDO24, including the additional Design objective proposed by Council. This addition was included in the revised Amendment documentation provided by Council and does not require a separate recommendation.

In relation to Mr Nicol’s submission, the Panel agrees that Council should have a lead role in coordinating the development of this area. In relation to DDO24 ‘design requirements for key opportunity sites’ it is clear to the Panel that the requirements apply to both sites unless stated otherwise. The final dot point refers only to 11-15 Hamilton Street. Nevertheless, the Panel supports the view that, if a public road exists adjacent to the property at 11-15 Hamilton Street, this carriageway should provide for pedestrian and cycle access to the south of the railway. As a consequence, this clause should be deleted.

(i) Recommendation

The Panel recommends:

- 11. Delete the fourth dot point under ‘Design requirements for key opportunity sites’ ‘11-13 Station Street and 11-15 Hamilton Street’ in Clause 3.0 of the Design and Development Overlay Schedule 24.**

7.5 256 Gyro Close, Riddells Creek

7.5.1 The issue

The issue is whether the southern section of this property should be included in the township boundary and rezoned to the Low Density Residential Zone (LDRZ).

This 47.8 ha property is predominantly zoned Rural Conservation Zone (RCZ) with a small area subject to the LDRZ. It is also within the Development Plan Overlay 12 (DPO12) referred to as the ‘Sandy Creek Road Development Plan’.

7.5.2 Submissions

Fiona Slechten (on behalf of Sally Carter and Edward Godek) (70 and doc 23) submitted that this property should be zoned LDRZ, consistent with the other properties fronting Gyro Close.

Ms Slechten advised that the issue had been raised at the Amendment C84 Panel Hearing in 2012 and that the interim Panel report supported Council’s view that it would be best to address this issue through the “*ODP process*”.

Council submitted that the proposed rezoning is outside the scope of Amendment C100 and “*ought not be dealt with in this process*”.

However, Council also advised that it:

... has no objection to the proposed rezoning based on the information currently available, though it must be recognised that it is not an amendment to which Council would allocate a high priority in its strategic planning

process. It may be that a proponent led combined amendment/planning permit process provides the most efficient way forward in relation to this land.

7.5.3 Discussion and conclusions

In light of the recommendations of the C84 Panel, it appears that there was some expectation that the appropriate zone for this land would be reviewed as part of the *Structure Plan* process. However, a rezoning of this land was not proposed as part of Amendment C100.

The Panel agrees with Council that, on the basis of the material presented by Ms Slechten, the rezoning proposal may have merit. However, there would need to be further analysis of the background to the application of the current zone and the DPO12, an understanding of what was intended by the introduction of the DPO and consideration of how to deal with a split zoning over the property.

For these reasons, the Panel agrees with Council that the rezoning cannot proceed as part of Amendment C100. The Panel also believes that any rezoning proposal or change to the DPO12 would need to be pursued through a future amendment process that provides notice to potentially affected parties.

How this might proceed is a matter for Council and the landowners, although the Panel notes Council's view that it should be led by the proponents.

8 Other issues

8.1 Reference documents

(i) Discussion

Some submitters sought the inclusion of the *Riddells Creek Structure Plan* and the *Riddells Creek Preliminary Draft Neighbour Character Study, 2013* as Reference Documents in the Municipal Strategic Statement.

In relation to the *Structure Plan*, Council responded that:

Practice Note 13 directs that Reference Documents have only a limited role in decision-making as they are not part of the planning scheme and are intended to provide context only. Planning weight is on the policy and provisions in the scheme. The recommendations of the RCSP have been captured in the policy and provisions proposed in the amendment, including an updated Strategic Framework Map, except where variations have been considered necessary or appropriate, as explained in the RCSP Implementation Report.

In relation to the *Draft Neighbour Character Study*, Council noted that it has been superseded by the *Riddells Creek Neighbourhood Character Precinct Profiles, 2015* that is intended to be included as a Reference Document.

While the Panel agrees that Reference Documents have a limited role in decision making, they can provide useful context and background for the policies and statutory provisions in the planning scheme. This is consistent with *Planning Practice Note 13 – Incorporated and Reference Documents*.

For this reason the Panel believes that the *Structure Plan* should be listed as a Reference Document in Clause 21.13-5, however it agrees with Council that the *Draft Neighbourhood Character Study* is not relevant and need not be listed.

(ii) Recommendation

The Panel recommends:

- 12. Include the Riddells Creek Structure Plan as a Reference Document in Clause 21.13-5.**

8.2 Consequential changes

(i) Discussion

The Panel has recommended various changes to the exhibited Amendment, in addition to the changes proposed by Council. Some of these recommendations may require consequential changes to other elements of the Amendment and it is important that Council undertake a thorough review of the Amendment to identify any such changes before it adopts the Amendment.

(ii) Recommendations

The Panel recommends:

- 13. Review the Amendment in order to identify and address any consequential changes that might be necessary in response to the Panel's recommendations.**

Appendix A Submitters to the Amendment

No.	Submitter
1	Barry Sheehan
2	Stuart Edwards
3	Port Phillip and Westernport CMA
4	Anne Stock and Andrew Fletcher
5	Alan Fraser
6	Timothy and Thurian Jenkins
7	John Lawry and Janine Strachan
8	Goulburn-Murray Water
9	Graham and Robin King
10	John and Kaylene Potter
11	Ian Barclay
12	Anne and Wayne Pye
13	John and Joan Davis
14	Ronald Kent
15	Tim and Rosemary Broome
16	Jenny Wilkins et al
17	Aland Bravo
18	John and Ruth Hunter
19	Fergus and Heidi Nightingale
20	Alan Fraser
21	Randall Bick
22	Anh and Belinda Castles
23	Frank Cassar
24	Gaye and Craig Sharman
25	Josephine Bick
26	Department of Economic Development, Jobs, Transport and Resources
27	Steven Williams
28	Annette Vincent
29	Environment Protection Authority
30	J and A Alcock

31	R and W Abey
32	Melbourne Water
33	Evelyn and Ken Missen
34	Kerrie and David Clarey
35	George Wright
36	Lyn Godfrey
37	Robin Godfrey
38	Lyn Hovey
39	John Cleary
40	Andrew and Julie Graham
41	Juanita White and Geoff Pitt
42	Jenny Grounds and John Nicholson
43	Stephanie Schade
44	N and J Strawbridge
45	Arden Resources
46	Phil Edwards and Bronwyn Meadows Smith
47	Christine and Bradley Merrett
48	Linda and David Liebich
49	Department of Environment, Land Water and Planning
50	Julie and Kevin Redman
51	Andrew Browne
52	Nicole and Dean Molander
53	Michael Schade
54	Frank and Kerry Trawn
55	Steve and Lianne Phillips
56	Yvonne von Hartel
57	Annette and Richard Benson
58	Sharon Childs
59	Duane Burt
60	Margaret Boyd
61	Mary Duggan
62	Lindsay Martin
63	Paul Mantyvirta

64	Leith Picking
65	Johanna Kavanagh
66	Andrea and John Eacott
67	Annette Webber
68	Sally Charan
69	Anthony and Cherry Cole
70	Godek and Carter
71	D Mahmood-Mahomed
72	Neal and Jan Poulton
73	Peter and Heather McInulty
74	Western Water
75	Jacinta Bootle
76	Sandy and Graham Stewart
77	Judith Ellis
78	Maree and Doug Scale
79	Macedon Ranges Residents' Association
80	Carina Doolan
81	Rachel and Dene Groves
82	Bernadette Power and Eris O'Donnell
83	Robert Blair
84	Kirsten Webber
85	Country Fire Authority
86	Country Fire Authority
87	Rodney Sinclair and Lorraine Cross
88	David and Belinda Cusworth
89	VicRoads
90	Felicity Topp
91	David McNish

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Macedon Ranges Shire Council (MRSC)	Maria Marshall (Maddocks), Michelle Wyatt (MRSC) and Phillip Shier (MRSC).
Country Fire Authority (CFA)	David Allen and Glen Leslie
D Mahmood-Mahomed and N and J Poulton	Bill Nicol (Nicol Projects)
Arden Resources	Paul Chiappi (counsel) who called evidence from: <ul style="list-style-type: none"> - Rob Milner (10 Consulting), planning - Rob Papaleo (Charter Keck Cramer)
Jenny Wilkins	
Randall Bick	
Alan Bravo and Ronald Kent	Mark Bartley (HWL Ebsworth Lawyers) who called evidence from: <ul style="list-style-type: none"> - Greg Wood (Tract Consultants), planning - Rob Milner (10 Consulting), planning - Peter Wills (GTA Consultants), transport planning - Chris McNeill (Spade Consultants), Residential land demand
D and L Liebich	Steven Hines (Urban Design and Management)
J and A Alcock	Steven Hines (Urban Design and Management)
R and W Abey	Steven Hines (Urban Design and Management)
Scouts Australia Victorian Branch	Peter MacLennan
Phil Edwards	Andrea Tomkinson (Tomkinson Group)
Edward Godek and Sally Carter	Fiona Slechten (Calibre Consulting)
Sally Charan	Aileen Chin (Perry Town Planning)
George Wright	
Yvonne von Hartel	
Macedon Ranges Residents' Association Inc	Christine Pruneau
Anthony and Cherry Cole	
Getting Riddell Right	Lyn Hovey
John Lawry and Janine Strachan	
Duane Burt	
Coliban Water and Western Water	Joseph Monaghan (Holding Redlich) who called: <ul style="list-style-type: none"> - John Glossop (Glossop Town Planning)

Appendix C Document list

No.	Date	Description	Presented by
1	17/03/16	Macedon Ranges Shire Council Part B Submission	M Marshall
2	17/03/16	Macedon Ranges Shire Council Hearing Folder	M Marshall
3	17/03/16	Map of submitter locations	M Marshall
4	17/03/16	Residential precinct characteristics analysis	M Marshall
5	21/03/16	Submission on behalf of the CFA	D Allen
6	21/03/16	Submission on behalf of N & J Poulton	B Nichol
7	21/03/16	Modified Special Use Zone proposal	R Milner
8	21/03/16	Mixed Use Zone provisions	M Marshall
9	21/03/16	Submission on behalf of Arden Resources	P Chiappi
10	21/03/16	VCAT appeal P1405/2008 decision	P Chiappi
11	21/03/16	Comparison of SUZ/MUZ/C1Z/C2Z	P Chiappi
12	21/03/16	Submission by Jenny Wilkins	J Wilkins
13	21/03/16	Submission by Randall Bick	R Bick
14	22/03/16	Draft instructions to Terramatrix	M Marshall
15	22/03/16	Mr G Wood PowerPoint presentation	G Wood
16	22/03/16	Submission on behalf of Alan Bravo	M Bartley
17	23/03/16	Submission on behalf of D & L Liebich	S Hines
18	23/03/16	Submission on behalf of R & W Abbey and J & A Alcock	S Hines
19	23/03/16	Submission on behalf of Treetops Scout Management Committee	P MacLennan
20	23/03/16	Sewerage map Riddell's Creek	M Marshall
21	23/03/16	Map of RO7	M Marshall
22	23/03/16	Submission on behalf of P. Edwards and B. Meadows Smith	B Meadows Smith
23	23/03/16	Submission on behalf of S Carter and E Godek	F Slechten
24	23/03/16	Extract from Macedon Ranges Planning Scheme C84 Panel interim report	F Slechten
25	23/03/16	Email from neighbours supporting subdivision proposal	F Slechten
26	23/03/16	Submission on behalf of Y von Hartel	Y von Hartel
27	23/03/16	Submission on behalf of S Charan	A Chin
28	23/03/16	Submission on behalf of Macedon Ranges Residents' Association	C Pruneau

No.	Date	Description	Presented by
29	24/03/16	Submission on behalf of A & C Cole	B Cole
30	24/03/16	Submission on behalf of Getting Riddle Right group	L Hovey
31	24/03/16	Submission on behalf of J Lawry	J Strachan
32	24/03/16	Submission on behalf of D Burttt	D Burttt
33	24/03/16	Closing submission on behalf of the Macedon Ranges Shire Council	M Marshall
34	24/03/16	Response from Terramatrix on Bushfire risk issues	M Marshall
35	24/03/16	Maps of land ownership in the proposed UGZ areas	M Marshall
36	24/03/16	Analysis of zone options and location of the proposed SUZ area	M Marshall
37	24/03/16	Rural Bushland lot sizes	M Marshall
38	24/03/16	Photographs of Rural Bushland Precinct	M Marshall
39	24/03/16	Subdivision applications and map	M Marshall
A1	27/4/2016	Coliban Water and Western Water submission and attachments	J Monaghan
A2	27/4/2016	Aerial photos	J Glossop
A3	28/4/2016	Revised ESO7 boundaries	M Marshall
A4	28/4/2016	Submission	B Gedge
A5	28/4/2016	Demonstrating Best Practice	B Gedge
A6	28/4/2016	Revised conclusions	T Bellair
A7	28/4/2016	Submission	G Tobin
A8	28/4/2016	Closing submission	M Marshall
A9	28/4/2016	Proposed residential zones and zone schedules	M Wyatt