

**Assessment Of Protection Measures Proposed For Macedon Ranges:
2017 LEGISLATION AND DRAFT LOCALISED PLANNING STATEMENT
5 January, 2018**

EXECUTIVE SUMMARY

This assessment is made by Macedon Ranges Residents' Association, which has since 1999 pursued re-instatement of State-level planning policy protection for the Macedon Ranges and re-instatement of *Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds 1975* as State policy.

In 2014, the State government promised legislative protection based on *Statement of Planning Policy No. 8* [SPP8].

Acting on this commitment, in late 2017 the State government introduced landmark new legislation to protect Macedon Ranges' environment, the objects of which align impressively with the direction of *Statement of Planning Policy No. 8*. The legislation's specific intention is that 'declared areas' with significant environmental, natural resource and landscape values are to be protected from processes that threaten those values.

A Statement of Planning Policy is required to be prepared to give effect to the legislation's intentions.

The draft LPS, which will become the Statement of Planning Policy required by the legislation, is not fit-for-purpose for several reasons, including:

- a) It is a policy document which pre-empts and conflicts with the letter and spirit of legislation and which fails to meet even the most basic requirements, including failure to:
 - i. Meet the standards and format of a Statement of Planning Policy (including that of *being* planning policy), and instead presents a series of 'visions, objectives and strategies';
 - ii. Align with the legislation's objects for environmental and protection and instead focuses on matters such as infrastructure and services provision, transport, Hanging Rock events and growth, matters more appropriately addressed elsewhere;
 - iii. Meet the legislation's requirements for the content of a Statement of Planning Policy including clearly identifying values, priorities and preferences, including preferences for future land use, protection and development, and a framework plan that provides a framework for decision-making in relation to future use and development of land in the declared area;
 - iv. Identify "responsible public entities" upon whom the Statement of Planning Policy is binding;
 - v. Identify "protected settlement boundaries" or even set settlement boundaries for all towns intended to have them.
- b) It fails to implement the Macedon Ranges Protection Advisory Committee's recommendations, including:
 - i. Deletion of Committee recommendations in its preferred (Appendix B) LPS version;
 - ii. Failure to include Implementation actions, and deletion of those included by the Committee;
 - iii. Failure to provide clear mechanisms to ensure meaningful consultation and engagement.
- c) It eliminates all aspects of *Statement of Planning Policy No. 8*, and in so doing erases the policy imperatives and bases that underpin existing planning controls for protecting the Shire's towns and rural land alike, including deletion of the 40 year embargo upon subdivision at Mount Macedon and north of Macedon, and the policy basis for Restructure Overlays applied in these towns and elsewhere in the Shire;

- d) It minimises ‘significance’ to a handful of state or national level values or ‘features’ which trivialises Macedon Ranges Shire’s environmental, cultural and landscape values and casts them into a role of subservience to growth and development;
- e) It presents disconnected “policy domain” preambles, at times characterised by a sales brochure approach, that detract from the role and function of a Statement of Planning Policy;
- f) It fails to address protection of township character, a protection required by the Advisory Committee to be a “cornerstone” of policy, and protection of rural character;
- g) It fails to prioritize protection of water catchments;
- h) It includes “references” unrelated to protection of the Shire’s values, and excludes those which are;
- i) It erratically identifies settlement boundaries – Lancefield’s is its existing town boundary, while vast tracts of future investigation areas are added at Woodend Kyneton and Riddells Creek, but boundaries for Gisborne and Romsey won’t be known for another 18 months;
- j) It fails to address rural living development within settlement boundaries, and additionally fails to restrict development outside these boundaries;
- k) It promotes rural-residential growth outside settlement boundaries by requiring implementation of the *In The Rural Living Zone* strategy (Amendment C110 Apart 2, abandoned by MRSC in September 2017);
- l) It arbitrarily includes land within settlement boundaries identified only for future long-term investigation of suitability, automatically endorsing this land’s development for ‘urban purposes’, without proper process, justification, consultation, or sanction by council or planning panel, and against community wishes;
- m) It doubles or substantially expands some existing towns with an additional total 800ha added in Kyneton (200ha), Woodend (500ha) and Riddells Creek (120ha) alone);
- n) It fails the meet Macedon Ranges Advisory Committee requirements for the type of land not to be included within them;
- o) It alters settlement hierarchies, and misrepresents adopted population growth projections;
- p) In addition, the draft LPS fails to address other major threats to Macedon Ranges:
 - i. State government requirements for provision of a constant 15 year supply of residential land;
 - ii. VicSmart (accelerated permit approval process which locks out affected residents, and councillors);
 - iii. Smart Planning (accelerated loss of permit requirements, land use prohibitions, residents’ third party rights, and local policy), including significant expansion of intensive animal industries to sensitive areas.

This is the second failed attempt to produce a Localised Planning Statement for Macedon Ranges, and is an even worse outcome than the LPS produced in 2014. It fails on a titanic scale to begin to understand or address the issues confronting Macedon Ranges Shire. These factors profoundly undermine public confidence in the protection process.

The draft LPS promotes the same threatening actions Macedon Ranges needs protection from, and leaves Macedon Ranges in a worse and more vulnerable position than it is in today. It serves those whose interests would be served by unlimited development, not Macedon Ranges’ environment.

It exhibits a wooden type of subjective, single-minded thinking, incapable of grasping that this is an exercise in preparing high-level, over-arching planning policy within a legislative context, or that the resultant policy is required to prioritise protection of the Shire’s environment, natural resources, character, landscapes and cultural heritage values in all decision-making and actions.

In its current form the draft Localised Planning Statement fails to provide the protection promised by the State government, and is unacceptable in every regard.

The document’s deviation from the State government’s commitment to legislative protection based on *Statement of Planning Policy No. 8*, from the proposed legislation’s intentions, and from the Macedon Ranges Protection Advisory Committee’s recommendations, is inexcusable.

The authorship and oversight of the document’s preparation warrants investigation.

Table of Contents

EXECUTIVE SUMMARY 1

1 OUTCOMES SOUGHT 4

1.1 Localised Planning Statement / Statement of Planning Policy 4

1.2 Settlement Boundaries..... 4

1.3 Particular Provision 4

2 BACKGROUND TO STATE LEVEL PROTECTION FOR MACEDON RANGES 5

3 PROPOSED LEGISLATION (*PLANNING AND ENVIRONMENT AMENDMENT (DISTINCTIVE AREAS AND LANDSCAPES) BILL 2017*) 5

4 FLAWS IN THE DRAFT LOCALISED PLANNING STATEMENT [LPS] ON EXHIBITION 5

4.1 LPS Failings Relating To Proposed Legislation 6

4.1.1 *The Draft LPS Is Not A “Statement Of Planning Policy” And Fails To Provide Planning Policy*..... 6

4.1.2 *Failure To Align With The Objects Of The Proposed Legislation*..... 6

4.1.3 *Failure To Identify Threats / Challenges / Major Factors Influencing Policy* 7

4.1.4 *Deficient Draft LPS Maps 1 and 2 Fail To Identify Significance* 7

4.1.5 *The Draft LPS Does Not Meet The Legislation’s Requirements For A ‘Framework Plan’* 7

4.1.6 *Failure To Comply With Legislation And MRPAC “Binding” Requirements For Public Entities* 7

4.1.7 *Failure to Identify “Protected Settlement Boundaries”* 8

4.2 LPS Failings Relating To Macedon Ranges Protection Advisory Committee [MRPAC] Recommendations 8

4.2.1 *Failure To Include And Implement MRPAC Recommendations Adopted By The Minister And MRSC* 8

4.2.2 *Failure To Address MRPAC Recommendations For Implementation Actions To Be Included*..... 10

4.2.3 *MRPAC Recommendation For “Clear Mechanisms To Ensure Meaningful Consultation And Engagement” Not Addressed* 10

4.2.4 *Deletion Of Statement Of Planning Policy No. 8 Policy* 10

4.2.5 *Loss of Existing Planning Controls Resulting From Deleting Statement of Planning Policy No. 8 Policy*..... 10

4.2.6 *Draft LPS Addresses Only State And National Significance* 11

4.2.7 *LPS Policy Domain Preambles Detract From The Role And Function Of A Statement Of Planning Policy*..... 11

4.2.8 *Protection Of Township Character Is Not Addressed*..... 12

4.2.9 *Failure to Provide Priority Protection For Drinking Water Catchments*..... 12

4.2.10 *Failings In LPS “References” (Reference Documents)*..... 12

4.3 Issues Relating To Settlement Boundaries 13

4.3.1 *Erratic Inclusion of Settlement Boundaries* 13

4.3.2 *Failure To Address MRPAC Recommendations For Urban And Rural Living Growth To Be Confined Within Settlement Boundaries And To Restrict Rural Residential Development Outside Boundaries*..... 13

4.3.3 *Draft LPS Implements The Abandoned Amendment C110 Part 2 - “In The Rural Living Zone Strategy”* 13

4.3.4 *Town Sizes Expanded/Doubled With Investigation Areas Without Appropriate Consultation or Strategic Processes* 13

4.3.5 *Settlement Boundaries Fail To Meet MRPAC Advisory Committee Recommendations*..... 14

4.3.6 *Draft LPS Alters Adopted Settlement Hierarchies*..... 14

4.3.7 *Misrepresentation Of Adopted Settlement Strategy Growth Projections* 14

4.3.8 *The Draft LPS Fails To Identify The Land Supply Created By The Proposed Settlement Boundaries*..... 15

4.4 Additional Flaws In The Draft LPS 15

4.4.1 *Failure To Address State Policy Requirements For Maintaining A [Constant] 15 Year Land Supply* 15

4.4.2 *Failure To Address “VicSmart” And “Smart Planning” Impacts In Macedon Ranges Shire*..... 15

5 APPENDIX A – TOWNS PROPOSED FOR SETTLEMENT BOUNDARIES 16

5.1 Gisborne 16

5.2 Kyneton 16

5.3 Riddells Creek 16

5.4 Romsey 17

5.5 Woodend 17

6 APPENDIX B – CONSOLIDATED LPS OBJECTIVES AND STRATEGIES 18

7 GLOSSARY 20

1 OUTCOMES SOUGHT

1.1 Localised Planning Statement / Statement of Planning Policy

After two failed attempts (2014 and 2017) by Council's planning department and the Department of Environment, Land, Water and Planning to produce a Localised Planning Statement which has the relevance, priorities, protections, gravitas and comprehensiveness of the existing *Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds* -

That Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds be endorsed as the Statement of Planning Policy required by the proposed legislation with any modifications confined to:

- a) *Adding policy to Statement of Planning Policy No. 8's existing policy to also specifically prioritize protection of:*
 - *Post-contact and Aboriginal cultural heritage, and*
 - *Township and rural character, and*
 - *A "rural buffer" comprising sparsely populated rural land between the Shire's southern and south-eastern boundary and Mount Macedon.*
- b) *Adding the above matters to the "Major Factors Influencing Policy" section, and policy for implementation of protection at the "Implementation" section, of current Statement of Planning Policy No. 8.*
- c) *Adding policy and implementation actions recognising and addressing the influence of climate change on natural resources, rural land and environmental values.*

1.2 Settlement Boundaries

Macedon Ranges Shire has already planned for population, residential, commercial and industrial growth out to 2036, to the extent considered commensurate with *"protecting the values and natural amenity considered unique to the Macedon Ranges Shire"* (*Macedon Ranges Settlement Strategy 2011*, p74). *"Investigation areas"* included in proposed settlement boundaries were not required by the Settlement Strategy, but were added later in Structure Plans, promoting growth above that recommended in the *Macedon Ranges Settlement Strategy 2011*. As the proposed legislation requires a 10 year review of the new *Statement of Planning Policy*, providing an opportunity to assess settlement boundaries and population growth at that time -

That the settlement boundaries in the draft Localised Planning Statement be deleted, and existing township boundaries at Gisborne, Kyneton, Lancefield, Riddells Creek, Romsey and Woodend be identified as the "protected settlement boundaries" required by the proposed legislation.

1.3 Particular Provision

The Macedon Ranges Protection Advisory Committee made the following observations at page 46 of its report:

"Another planning control that has the potential to address some of the land use planning issues specific to the Macedon Ranges is a particular provision in the Macedon Ranges Planning Scheme. The Committee has not addressed this in detail, as it received no submissions in relation to a particular provision."

"The Committee notes Council's submission that it does sometimes encounter difficulties in applying the VPP to consistently implement policy objectives relating to agricultural land. A particular provision could be one way of potentially resolving these and other difficulties."

"Clause 53 [Yarra Ranges] contains other provisions that are tailored to address land use planning issues that are specific to the Yarra Ranges. Many of those issues appear to be similar to the issues and challenges raised in submissions before this Committee, such as Place of assembly permits in the rural zones."

"The Committee encourages Council to explore the development of a particular provision as a way of resolving some of the difficulties Council encounters in applying the VPP in the context of land use issues that are specific to the Macedon Ranges."

As responsibility for adding a new Particular Provision to the Victoria Planning Provisions rests with the Minister -

That the Minister for Planning be requested to provide a Particular Provision for Macedon Ranges with the same purposes and function as Clauses 53 Yarra Ranges and 57 Green Wedges, and which similarly sets clear requirements for and restrictions on particular land uses in the Shire, as part of the Macedon Ranges protection process.

2 BACKGROUND TO STATE LEVEL PROTECTION FOR MACEDON RANGES

For over 40 years, the basis for strategic planning in the Macedon Ranges area has been *Statement of Planning Policy No. 8 - Macedon Ranges and Surrounds* [SPP8]. Introduced, under legislation, as State policy by the Hamer State government in 1975, SPP8 sets priorities for protection of natural resources, environment, towns and rural land above other considerations. These Statements of Planning Policy were lauded at a national level, and also applied to Yarra Ranges and Mornington Peninsula. Statements of Planning Policy subsequently lost their legislative basis and State policy status when Section 7A of the Town and Country Planning Act (the enabling provision for Statements of Planning Policy) was not carried forward into the Planning and Environment Act 1987. While Yarra Ranges and Mornington Peninsula currently have other legislative and planning protections, since 2000, *Statement of Planning Policy No. 8* has been local policy at Clause 22.01 in the Macedon Ranges planning scheme.

In 2010, the Baillieu State government committed to provide Macedon Ranges with a Localised Planning Statement [LPS], pledging to retain *Statement of Planning Policy No. 8*. An LPS prepared in 2014 by the then Macedon Ranges Shire Council failed to “retain” *Statement of Planning Policy No. 8* and was rejected by the broader community.

In 2014, the Andrews State government committed to legislate, use *Statement of Planning Policy No. 8* as the basis for legislative protection, and protect Macedon Ranges ‘for good’. In 2016, Minister for Planning Richard Wynne appointed the Macedon Ranges Protection Advisory Committee [MRPAC] whose July 2016 report recommended legislative and other protections. The Minister accepted all 12 MRPAC recommendations in February 2017. As a result, legislation is proposed (see 3, below), and a draft Localised Planning Statement (see 4, below) is on exhibition until February 19, 2018, open to submissions from all Victorians.

3 PROPOSED LEGISLATION (*Planning And Environment Amendment (Distinctive Areas And Landscapes) Bill 2017*)

The State government is to be congratulated. The proposed Bill is landmark legislation to recognise and protect areas of environmental significance to the State of Victoria that are under threat of significant and irreversible land use change.

The Bill requires a Minister to declare an area to be a “*distinctive area and landscape*” (a “*declared area*”) based on specified criteria, and to prepare a Statement of Planning Policy [SPP] for that “*declared area*”. The Bill sets requirements for the Statement’s contents, consultation, endorsement and approval.

The new legislation requires a Statement of Planning Policy [SPP] to “*set a vision for a period of at least 50 years that identifies the values, priorities and preferences of the Victorian community... including preferences for future land use, protection and development*” and to include a Framework Plan that provides “*a framework for decision-making in relation to the future use and development of land in the declared area*”. For Macedon Ranges this is the whole municipality.

When approved, the SPP “*will become an incorporated document in the Macedon Ranges planning scheme, and be embedded in the State Planning Policy Framework*” (source: draft LPS page 6).

The Bill also provides for a Statement of Planning Policy to identify “*protected settlement boundaries*” (parliament must ratify changes), and “*responsible public entities*” upon which the Statement of Planning Policy is binding. The Bill proposes to change other Acts to require *responsible public entities* operating under those Acts (for example, VicRoads, water authorities, Parks Victoria, the Victorian Planning Authority, and municipal councils) to either (if identified as binding) “*not act inconsistently with*”, or (if not identified as binding) “*have regard to*”, the Statement of Planning Policy.

The Bill comes back to parliament in February. If passed, Macedon Ranges Shire will become Victoria’s first declared “*distinctive area and landscape*”, and its Statement of Planning Policy the first produced under the new legislation.

4 FLAWS IN THE DRAFT LOCALISED PLANNING STATEMENT [LPS] ON EXHIBITION

The draft *Localised Planning Statement* [LPS] currently on exhibition is intended to become the *Statement of Planning Policy* [SPP] required by the legislation, and to become State policy. It is also apparently intended to replace *Statement of Planning Policy No. 8*.

The new Macedon Ranges’ Statement of Planning Policy – to be produced to meet the requirements of the proposed legislation - will be the single most critical document for Macedon Ranges’ environment, and future. It will set the standard for all subsequent Statements of Planning Policy, attracting attention across Victoria (and further afield). The imperative for it be a superior policy document, comprehensively fit-for-purpose, is self-evident.

The standard of “protection” for Macedon Ranges’ environment and natural resources therefore turns entirely on the quality, scope and effectiveness of policy in the exhibited draft Localised Planning Statement.

The exhibited draft Localised Planning Statement is deeply, fundamentally and irrevocably flawed, including its failure to be a Statement of Planning Policy, provide planning *policy*, prioritise environmental protections, align with the proposed legislation, and implement the recommendations of the Macedon Ranges Protection Advisory Committee.

As exhibited, the draft LPS is considered an even worse outcome than the 2014 LPS rejected by the Advisory Committee and local community, and incapable of providing protection for those attributes that make Macedon Ranges an area of State level significance. It perpetuates and reinforces the previous Shire council’s preoccupation with trivialising environmental values and protection in favour of prioritising growth and economics, to the point that it can be regarded as a Growth Plan, not protective policy.

4.1 LPS Failings Relating To Proposed Legislation

4.1.1 The Draft LPS Is Not A “Statement Of Planning Policy” And Fails To Provide Planning Policy

Section 46AV of the proposed legislation sets the following requirements, which are not met in the draft LPS:

“The Statement of Planning Policy for a declared area must:

- a) Set a vision for a period of at least 50 years that identifies the values, priorities and preferences of the Victorian community in relation to the distinctive attributes of the declared area, including preferences for future land use, protection and development; and*
- b) Set out long-term needs for the integration of decision-making and planning for the declared area.*
- c) State the parts of the Statement that are binding on responsible public entities and the parts that are in the nature of recommendations to which responsible public entities are only required to have regard.”*

Macedon Ranges already has *Statement of Planning Policy No. 8*, so the format, content and purpose of Statements of Planning Policy are familiar. SPP8 commences with the words, *“The planning policy to be applied in the area is:”*, then sets down the planning policies to be applied, the reasons for them (major factors influencing policy - values and threats), and how policy is to be implemented. All are definitive, clearly expressed, and presented in a formal legislation-style format.

The draft LPS instead remains in a lesser, Localised Planning Statement format – a Municipal Strategic Statement–style format of visions, objectives, and strategies using words like *“encourage”*, *“minimise”*, *“enhance”*, and *“manage”*, without providing clear *planning policy*, *priorities* or *directions* for implementing the Statement in decision-making.

4.1.2 Failure To Align With The Objects Of The Proposed Legislation

The proposed legislation, which enables preparation of a *Statement of Planning Policy* (i.e. the draft LPS), has as its Objects (Section 46AN):

- a) “To recognise the importance of distinctive areas and landscapes to the people of Victoria and to protect and conserve the unique features and special characteristics of those areas and landscapes; and*
- b) To enhance the conservation of the environment in declared areas including the unique habitats, ecosystems and biodiversity of declared areas; and*
- c) To enable the integration of policy development implementation and decision-making for declared areas under Statements of Planning Policy; and*
- d) To recognise the connection and stewardship of traditional owners in relation to land in declared areas.”*

In contrast, the draft LPS diverts from these objects to a focus on growth and economic considerations, such as increasing visitor numbers, commercial and industrial land supply, and providing infrastructure commensurate with growth - matters typically and more appropriately addressed in a Municipal Strategic Statement.

A Statement of Planning Policy is intended to provide a high-level *policy* framework within which these other matters may be considered. Consequently, the draft LPS fails to align with the core objectives of the proposed legislation.

4.1.3 Failure To Identify Threats / Challenges / Major Factors Influencing Policy

Proposed legislation is based upon identification of significance, and threats, within a declared area. *Statement of Planning Policy No. 8* currently includes “Major Factors Influencing The Policy”, and the MRPAC preferred (Appendix B) LPS included “Challenges”. Neither survive in the draft LPS.

4.1.4 Deficient Draft LPS Maps 1 and 2 Fail To Identify Significance

Map 1 claims to show “Strategic biodiversity values”, and refers the reader to a *NaturePrint* website address for more information. What the Map doesn’t provide is information about the biodiversity significance of Macedon Ranges that warrants it being declared a ‘distinctive area and landscape’.

NaturePrint’s “products and tools are designed to help make effective investment and management decisions to deliver Protecting Victoria’s Environment – Biodiversity 2037 (the Biodiversity Plan)”. *NaturePrint* provides broad mapping of biodiversity values, intended to be used in planning decisions, which allows identification of flora, fauna, habitat and ecosystem values that could be expendable by assigning values in the context of that value’s proliferation throughout Victoria. Clearly it is a work in progress, as not all Black Gum sites (E. aggregata – State significance, EPBC, FFG) at Woodend are shown.

Map 2 claims to show “State-Significant Landscapes And Water Features”, barely enough in itself, but through deficiencies and inaccuracies stunningly fails to depict even a rudimentary overview of significance in the Shire. For example, no *landscapes* are shown, just 6 “state-significant” landscape features, which omit State-significant Mount Aitken and Mount Gisborne, amongst others.

Deep Creek – a heritage river – isn’t even named, and most of Southern Rural Water’s special water supply catchments in the south and centre of the Shire aren’t there either, nor is the Gisborne Marshlands (EPBC). Public land is sporadically shown - Stanley Park, Barringo and Lauriston bushland reserves are among many values ‘missing in action’.

4.1.5 The Draft LPS Does Not Meet The Legislation’s Requirements For A ‘Framework Plan’

Section 46AV of the proposed legislation sets the following requirement:

- (1) “The declared area framework plan must provide a framework for decision-making in relation to the future use and development of land in the declared area that:
 - a) Integrates environmental, social, cultural and economic factors for the benefit of the community and encourages sustainable development and identifies areas for protection and conservation of the distinctive attributes of the declared areas.
 - b) May specify settlement boundaries and declare them protected settlement boundaries.”

The draft LPS Framework Plan (page 25) fails to meet the legislation’s requirements for a “framework for decision-making” – no information is provided other than the Shire’s settlements, 6 landscape features, parks and reserves, and rural living zoned land, with rings around 6 settlements apparently representing “protected settlement boundaries”.

It is impossible to envisage how decisions would be made relying upon this “blank” piece of paper.

4.1.6 Failure To Comply With Legislation And MRPAC “Binding” Requirements For Public Entities

Section 46AV of the proposed legislation sets the following requirements:

- (1) “The Statement of Planning Policy for a declared area must:
 - c) “State the parts of the Statement that are binding on responsible public entities and the parts that are in the nature of recommendations to which responsible public entities are only required to have regard.”

Proposed legislation requires the new Statement of Planning Policy to identify “responsible public entities” (the definition of which includes a municipal council) upon which the SPP will be “binding” when the entity is “performing a function or duty or exercising a power in relation to the declared area”. ‘Bound’ entities “must not act inconsistently with any provision of the SPP”. Those ‘not bound’ must only “have regard” to the SPP.

The draft LPS fails to identify any entity upon which it is **binding**, and deletes MRPAC content that does:

<p>MRPAC (Page 61)</p> <p><i>“This policy binds every land owner, and every public authority, planning authority and responsible authority where appropriate to its function. All persons bound by this policy must have regard to this policy when undertaking use or development of land in the policy area.”</i></p> <p>DELETED</p>	<p>Draft LPS (Page 6)</p> <p><i>“When this statement [i.e. the LPS] is finalised, government agencies must consider it when making relevant decisions and carrying out activities in the policy area. This includes, for the purposes of the planning scheme, responsible authorities and planning authorities.”</i></p> <p><i>“Responsible authorities, planning authorities and government agencies, which are responsible for planning for and managing land use and development in the policy area must have regard to and act consistently with the statement.”</i></p>
---	---

4.1.7 Failure to Identify “Protected Settlement Boundaries”

Proposed legislation only requires parliament to ratify changes to settlement boundaries if they are identified in a Statement of Planning Policy as “protected settlement boundaries”. The draft LPS Framework Plan (page 25) only indicates “will be protected settlement boundaries” with circular blue rings around 6 settlements.

Enlargements of settlement boundaries at pages 26 to 29 do not identify any “protected settlement boundaries”.

4.2 LPS Failings Relating To Macedon Ranges Protection Advisory Committee [MRPAC] Recommendations

4.2.1 Failure To Include And Implement MRPAC Recommendations Adopted By The Minister And MRSC

The Minister for Planning, the Hon Richard Wynne, announced he had adopted the Macedon Ranges Protection Advisory Committee’s 12 recommendations in Gisborne on 14 February, 2017.

Macedon Ranges Shire Council [MRSC] endorsed the Advisory Committee’s recommendations through a Notice of Motion, Cr. Mees, 22 March, 2017, and further resolved that Council:

“2. Commit to work with the Macedon Ranges community, the Minister for Planning and the Victorian Government to ensure the full scope and intent of all 12 recommendations of the Macedon Ranges Protection Advisory Committee (in its final report dated 27 July 2016) are robustly implemented.”

“3. Commit to fully implement the intent of the 12 recommendations of the Macedon Ranges Protection Advisory Committee in all Council decision making commencing with this resolution.”

Macedon Ranges Shire councillors have apparently not been involved in the preparation of the draft LPS (which has instead been prepared by Macedon Ranges Council’s planning department, the Department of Environment, Water, Land and Planning, and the Victorian Planning Authority).

MRPAC Recommendation 1 set aside the 2014 Localised Planning Statement (prepared by the previous Macedon Ranges Shire council). The Advisory Committee concluded a revised LPS needed to be prepared. It made specific recommendations for its preferred version of the LPS (at Appendix B of its July 2016 report), and also set principles for any other content, as follows (MRPAC page 51):

- *“It must clearly identify objectives for the future of the Shire which embody the precautionary principle, and prioritise the protection and preservation of the environment, water catchments and nature conservation as SPP8 did.*
- *It must contain clear strategies that will support the achievement of those objectives, with clear and measurable implementation measures.*
- *It must provide clear direction, through clear prioritisation of values and clearly defined outcomes, to guide planning decision-making and to help planners resolve conflicts between competing values or activities.*

- It must clearly identify settlement boundaries within which urban development and rural living must be confined, and outside which subdivision must be discouraged. The settlement boundaries must be finalised in accordance with the recommendations in this report.
- It must explain the need for integrated decision-making between Council (in relation to land use planning), and other government agencies (such as Catchment Management Authorities and water authorities), to ensure that the objectives and strategies outlined in the policy will be achieved.
- It must contain clear mechanisms to ensure meaningful consultation and engagement with the Registered Aboriginal Parties, the community, local environment and landcare groups, and local businesses in ensuring that the objectives and strategies outlined in the LPS will be achieved.

The Committee has commenced the process of revising the LPS, providing its preferred version in Appendix B. The Committee concludes that the Minister and/or DELWP should work with Council to produce a final version of the LPS, based on the Committee’s preferred version and further embodying the above principles.”

The draft LPS fails to meet these requirements, and is further flawed through omissions, and inclusion of new content which sets a different direction and priorities from those set down in the Advisory Committee’s recommendations. This includes deleting content from the Advisory Committee’s preferred (Appendix B) LPS version. Examples include:

EXAMPLE 1: MRPAC’s Requirement For Priority To Be Given To Protecting The Environment

<p>MRPAC Report – at Introduction (page 61)</p> <p>“Where relevant, this policy should be read in conjunction with SPP8, and in particular adopt the precautionary principle that prioritises the protection of environment, natural resources and water catchments of the Shire.” DELETED</p>	<p>LPS - Purpose of the Statement (page 5):</p> <p>“This draft localised planning statement aims to ensure the state-significant landscape and the environmental and cultural values of the Macedon Ranges are protected and enhanced for the benefit of current and future generations of residents and visitors to the region...”</p>
<p>MRPAC Report – at Purpose of the Policy (page 69)</p> <p>“The purpose of the policy is to protect and preserve the Macedon Ranges as an area of natural beauty, interest, importance and special significance and to preserve the continuing value and utility of the area’s natural and built resources for the local community as well as the broader Victorian community and visitors to the area.” DELETED</p> <p>“Landscape, biodiversity, cultural heritage and township protection must be a cornerstone of policy protection for the Macedon Ranges. The conservation of the Shire’s landscapes is of critical importance.” DELETED</p>	<p>“It seeks to ensure Macedon Ranges can continue to provide a broad range of benefits to Victorians in the long term.”...</p> <p>“The statement aims to support efforts to:”</p> <p>“Identify and protect state-significant landscapes, environmental and cultural heritage features within the Macedon Ranges.”</p> <p>“Balance development with protection of the area’s landscapes, values and agricultural land, to provide greater certainty for current and future residents and businesses.”</p> <p>“Guide the use of natural resources found in the area and resolve potential conflicts between conservation, catchment management, agricultural use, residential use and recreation activities.”</p> <p>“Reinforce the role and function of settlements to guide population growth and promote jobs, investment and infrastructure delivery.” ...</p>

EXAMPLE 2: MRPAC'S Requirements For Environmental Protection

<p>MRPAC – at Landscapes and Environment Objectives (page 69)</p> <p><i>“To protect and enhance environmental resources and landscape assets, with particular regard to water supply and nature conservation (including biolinks).” DELETED</i></p> <p><i>“To prioritise the conservation and utilisation of the Shire both as a water catchment for urban and local supply and as a location of State, metropolitan and local importance for recreation activity and nature conservation.” DELETED</i></p>	<p>LPS: Sample of Objectives</p> <p>LANDSCAPE (page 12): <i>“To ensure the policy area’s landscape features are conserved and enhanced.”</i></p> <p>BIODIVERSITY AND ENVIRONMENTAL VALUES (page 14): <i>“To ensure that biodiversity, ecological and environmental values of state and/or national significance in the policy area are conserved and enhanced.”</i></p> <p>WATER CATCHMENTS AND SUPPLY (page 15): <i>“To prioritise the conservation and use of the policy area’s water catchments to ensure a healthy local, regional and state water supply.”</i></p>
--	--

4.2.2 Failure To Address MRPAC Recommendations For Implementation Actions To Be Included

The Macedon Ranges Protection Advisory Committee specifically included *Implementation* actions in its preferred (Appendix B) LPS, and also set the following requirement for the LPS (page 51):

“It must contain clear strategies that will support the achievement of those objectives, with clear and measurable implementation measures.”

Instead, MRPAC *Implementation* actions are deleted from the draft LPS, which contains NO implementation actions.

4.2.3 MRPAC Recommendation For “Clear Mechanisms To Ensure Meaningful Consultation And Engagement” Not Addressed

The sole reference to consultation in the draft LPS appears at *“Monitoring and Review”* (page 7), and only in relation to a review of the new Statement of Planning Policy in 10 years, in *“consultation with the Victorian community”*. Consultation on planning for the area, decision-making and preparation of policies, strategies etc, particularly consultation with the local community and giving local views equal weight with State views (as the current *Statement of Planning Policy No. 8* requires), is not included.

4.2.4 Deletion Of Statement Of Planning Policy No. 8 Policy

The State government’s commitment to protecting Macedon Ranges is that *Statement of Planning Policy No. 8* will be the basis for that protection. The MRPAC July 2016 report required SPP8’s policy intent, and clarity, to be maintained.

The draft LPS removes all SPP8 policy, including content retained in the MRPAC preferred (Appendix B) LPS, then says it *“builds on the legacy of SPP8”* (page 6), and that SPP8 has been *“superseded by the changes to Victoria’s planning system”*, and that *“the Planning and Environment Act, Victoria Planning Provisions and new-format planning schemes embed many of the statement’s original policies”*.

As a consequence, *Statement of Planning Policy No. 8’s* policy requirements are removed from towns and rural land.

EXAMPLE 3: Loss Of SPP8 Policy And Policy Intent

<p>SPP8 - Implementation</p> <p><i>“Preservation and enhancement of landscape by reservation or regulation of the use of land, paying particular attention to landscape areas and vantage points of high quality, and visual sequences along access routes.”</i></p>	<p>Draft LPS</p> <p><i>“Manage development around state-significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.”</i></p>
---	--

4.2.5 Loss of Existing Planning Controls Resulting From Deleting Statement of Planning Policy No. 8 Policy

The need for additional ‘protection’ for Macedon Ranges is created by the failure of the planning system to provide planning controls and priorities that respond to Macedon Ranges’ special needs and circumstances.

*Macedon Ranges: an **ENDANGERED** environment*

The draft LPS’s deletion of all SPP8 content, including that in the MRPAC’s preferred (Appendix B) LPS version, results in significant loss of policy and strategic justification underpinning existing planning controls. Deleted, for example, is:

- a. A 40 year embargo on new subdivision and outward urban expansion at **Macedon and Mount Macedon**, and on residential development of all subdivided land;
- b. The policy basis for applying (and retaining) Restructure Overlays at places like Macedon, Mount Macedon, Gisborne, Barringo and Riddells Creek;
- c. Requirements for planning restraints to reduce potential intensity of use and development;
- d. Requirements for development in urban and rural areas to achieve harmony with the natural environment and maintain rural character and high quality landscapes – policy which underpins planning controls in towns in particular.

These and other protective requirements in *Statement of Planning Policy No. 8* are not found in the draft LPS.

4.2.6 Draft LPS Addresses Only State And National Significance

The draft LPS reflects and replicates MRSC planning department’s priority over recent years for only addressing an issue (or requiring its protection) if it is of ‘significant’ value (for example, only protect ‘significant’ heritage; only avoid removal of ‘high quality’ native vegetation). Examples of this in the draft LPS include [emphasis added]:

Landscapes (page 12)

Strategies (4 of 4):

- “Manage land use, development and infrastructure to ensure that landscapes, views and vantage points of state significance are conserved and enhanced.”
- “Encourage revegetation that contributes to state-significant landscapes including on escarpments and ridgelines and along riparian areas.”
- “Manage development around state-significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.”
- “Recognise, manage and enhance state-significant areas and features between settlements.”

Biodiversity and Environmental Values (page 14)

Objective: “To ensure the biodiversity, ecological and environmental values of state and/or national significance in the policy area are conserved and enhanced”.

Strategies (3 of 5):

- “Maintain high-value vegetation to conserve and protect biodiversity.”
- “Encourage revegetation with native vegetation in areas of identified state significant biodiversity value.”
- “Establish and improve biodiversity linkages to connect high-value ecological areas.”

European cultural heritage (pages 19, 20)

Objective: “To recognise, conserve and enhance the policy area’s significant European cultural heritage values.”

Strategies (2 of 2):

- “Conserve and enhance the character of state- and/or nationally significant European cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the policy area’s heritage places, precincts and landscapes.”
- “Acknowledge, promote and interpret state-significant European cultural heritage values in the planning and management of land uses.”

4.2.7 LPS Policy Domain Preambles Detract From The Role And Function Of A Statement Of Planning Policy

The content of the “Policy Domain” preambles does not contribute positively to serious planning policy. While some values are at times identified, there is a disconnect between those values, and threats and objectives/strategies. At times the preambles seem little more than sales brochure-speak that tends to gush over what can be reasonably be described as priorities of the previous, not current, council, further undermining the document’s credibility as a Statement of Planning Policy.

4.2.8 Protection Of Township Character Is Not Addressed

The Advisory Committee's requirement for protection of townships to be a "cornerstone of policy protection" (MRPAC page 68), is deleted from the draft LPS, which confines discussion of township character to:

At **European Cultural Heritage** (page 19, preamble, paragraph 6): "The heritage character of townships is highly valued by residents and visitors..." Protecting this character is not included in Objectives or Strategies.

At **Settlement** (page 21, strategy 3): "Encourage infill development that respects the townships' character."

At **Tourism and Recreation** (page 23, preamble, paragraph 5): "Cultural heritage and the character of townships with their historic streetscapes... draw visitors year-round to the policy area." Protecting this character is not included in Objectives or Strategies.

The draft LPS, at *Settlements* (page 20), addresses and supports urban growth instead of addressing, and providing direction and policy priority for, "protection of townships" as a "cornerstone of policy".

4.2.9 Failure to Provide Priority Protection For Drinking Water Catchments

Rather than requiring potentially damaging development and land use to be restricted in catchments, the draft LPS (at *Water Catchments and Supply*, Strategy 1 (page 16)), only aims to: "Manage the effects of development and land use including dams in Declared Water Supply catchments." and "Manage development in Declared Water Supply Catchments to protect water quality and natural systems." The draft LPS treats water catchments as places for growth, where the **effects** of development will be **managed**, indicating an intention for on-going development. The draft LPS also apparently sees providing drinking water to support growth as the catchments' primary attribute. They are not recognised as sensitive, non-renewable resources in their own right, and their health is to be secondary to the type of development that damages the quality and quantity of water produced from them.

4.2.10 Failings In LPS "References" (Reference Documents)

The Macedon Ranges Protection Advisory Committee's preferred (Appendix B) LPS version included "Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds" as the LPS's sole reference document (page 74). The exhibited LPS includes 30 "References", including SPP8, but not *Statement of Planning Policy No. 8* as the LPS's reference document, reflecting the LPS's elimination of SPP8 policy and policy intent.

Included, for example, are the failed 2014 LPS, the 2015 *In The Rural Living Zone* document, the draft *Macedon Ranges Visitor Economy Future Directions Paper* (2017), the superseded 1991 *Kyneton Framework Plan*, and the post-C84 *Macedon Ranges Planning Scheme*.

Excluded, for example, are original town Structure Plans for Woodend, Kyneton and Riddells Creek (panel reports are included instead), the *Macedon Ranges Cultural Heritage and Landscape Study* (1994), *Macedon Ranges Habitat Quality and Conservation Significance Framework* (2004) (and any other environmentally-focussed document, including the 2016 *Macedon Ranges Natural Environment Strategy*).

In the main these "references" are documents apparently used to prepare the draft LPS, which explains many of its failings. Around half are State government strategies, or Macedon Ranges Shire panel reports.

This is 'the tail wagging the dog'. A Statement of Planning Policy's role is to set policy which then influences other policy and planning decisions. The draft Localised Planning Statement instead promulgates and duplicates existing policy and strategies - except *Statement of Planning Policy No. 8*.

4.3 Issues Relating To Settlement Boundaries

4.3.1 Erratic Inclusion of Settlement Boundaries

MRPAC and the proposed legislation anticipate settlement boundaries will be identified in the Localised Planning Statement / Statement of Planning Policy at the time of its approval. Instead the draft LPS proposes:

- **Gisborne and Romsey** settlement boundaries will not be available for another 18 months, which is asking the community to sign a 'blank cheque' in terms of plans for these towns.
- **Kyneton, Woodend, and Riddells Creek** include "future investigation areas" from Structure Plans.
- **Lancefield** alone retains its existing town boundary.

4.3.2 Failure To Address MRPAC Recommendations For Urban And Rural Living Growth To Be Confined Within Settlement Boundaries And To Restrict Rural Residential Development Outside Boundaries

The draft LPS does not include or address the following MRPAC recommendations in its preferred (Appendix B) LPS:

- *"The Settlement Boundaries for the Macedon Ranges are identified in the Macedon Ranges Framework Plan contained in Figure 1. Urban development and rural living must be confined to within these Settlement Boundaries, and subdivision outside the Settlement Boundaries is discouraged."* (page 66)
- *"Discourage subdivision of land outside the Settlement Boundaries."* (page 70)
- *"Discourage subdivision or urban or rural living development outside the defined settlement boundaries."* (page 72)

The draft LPS instead includes 'future investigation areas' for *urban* growth within settlement boundaries, and discusses growth within those boundaries in terms of *urban* growth and *urban* purposes (residential, commercial, industrial parks, recreation, conservation, utilities and community infrastructure). There is no discussion of confining rural living type development to within the settlement boundaries.

4.3.3 Draft LPS Implements The Abandoned Amendment C110 Part 2 - "In The Rural Living Zone Strategy"

Unlike *Statement of Planning Policy No. 8*, the draft LPS fails to provide policy restricting rural residential/rural living development on rural land outside settlement boundaries.

The 2015 *In The Rural Living Zone* document itself acknowledges its 'strategic' basis comprises the abandoned Macedon Ranges Equine Strategy (expired and abandoned by MRSC on 22/2/17), and advice from real estate agents.

Amendment C110 attempted to implement "*In The Rural Living Zone*" into the Macedon Ranges planning scheme. C110 Part 1 (Gisborne) was approved and subdivides a nationally significant landscape into 1ha, 2ha and 4ha lots. C110 Part 2, which subdivides Farming zone and high quality soils at Kyneton and Romsey respectively, was recommended to be abandoned by the 2016 C110 panel report, and was abandoned by Macedon Ranges Council on 27/9/17. The draft LPS (page 22) instead revives and implements C110 Part 2 in two of six strategies for "protecting" agricultural land:

"Direct rural residential development to rural-living-zoned land as provided for in the Macedon Ranges Council's rural living strategy: In the Rural Living Zone – Strategic Direction (2015)"; and

"Provide a finite supply of rural living zoned land..."

This places and endorses rural-residential/rural living development *outside* proposed settlement boundaries.

4.3.4 Town Sizes Expanded/Doubled With Investigation Areas Without Appropriate Consultation or Strategic Processes

The *Macedon Ranges Settlement Strategy 2011* set a framework for settlements and growth until 2036. It found no additional land was required to be rezoned to accommodate growth except at Riddells Creek. In 2017 Amendment C100 rezoned 130ha of land at Riddells Creek (when only 57ha was required to accommodate 2036 growth). Consequently, all towns have capacity for the Settlement Strategy's projected growth.

Growth inherent in the draft LPS is additional 'accelerated growth', on an unprecedented level.

The draft LPS proposes settlement boundaries substantially larger than existing town boundaries at Kyneton, Woodend and Riddells Creek by including land set aside for *investigation* for future urban growth, meaning these areas require investigation to determine whether they are even suitable for development. This action doubles or substantially expands townships without community consultation on whether it should occur at all, and without strategic assessment or justification. Further information about towns proposed for settlement boundaries is at Appendix A.

The extent of future investigation areas reflects MRSC’s planning department’s obsession with providing 15 years’ land supply in *each town*, rather than the 15 years’ supply required within *a municipality* by State policy. Many of these areas were included in Structure Plans at the request of landowners, who stand to benefit not only from arbitrary (and automatic) inclusion of their land within settlement boundaries by the draft LPS, but also the forfeit of appropriate processes and consultation as part of that inclusion.

4.3.5 Settlement Boundaries Fail To Meet MRPAC Advisory Committee Recommendations

MRPAC, at *Recommendation 5*, required the following:

“5. Direct Macedon Ranges Shire Council to ensure the settlement boundaries avoid or minimise the following areas:

- a) *areas identified in the Loddon Mallee South Regional Growth Plan Map as ‘areas containing high value terrestrial habitat’;*
- b) *areas identified in the Loddon Mallee South Regional Growth Plan Map for the facilitation of ongoing agricultural productivity and new opportunities;*
- c) *areas identified as high bushfire risk;*
- d) *areas identified as having potential for agricultural productivity.”*

As a consequence of including land proposed only for “investigation”, the draft LPS’s settlement boundaries at Riddells Creek, Woodend and Kyneton appear to intrude into areas identified in the *Loddon Mallee South Regional Growth Plan* as ‘for the facilitation of ongoing agricultural productivity’ and at Woodend, as ‘containing high value terrestrial habitat’. All three towns, and Gisborne and Lancefield, are also identified as having ‘urban bushfire considerations’. Riddells Creek and Woodend are also ‘extreme’ bushfire risk towns on the Victorian Bushfire Risk Register.

4.3.6 Draft LPS Alters Adopted Settlement Hierarchies

The amount of land being added to townships within settlement boundaries will produce population levels that tip towns into higher settlement hierarchies than those planned for. For example, with the LPS doubling the size of Woodend, it is reasonable to assume Woodend will then leap from being a District Town (2,000 – 6,000 persons) to Regional Centre (+10,000 persons). In addition:

Bullengarook, Darraweit Guim The *Macedon Ranges Settlement Strategy 2011* recognised both settlements as being “villages” in 2006, and in 2036 (population up to 500), with no growth at Bullengarook and an additional 20 persons at Darraweit by 2036. The draft LPS, at Map 4 *Framework Plan* (page 25) and Table 1 (page 20), instead shows both Bullengarook and Darraweit Guim growing to “Small Towns” (up to 2,000 persons) by 2036.

Kyneton The *Macedon Ranges Settlement Strategy 2011* and the *Macedon Ranges planning scheme* (Clause 21.04) both identify Kyneton as being a District Town in 2006 (up to 6,000 persons) growing to a Large District Town (up to 10,000 persons) in 2036. The draft LPS instead elevates Kyneton to a Regional Centre (+10,000 persons).

Woodend The draft LPS (page 20) says “Townships that are forecast to have minimal change will be managed within these [i.e. current township] boundaries.” The *Macedon Ranges Settlement Strategy 2011* identified growth at Woodend, but not to the extent it changed its settlement hierarchy of District Town. The inclusion of 500ha of additional land within settlement boundaries at Woodend, doubling the town’s size, appears to be the draft LPS contradicting itself.

4.3.7 Misrepresentation Of Adopted Settlement Strategy Growth Projections

The *Macedon Ranges Settlement Strategy 2011* provided numeric population figures for each settlement, which Amendment C84 altered to a ‘population range’ reflecting the settlement hierarchy assigned to each town (for example, a District Town had a population range of 2000 – 6000 persons). The draft LPS, at Table 1 page 20, only includes the high end of this range, which presents as a ‘target’ population, elevating projected growth across the towns.

For example, the Settlement Strategy projected a population of 3,000 persons at Lancefield by 2036. Amendment C84 changed this to a 'population range' between 2000 and 6000 persons (i.e. District Town). The draft LPS only includes a figure of 6,000 persons.

4.3.8 *The Draft LPS Fails To Identify The Land Supply Created By The Proposed Settlement Boundaries*

Macedon Ranges Shire already has sufficient residentially-zoned land supply to accommodate all growth until 2036 (the *Macedon Ranges Settlement Strategy 2011* excluded any further growth in the rural balance). The draft LPS does not identify the "years supply" that would be created by the proposed settlement boundaries. In three towns alone (Kyneton, Woodend, Riddells Creek), over 800ha would be added to residential land supply in the Shire, with more planned in Gisborne and Romsey, and in the absence of policy to prevent it, with ongoing residential development in the rural balance as well.

4.4 Additional Flaws In The Draft LPS

4.4.1 *Failure To Address State Policy Requirements For Maintaining A [Constant] 15 Year Land Supply*

The draft LPS proposes enormously expanded settlement boundaries for existing towns, but nowhere addresses the State policy requirement for a municipality to provide a continuous 15 year supply of land, necessitating future rezoning of more rural land to provide more residential land supply, which undermines the purpose of having settlement boundaries in the first place.

4.4.2 *Failure To Address "VicSmart" And "Smart Planning" Impacts In Macedon Ranges Shire*

At page 6, the draft LPS confirms it will be implemented "*with existing state and local planning policies, zones, overlays and particular provisions continuing to apply to land within the policy area.*"

This includes changes introduced and being made by:

"**VicSmart**", where a CEO decides permit applications within 10 business days, and residents' third party rights, and councillors' rights to make the decision, are removed, and

"**Smart Planning**", to remove permit requirements, prohibitions, residents' rights to know, object and go to VCAT, and local policy across a range of planning land uses and provisions, including expansion of intensive animal production industries.

The draft LPS fails to provide policy addressing and mitigating these changes, or set priorities for decision-making.

5 APPENDIX A – TOWNS PROPOSED FOR SETTLEMENT BOUNDARIES

Between 2011 and 2016:

- Macedon Ranges Shire gained an additional 1,607 dwellings, and had 1,858 unoccupied dwellings in 2016.
- The nine main towns gained an additional 1,372 dwellings, and had 1,088 unoccupied dwellings in 2016.

5.1 Gisborne

Town size: 20.8 km² (2016 census urban centre)

Gisborne/New Gisborne township already has capacity for 12,000 people (*Gisborne/New Gisborne Outline Development Plan*, Amendment C67 2012) without further rezoning. The *Macedon Ranges Settlement Strategy 2011* found Gisborne had an excess of existing residentially zoned land that could accommodate the 2036 projected population of 14,700 persons (and potentially up to 17,000). Amendment C110's 2017 rezoning of more rural living land at a substantially higher lot yield than counted in the *Settlement Strategy*, creates additional capacity to accommodate growth, without expanding the Gisborne/New Gisborne town boundary or rezoning more land.

ABS Quikstats census data show the urban centre (township) of Gisborne/New Gisborne had 9,822 people in 2016, and grew by 342 persons annually over the past 10 years. Gisborne also had the highest or equal highest ranking of towns in the Shire for children aged between 0 – 14*, the youngest population, the highest proportion of families**, family households*, couples with children*, persons per household*, children per family* - and unoccupied dwellings (296).

*above State and National averages ** double National and State averages

5.2 Kyneton

Town size: 7.3 km² (2016 census urban centre)

The *Macedon Ranges Settlement Strategy 2011* concluded no additional land would be required at Kyneton to accommodate population growth to 8,600 out to 2036 (+2,900 persons), at an annual growth rate of 1.5%. The *Kyneton Structure Plan 2013* confirmed the *Macedon Ranges Settlement Strategy's* findings, and "did not identify specific land for growth" as its "recommended growth can be contained on existing zoned and committed land" (KSP, page 9).

The *Structure Plan* identified areas for potential investigation south of the town, including almost 200ha of Farming zoned land, to be "investigated for potential medium to long-term (10-20 year) growth, having regard to the *Structure Plan* objectives of consolidation and supply and demand measures being met", noting the land "requires analysis of environmental, agricultural, landscape factors and protection as appropriate, and consideration of lot size and density range, existing industrial and rail uses, servicing, staging and funding matters".

In 2015, Macedon Ranges Shire Council fast-forwarded this land into Amendment C99, advanced from the *Structure Plan's* "investigation area" to an area with timeframes for development already set, based upon "investigations undertaken by landowners". This is the land the draft LPS includes in the Kyneton settlement boundary.

ABS Quikstats census data shows the urban centre (township) of Kyneton had a population of 4,866 persons in 2016, and grew by 580 persons in the last 10 years (+1.35%* or +58 persons annually). Kyneton also had 236 unoccupied dwellings in 2016. * below State and National averages.

5.3 Riddells Creek

Town size: 11.2 km² (2016 census urban centre)

The draft LPS adds another 120ha of undeveloped land south of the railway line to the 130ha already rezoned Urban Growth Zone in 2017 by Amendment C100 (producing a total of 250ha of undeveloped residential land). The *Riddells Creek Structure Plan 2013* identified the 120ha being added by the LPS as a "Future Investigation Area (long-term 20 – 30 years)". It was elevated to "Priority Development Area" in Amendment C100 by councillor resolution on 18 December 2013, against officer and consultant advice and concerns regarding its estimated \$20 million (in 2013) infrastructure costs, and lack of justification.

The *Macedon Ranges Settlement Strategy 2011* assigned a 2036 population of 6,100 persons to Riddells Creek, with an annual growth rate of 1.9% pa to 2036. ABS Quikstats census data shows the urban centre (township) of Riddells Creek had 3,167 people in 2016, and grew by 38 persons annually (+1.3%pa) over the past 5 years.

Riddells Creek also had the following rankings of towns in the Shire: 5th - children aged between 0 – 14*, the least over-65s**, 3rd - youngest population, 2nd - family households*, 2nd - couples with children*, equal 1st - persons per household* and 4th - children per family*.

**above State and National averages ** below National and State averages*

5.4 Romsey

Town size: 5.5 km² (2016 census urban centre)

The *Romsey Outline Development Plan* (Amendment C66, 2012) set sufficient land supply to accommodate 2.7% annual growth to 5,155 persons in 2021. The *Macedon Ranges Settlement Strategy 2011* concluded Romsey had sufficient land supply to accommodate 6,000 persons by 2036.

ABS Quikstats census data shows the urban centre (township) of Romsey had 3,868 people in 2016, and grew by 34 persons (+0.97%**) annually over the past 10 years. Of the Shire’s towns, Romsey had equal highest persons per household* (with Gisborne and Riddells Creek), and children per family* (with Gisborne), second youngest age, and third highest proportion of 0-14 year olds*, family households*, and couples with children* (after Gisborne and Riddells Creek).

**above State and National averages ** half the growth rate for Victoria*

5.5 Woodend

Town size: 5.9km² / 592ha (2016 census urban centre)

The draft LPS doubles the size of Woodend by including almost 500ha of additional land within the Woodend settlement boundary, including the highly contentious “Villawood” land (300ha) north-west of Woodend, the owners of which have lobbied for over 10 years to have rezoned from Farming and Rural Conservation zones for residential development.

The *Woodend Structure Plan 2013* included all 500ha, to be investigated for suitability, with undeveloped Farming zone land within the existing town boundary, and investigation areas to the east to precede investigation of the north-west “Villawood’ land.

The *Macedon Ranges Settlement Strategy 2011* concluded Woodend had sufficient existing residentially zoned land to accommodate a population of 5,000 in 2036. ABS Quikstats data shows Woodend had 3,775 persons in 2016, and grew by 60 persons annually over the past 10 years. Woodend had the highest growth of any town in family households* (while State and National averages declined) and highest fall in single person households *** (while State and National averages increased), 3rd highest growth in families* (after Gisborne and Lancefield), and its proportion of children aged 0 – 14 years* remained above State and National averages. **above State and National averages *** below State and National averages*

6 APPENDIX B – CONSOLIDATED LPS OBJECTIVES AND STRATEGIES

LANDSCAPE

Objective 1: To ensure the policy area’s landscape features are conserved and enhanced.

Strategies

- 1) Manage land use, development and infrastructure to ensure that landscapes, views and vantage points of state significance are conserved and enhanced.
- 2) Encourage revegetation that contributes to state-significant landscapes including on escarpments and ridgelines and along riparian areas.
- 3) Manage development around state-significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points
- 4) Recognise, manage and enhance state-significant areas and features between settlements.

BIODIVERSITY AND ENVIRONMENTAL VALUES

Objective 2: To ensure the biodiversity, ecological and environmental values of state and/or national significance in the policy area are conserved and enhanced.

Strategies

- 1) Enhance biodiversity and ecological integrity by careful environmental management, planning, procedures and practices.
- 2) Maintain high-value vegetation to conserve and protect biodiversity.
- 3) Encourage revegetation with native vegetation in areas of identified state significant biodiversity value.
- 4) Establish and improve biodiversity linkages to connect high-value ecological areas.
- 5) Minimise the effects of weeds and pest animals on biodiversity values.

WATER CATCHMENTS AND SUPPLY

Objective 3: To prioritise the conservation and use of the policy area’s water catchments to ensure a healthy local, regional and state water supply.

Strategies

- 1) Manage the effects of development and land use including dams in Declared Water Supply Catchments.
- 2) Manage Declared Water Supply Catchments to support regional water needs and to increase system wide capacity to respond to demand.
- 3) Reinforce the role of waterways as biodiversity linkages and as corridors for native plants and animals.
- 4) Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best-practice, water-sensitive urban design.
- 5) Manage development in Declared Water Supply Catchments to PROTECT water quality and natural systems.

ABORIGINAL CULTURAL HERITAGE

Objective 4: To recognise, conserve and enhance the policy area’s Aboriginal cultural and spiritual heritage values.

Strategies

- 1) With Traditional Owners, acknowledge, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land and water resources.
- 2) With Traditional Owners, identify, conserve and enhance sites and landscapes of Aboriginal cultural significance, consistent with the Aboriginal Heritage Act 2006.

EUROPEAN CULTURAL HERITAGE

Objective 5: To recognise, conserve and enhance the policy area’s significant European cultural heritage values.

Strategies

- 1) Conserve and enhance the character of state- and/or nationally significant European cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the policy area’s heritage places, precincts and landscapes.
- 2) Acknowledge, promote and interpret state-significant European cultural heritage values in the planning and management of land uses.

SETTLEMENTS

Objective 6: To plan and manage the sustainable, long-term growth of settlements in the policy area consistent with each settlement's unique character, role and function.

Strategies

- 1) Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.
- 2) Direct rural residential development to rural-living-zoned land as provided for in the Macedon Ranges Council's rural living strategy: In the Rural Living Zone – Strategic Direction (2015).
- 3) Encourage infill development that respects the townships' character.
- 4) Limit the expansion of settlements in high-risk locations, actively reducing the risks associated with natural hazards.
- 5) Ensure there is an adequate supply of residential land within settlement boundaries to support a diverse range of housing needs.
- 6) Ensure there is an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services

AGRICULTURE AND RURAL LAND

Objective 7: To support and encourage agricultural land uses which strengthen the policy area's economy and contribute to the rural landscape.

Strategies

- 1) Encourage the use of rural-zoned land for agricultural purposes.
- 2) Encourage and support innovations in agricultural practices (such as sustainable farming, improving technologies and responding to emerging and niche markets).
- 3) Support agricultural practices that respond to and encourage adaptation to climate change.
- 4) Encourage measures to ensure agricultural practices PROTECT soil quality, water quality, biodiversity and native plants and animals.
- 5) Manage the effects of rural land use and development on important environmental and cultural values.
- 6) Provide a finite supply of rural-living-zoned land to conserve agricultural practices.

TOURISM AND RECREATION

Objective 8: To provide for a diverse, sustainable range of recreational activities and a strong, resilient visitor economy in the policy area.

Strategies

- 1) Support and facilitate tourism- and recreation-related land uses and developments (such as agritourism) in keeping with the policy area's state-significant landscape, environmental and cultural values.
- 2) Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and European cultural heritage.
- 3) Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of regional or state significance in the planning of tourism and recreational land uses.

TRANSPORT AND INFRASTRUCTURE

Objective 9: To manage the provision of infrastructure that supports the social and economic needs of communities and increases resilience to climate change effects.

Strategies

- 1) Provide infrastructure and services to support diverse community and business needs.
- 2) Maintain transport connections that provide links between and within regional communities and to major cities.
- 3) Maintain view lines of state-significant landscape features from the main road and rail transport corridors.
- 4) Ensure the future operation and development of the main road and rail corridors is considered when managing the growth of settlements.
- 5) Ensure equitable access to community infrastructure.

7 GLOSSARY

EPBC	Federal “ <i>Environment Protection and Biodiversity Conservation Act 1999</i> ”
FFG	“ <i>Flora and Fauna Guarantee Act 1988</i> ”
Localised Planning Statement / LPS	A document prepared originally in 2014 and rejected by the local community, and to be set aside (MRPAC recommendation). The current draft LPS is its replacement.
MRPAC	The Macedon Ranges Protection Advisory Committee, appointed by the Minister for Planning in 2016. The Advisory Committee produced an Issues Paper, and held hearings in Macedon Ranges Shire in 2016.
MRPAC preferred (Appendix B) LPS	The Macedon Ranges Protection Advisory Committee’s preferred Localised Planning Statement included at Appendix B of its July 2016 report.
MRSC	Macedon Ranges Shire Council
Proposed Legislation	The proposed <i>Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill, 2017</i> . The Bill has passed its second reading, and returns to parliament early in 2018.
Smart Planning	A State government process for de-regulating planning in Victoria, and removing residents’ third party rights to know, object and appeal planning applications at VCAT.
Statement of Planning Policy / SPP	A Statement of Planning Policy, required to be prepared and approved by the Minister for Planning under the <i>Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill</i> .
Statement of Planning Policy No. 8 / SPP8	Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds. Introduced as State policy in 1975 by the Hamer government. Currently local policy 22.01 in the Macedon Ranges planning scheme.
VicSmart	A State government ‘stream-lined’ permit approval process, where decisions are made solely by CEOs, within 10 business days, without consulting planning schemes (rural zones), councillors or community.