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## Submission

5 March, 2018

Draft Macedon Ranges Localised Planning Statement (December 2017)

cc

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Minister for Planning Richard Wynne,  
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Macedon MLC, Mary-Anne Thomas,  
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# 1 INTRODUCTION

## 1.1 About Macedon Ranges Residents' Association Inc

Macedon Ranges Residents' Association is a not-for-profit, non-party political, volunteer community group, established in 1995. Its purposes include:

- *Ensuring the high quality of the Shire's environment is conserved and enhanced, and*
- *Pursuing ongoing recognition and protection of Macedon Ranges as an area of State level significance, outstanding natural beauty and conservation significance.*

The Association has pursued State level protection for Macedon Ranges for almost 20 years, and has participated in the following activities related to the current draft Localised Planning Statement:

- a) Attended an announcement by Macedon MP Mary-Anne Thomas of the draft Planning and Environment Act Amendment (Distinctive Areas and Landscapes) Bill in New Gisborne on 15/12/17
- b) Prepared an "Assessment Of Protection Measures Proposed For Macedon Ranges: 2017 Legislation And Draft Localised Planning Statement 5 January, 2018" and provided copies to MRSC councillors and CEO, the Minister for Planning and Macedon MP Mary-Anne Thomas.
- c) Met with Department of Environment, Land, Water and Planning representatives in Gisborne on 1/2/18 to discuss MRRA's Assessment of the LPS.
- d) Attended all Localised Planning Statement 'drop-ins ' held during January / February 2018.
- e) Met with Mary-Anne Thomas in Gisborne on 23/2/18 to discuss the Localised Planning Statement.

# 2 STATE GOVERNMENT'S COMMITMENT TO PROTECT MACEDON RANGES

## 2.1 The 2014 Commitment

Macedon Ranges Shire residents believed the State government when in 2014 it recognised that in Macedon Ranges "inappropriate development risks destroying the area", and promised:

*"Labor will legislate to protect this iconic and historic region..."*

*We will use SPP No. 8 as the basis for legislative protection..."*

*Labor's plan for the Macedon Ranges will provide the highest level of protection possible against inappropriate development..."*

*Under Labor, the beauty, heritage and unique characteristics of the Macedon Ranges will be protected for good."*

Macedon Ranges Shire residents again believed the Minister for Planning when he visited Gisborne in 2015 to announce appointment of the Macedon Ranges Protection Advisory Committee, and in 2017 when he announced he accepted all twelve of the Committee's recommendations.

## 2.2 The Draft Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill

The Bill is currently progressing through parliament. While the Association has sought some modifications to strengthen the Bill (included at Appendix A), it nevertheless applauds and supports the Bill, and considers it landmark legislation, not only for Macedon Ranges Shire, but for Victoria. In this regard, it is redolent of the Hamer era, and of the equally landmark Green Wedge legislation introduced in 2002 by the Bracks government.

The legislation provides for sensitive areas of Victoria that are threatened by damaging actions and irreversible land use change to become 'declared areas', and requires a Statement of Planning Policy to be prepared for these declared areas. The Minister's statements in the second reading speech (Hansard, 14 December, 2017), that *"The bill is a landmark because it will protect the iconic and historic Macedon Ranges region. It will protect the natural beauty of the ranges and preserve cultural, environmental and rural values"*, again gave confidence that the special qualities and needs of the Macedon Ranges region were understood.

**Then came the draft Localised Planning Statement, where the good news came to a screeching halt.**

## 3 DRAFT MACEDON RANGES LOCALISED PLANNING STATEMENT [LPS]

### 3.1 MRRA's Assessment of the Localised Planning Statement

MRRA addressed the LPS' deficiencies in detail in its *"Assessment Of Protection Measures Proposed For Macedon Ranges: 2017 Legislation And Draft Localised Planning Statement 5 January, 2018"*.

The Association circulated the "Assessment" to Macedon Ranges Shire councillors and CEO, the Minister for Planning the Hon. Richard Wynne and Macedon MP Mary-Anne Thomas before publishing it to our website. We have received acknowledgment from the Department that MRRA's Assessment is viewed as a submission, however we also include it as part of this submission at Attachment 1 for completeness.

### 3.2 The 'Less Protection Statement'

From its Assessment, the Association concluded the draft LPS failed to provide any protection whatsoever to Macedon Ranges. In fact, it undermines existing protections and planning controls and provides even less protection than available today. **The Association recommended a complete rewrite, not as a Localised Planning Statement but as the Statement of Planning Policy required by the draft Bill, with further community consultation.**

It is understood that the State government intends to transform the draft LPS into the Statement of Planning Policy required by the proposed legislation (replacing Statement of Planning Policy No 8), without any further community consultation.

**This is unacceptable, as is LPS's inaccurate claim that SPP8 has been "superseded" by the Victoria Planning Provisions.** Statement of Planning Policy No. 8 prevents inappropriate land use and development. As we have learned to our bitter regret, the Victoria Planning Provisions do not. A copy of SPP8 policy is at Attachment 2.

### 3.3 Overview of LPS Flaws

It is as if the draft Localised Planning Statement has been written in a vacuum, by someone with no connection to or knowledge of or empathy with this place, and with total disregard and disrespect for the area's sensitivities, natural resources, special attributes, rural character and community values.

The LPS parades, and is touted, as “protection” but in reality it is a covert and hideous growth plan on an unprecedented scale, which seems to regard Macedon Ranges as just so much real estate. It turns one of Victoria’s most environmentally fragile and sensitive areas into a metropolitan growth area.

The draft LPS’ direction is highly characteristic of the previous Macedon Ranges council’s obsessive priority for economic development and growth, a direction which saw community satisfaction fall a full 6 points in the 2016 Community Satisfaction Survey (to 48), and seven (of nine) new councillors elected at the 2016 Council election. *That was the Council that in 2016 told the Macedon Ranges Protection Advisory Committee Macedon Ranges already had enough protection, that ignored its adopted Settlement Strategy, that promoted a \$40 million equine centre and large-scale commercial development at Hanging Rock.*

The Shire’s new councillors, and the Macedon Ranges community, were not consulted on the preparation of the draft Localised Planning Statement.

The document serves narrow interests, certainly not the public or community or environment’s interests.

**This must be corrected.** Protected from over-development, this Shire can provide far more pleasure to far more people than the few whose interests would be served by the unprecedented development the draft LPS introduces.

### **In summary, the draft Localised Planning Statement:**

- 1) Comprehensively fails to deliver the State government’s commitment to protect Macedon Ranges.
- 2) Fails to meet the draft legislation’s requirements, and the format, for a Statement of Planning Policy.
- 3) Fails to be based on or even retain any aspect of Statement of Planning Policy No. 8.
  - By eliminating SPP8, the draft LPS also eliminates the strategic and policy bases for planning controls in the Macedon Ranges planning scheme, including its policy embargo on further subdivision at Macedon and Mount Macedon, and its policy requirement for all development to be in harmony with the environment and maintain rural character and landscape quality.
- 4) Fails to include and implement the Macedon Ranges Protection Advisory Committee’s adopted recommendations, including its preferred Localised Planning Statement which among other things required:
 

*“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.”*
- 5) Fails to provide a protective State policy setting for Macedon Ranges, as Statement of Planning Policy No. 8 always has.
- 6) Fails to clearly define its Purpose, saying only that *“The statement aims to support efforts to... identify and protect state-significant landscapes, environmental and cultural heritage features within the Macedon Ranges...”*
  - In comparison, Statement of Planning Policy No. 8’s Purpose is clear and direct:
 

*“The Statement is directed primarily to the planning and management necessary for the conservation and utilization of the Policy Area both as a water catchment for urban and local supply and as a location of State, metropolitan and local importance for leisure activities and nature conservation.”*
- 7) Presents individual policy domains that lack the integration necessary in an area with complex and multiple issues.
- 8) Contains “policy domains” which are unrelated to protecting the Shire’s special attributes: Settlement (only addresses growth and development, not protection of townships); Tourism and Recreation (presented almost as a tourist brochure); and Transport and Infrastructure are matters which should be subservient to a Statement of Planning Policy, not part of it.

- 9) Fails to provide definitive and mandatory policy statements and instead has broad, aspirational 'objectives' and 'strategies' that use open-ended language like "manage" without providing policy about *how* this is to be done.
- 10) Fails to create a framework for integrated policy, implementation and decision-making.
- 11) Fails to set priorities for protection of the Shire's special attributes, natural resources and townships, and instead perpetuates current requirements for "balance" against other policies, a practice that has so badly failed Macedon Ranges.
  - In comparison, Statement of Planning Policy No. 8 sets clear policy and priorities:
 

*"2. The planning policy to be applied in the area is:- 2.1 Protection and utilization of the resources of the Policy Area for water supply, tourism and recreation, and nature conservation shall be the primary concern."*
- 12) Fails to provide direction, clarity and certainty for decision-making – its Framework Plan is almost a blank page - six towns with blue rings around them, 6 State-significant landscape features, some public land, and rural living zones.
- 13) Unlike SPP8 and the Advisory Committee's preferred LPS and recommendations, fails to include any implementation measures.
- 14) Fails to set a 50 year vision for protection of Macedon Ranges' special attributes, and instead sets a 50 year land supply. Its vision 'statements' are quite laughably off-target and weak.
- 15) Fails to make itself binding on responsible public entities (including a council) which downgrades any requirements into recommendations.
- 16) Fails to identify and address threats.
- 17) Incompletely identifies values and attributes - its 'biodiversity' map refers the reader to a website, while its "State-significant landscapes and water features" map only shows 6 landscape features, and leaves off half of the Shire's water catchments.
- 18) Fails absolutely to address protection of township character (the Advisory Committee said this was to be a 'cornerstone of policy').
- 19) Fails to identify and address values and natural resources as entities in their own right – for example, the focus for water catchments is not priority for preserving their integrity but maintaining production to meet demand.
- 20) Only turns its mind to individual elements of biodiversity, landscapes and heritage of State or National significance. It then further condenses landscape into 6 'landscape features'. *The Macedon Ranges AND their surrounds have been recognised as a region with State level significance for almost half a century.*
- 21) Fails to include Statement of Planning Policy No. 8 as its Reference Document, as recommended by the Advisory Committee.
- 22) Lists irrelevant, redundant and draft References but fails to include critical documents such as 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*.
- 23) Fails to identify "protected settlement boundaries". Only blue rings are placed around 6 towns (Framework Plan) with a note that "will be protected settlement boundaries".
- 24) Only provides settlement boundaries for 4 of 6 towns. Intentions for Gisborne and Romsey are to be kept a secret for another 18 months.

Despite this extensive collection of fundamental flaws, in meetings the Association has recently had with government and the Department about the issues it had raised, discussions have commenced with "Tell us what you think about the LPS policy domains"... or the "vision"... or the "objectives and strategies"... as if a word changed here or there would fix the LPS.



So we say again: **The draft LPS is unacceptable in all regards. It is entirely unfit-for-purpose, and there is not a single element which is worthy of being put into the same sentence as the word “protection”.**

## 4 SETTLEMENT BOUNDARIES AND GROWTH

In a Shire where:

- Growth has already been planned for until 2036,
- No additional land was required to accommodate that growth except Riddells Creek, where extra land has now been rezoned
- 2016 census ‘churn’ rates were at 30% to 50%, and
- The 1,607 new dwellings constructed between 2011 and 2016 were dwarfed by the 1,858 unoccupied dwellings in the Shire in 2016,

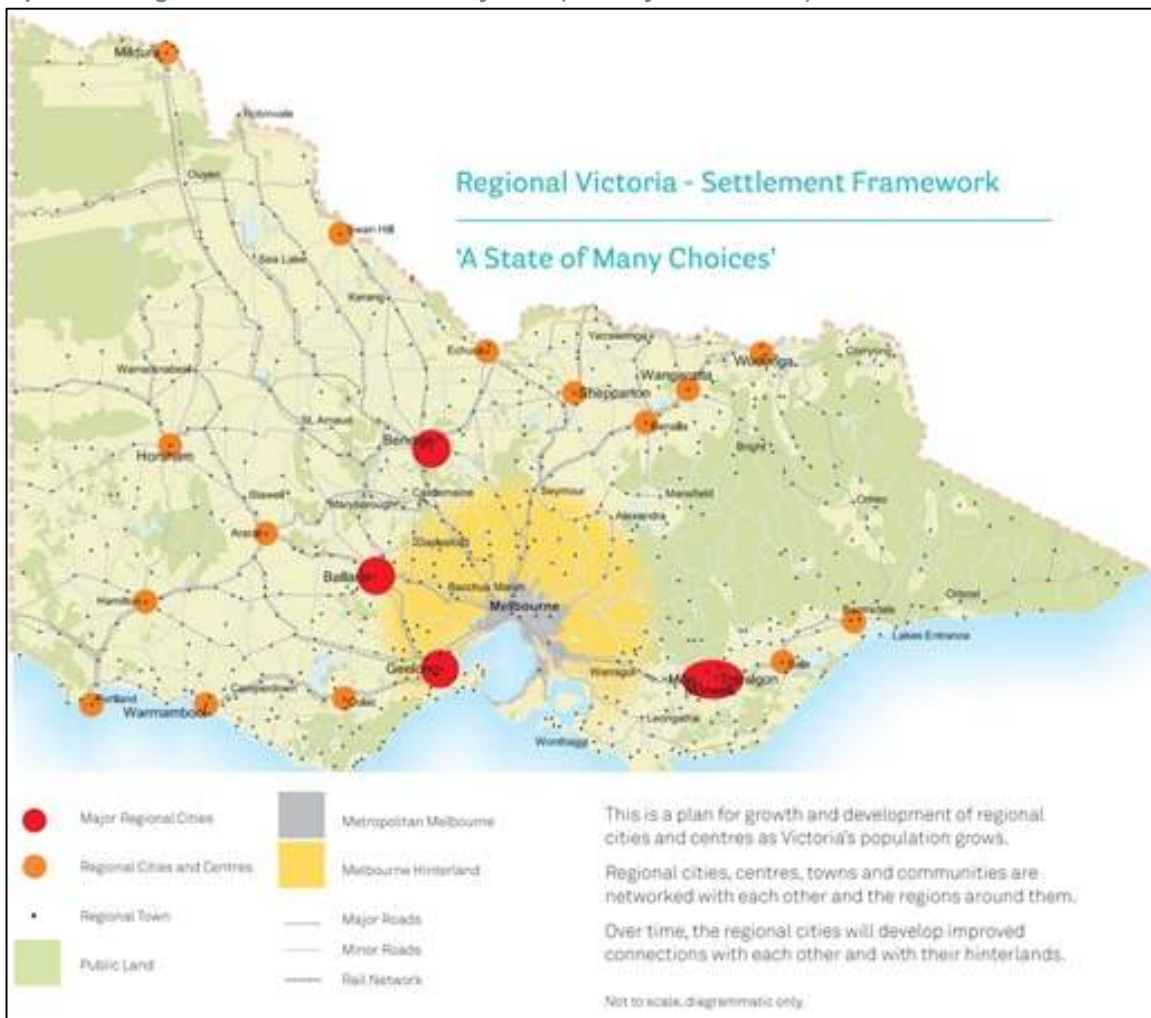
the draft LPS deceptively puts in place a plan to drive metropolitan-scale growth into the Shire.

It’s as if someone asked “*can I have more development?*” and the response was “*how much would you like?*”

### Question:

***How did Macedon Ranges Shire go from a hinterland area with no designated growth centres...***

A Blueprint for Regional and Rural Victoria July 2010 (Brumby Government)



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**To a Shire with two District Centres (Gisborne and Kyneton)...**

Southern Loddon Mallee Regional Strategic Plan 2010



**To a Shire with one designated growth town (Gisborne)...**

Loddon Mallee South Regional Growth Plan 2014



**To a Shire with TWO Regional Centres...**

Plan Melbourne Refreshed 2017: State policy Clause 11.01-1

11.01 1999/2017 VC132	Victoria
11.01-1 1999/2017	Settlement networks
<p>Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.</p> <p>Support Melbourne's Metropolitan Activity Centres through a network of major and neighbourhood activity centres of varying size, role and function.</p>	

**Without the community being aware of this, and while also identified as a 'Distinctive Area with State significance' at State policy Clause 11.05-2?**



The incomplete draft LPS asks the community to sign a blank cheque. Settlement boundaries for Romsey and Gisborne won't be available for another 18 months.

The draft LPS also asks residents to sign up for 800ha of existing rural land ("investigation areas") being converted to suburban housing estates at Kyneton, Woodend and Riddells Creek, with potentially another 500ha at Romsey. Add to this 6,000 people at Lancefield (twice the projected 2036 population), and most recently, yet another 10,000 extra homes just at New Gisborne (being the basis for proposed traffic lights at New Gisborne).

Based on this, the LPS has potential to put around an additional 100,000 persons in just these 6 towns – towns where today there are 27,000 people – additional to growth already planned for to 2036.

The Macedon Ranges Settlement Strategy found no additional land was required (except at Riddells Creek – now provided). The excessive "*investigation areas*" were, for reasons then unknown, added in Structure Plans despite those Structure Plans all confirming the Settlement Strategy's population projections.

The "*Investigation areas*" included in the draft LPS' settlement boundaries are just that – areas to be *investigated* if a need for additional land arises in future. The draft LPS's inclusion of "*investigation areas*", and further as-yet-undefined rural land at Romsey and Gisborne, within settlement boundaries automatically signals that land is intended to be developed for urban purposes. This side-steps processes, consultation and tests normally required to include land within a boundary. Quite a windfall for some!

The draft LPS also does nothing to restrict on-going residential conversion of rural land for residential purposes in the Shire's rural zones, including areas with high bushfire risk, high conservation values, steep slopes, significant landscapes, high quality agricultural land, and special water supply catchments.

Who is behind this hideous drive for urban growth? Someone has planned it, and has set out to sell a document that would destroy everything that is important about Macedon Ranges as "protection". Who?

There are also undercurrents circulating that the State government may be driving this damaging level of growth. VicRoads knew about 10,000 extra homes being planned for New Gisborne, but the community didn't. Council officers have attributed growth expansion proposals for Kyneton and Gisborne to the State government. Recent funding splashes for infrastructure well beyond Macedon Ranges' current needs, and the often parroted question "*where are the people going to live?*" give additional pause for thought...

When the then Minister for Planning Geoffrey Hayes introduced Statement of Planning Policy No. 8 in 1975, he said:

*"Any area as attractive as this looks like a great opportunity for the speculator and land developer. Some development is both necessary and welcome, but anyone who is looking for a "fast buck" or to carve up the land for quick profit just because it is there, can pack his bags and get out."*

**Why isn't this LPS saying the same thing?** There were 8,000 people in the SPP8 policy area in 1975. In 2016 there were 36,000. When will it be understood that you can either have a State significant, environmentally sensitive area or you can have suburban development of the rural land which is the cornerstone of Macedon Ranges' significance, **but you can't have both**. Statement of Planning Policy No 8 recognised this more than 40 years ago, saying pressures for urban and rural residential development must be resisted as far as possible.

**The growth that the LPS forces on Macedon Ranges affects thousands of hectares of the rural land the State government says it is protecting. The State government must publicly confirm it does not support the LPS growth plan.**

## 5 CONSULTATION ON THE DRAFT LPS

- Exhibition over Christmas, so that over a month of the exhibition time occurred when people were distracted or away.
- Letters only to residents adjacent to the proposed settlement boundaries.
- Email notification only to people who attended the Minister’s forums in Gisborne
- Drop-ins – held in a commuter area only during afternoons, very little publicity and little activity to promote the importance of the issue or actively engage the community.
- A failure to explain the Localised Planning Statement – its content, role, function, relationship with the proposed legislation and with the existing planning regime. Instead, a mantra of “it protects Macedon Ranges” prevailed, with questions about which parts people liked or didn’t like.
- Participants at ‘drop-ins’ were provided with 3 sticky dots to identify their 3 most important issues. However, the wording of the issues, e.g. “development sustainably managed within settlement boundaries”, left the door open for each dot (and there were many) that flagged development as an important issue to be interpreted as support for development within the *settlement boundaries in the LPS*.
- An appalling online survey steering respondents to almost irrelevant questions, responses to which could easily be interpreted as support for the draft Localised Planning Statement and its settlement boundaries.
- No email or postal address provided for submissions.

**This was not “genuine” or meaningful consultation.**

## 6 OUTCOMES REQUIRED FOR A NEW STATEMENT OF PLANNING POLICY

**The Association’s position, and we suspect that of many Macedon Ranges’ residents, is that the draft LPS must be abandoned and a fresh Statement of Planning Policy, as required by the draft legislation, prepared. This section sets out requirements for that Statement of Planning Policy.**

### 6.1 Requirement: Direction for A Macedon Ranges Statement of Planning Policy

A Statement of Planning Policy for Macedon Ranges must have the following values as its core direction:

#### 1) Objects of the Distinctive Areas and Landscapes Bill

Section 46AN Objects

The objects of this Part are—

- 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.

## 2) Statement of Planning Policy No. 8: Implications, pages 33 & 34: 1975 (summarized):

- Direct planning towards regulating demands for recreational outlets and residential areas in order to maintain the continuing value and utility of the area's natural resources.
- The area's outstanding landscape features, popularity as a recreational outlet, importance as a source of water and value as a scientific and educational resources are all threatened to some degree by problems from urban expansion.
- Increasing residential development also greatly increases the risk from bushfires.
- Careful and imaginative planning and management will be necessary to regulate development of urban and rural residential areas.
- It is essential that, if the value of the area for other purposes is to be protected, pressures and demands for rural/urban and rural/forest residential sites should be resisted as far as possible.
- There is a need to retain a rural buffer zone of predominantly rural land uses between any concentrated urban development at Sunbury and the major recreational and scenic attractions, water catchments and forest resources of the Macedon Range.
- A high standard of design and construction of all forms of recreation facilities must be achieved and maintained if the function of the area for recreation is to be continued successfully.
- There is a need for a comprehensive recreation plan for the area...
- The importance of the area for water conservation means that forms and levels of land use within the catchments must be regulated to avoid pollution of streams and problems of soil erosion and siltation of storages. In particular, urban expansion within catchment areas is undesirable due to the increased likelihood of pollution and possible effects on the catchment.

The full findings of SPP8 "Implications" are at Attachment 3.

## 3) Melbourne 2030:

Appendix 1 Green Wedge Attributes:

Existing Policy Features:

- *"Areas identified at State level as off-limits to urban development, for example, Mornington Peninsula, Yarra Valley, Dandenong Ranges, Macedon Ranges"*

## 4) Macedon Ranges Cultural Heritage and Landscape Study: Volume 1, ii

*"However, areas like the Macedon Ranges are prone to falling to the tyranny of small decisions. Small decisions to change key elements are cumulative and lead to progressive loss of heritage on a grand scale, resulting in complete changes to the character and presentation of the area."*

*The great danger for the Macedon Ranges is not that growth management of urban development will not be exercised, but that it will be exercised in such a way that the end result is the suburbanisation of the area."*

## 6.2 Requirements: Localised Planning Statement / Statement of Planning Policy

### 1) Public Meeting and Resolution, 13 February 2018

The Association became so highly concerned with the draft LPS, it called a public meeting in Gisborne on 13<sup>th</sup> February 2018, to alert the Macedon Ranges' community to the document's deficiencies. At least 180 people attended. A resolution put to the meeting was carried, with 4 opposed.

Elements of the resolution rejecting the draft Localised Planning Statement, and setting requirements for a new Statement of Planning Policy, are reproduced below. The full resolution is reproduced in this submission at Appendix B.

*“This public meeting, representing a broad cross-section of the Macedon Ranges’ Shire community, resolves:*

- 1) *To inform the Premier of Victoria (Hon. Daniel Andrews), Minister for Planning (Hon. Richard Wynne), Shadow Minister for Planning (Hon. David Davis) and MLA for Macedon (Mary-Anne Thomas):*
  - 1A. *That the draft Macedon Ranges Localised Planning Statement 2017 is completely irreconcilable with the State government’s commitment to protection, and unacceptable in every regard.*
  - 1B. *That any Macedon Ranges Statement of Planning Policy is required to:*
    - i. *Meet proposed legislative requirements for the format, content and function of a Statement of Planning Policy;*
    - ii. *Incorporate Statement of Planning Policy No. 8 as its starting point;*
    - iii. *Respond to Macedon Ranges Protection Advisory Committee recommendations;*
    - iv. *Clearly and fully identify values contributing to the Shire’s significance, threats and constraints;*
    - v. *Confine itself to providing clear, strong, integrated, high-level planning policy and implementation measures prioritising protection of the Shire’s environment and biodiversity, natural resources, rural land, (built, cultural and natural) heritage, landscapes, and rural and township character;*
    - vi. *Identify existing township boundaries as protected settlement boundaries, and not include investigation areas or promote growth additional to that already planned for out to 2036;*
    - vii. *Bind the Statement of Planning Policy upon all responsible public entities;*
    - viii. *Prioritise consultation with the Macedon Ranges’ community;*
    - ix. *Be prepared subject to further consultation with the Macedon Ranges’ Shire Council and community.”*

## 2) MRRA Assessment – Outcomes Sought

The Association’s January 2018 *“Assessment Of Protection Measures Proposed For Macedon Ranges: 2017 Legislation And Draft Localised Planning Statement 5 January, 2018”* made the following comments, and sought the following outcome for a 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*

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- *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.”*

### 6.3 Requirement: Protected Settlement Boundaries

The Association’s “Assessment Of Protection Measures Proposed For Macedon Ranges: 2017 Legislation And Draft Localised Planning Statement 5 January, 2018” made the following comments, and sought the following outcome, for protected 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.”***

**The Association has prepared and submits proposed settlement boundaries at Appendix C. These respond to the above, and to the public meeting resolution (at 1B vi), that any new Statement of Planning Policy be required to:**

*“Identify existing township boundaries as protected settlement boundaries, and not include investigation areas or promote growth additional to that already planned for out to 2036;”*

### 6.4 Requirement: Particular Provision

The Association’s January 2018 “Assessment Of Protection Measures Proposed For Macedon Ranges: 2017 Legislation And Draft Localised Planning Statement 5 January, 2018” made the following comments, and sought the following outcome, for a Macedon Ranges particular provision to be provided:

“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."***

## **6.5 Requirement: Further Consultation On Any New Statement of Planning Policy**

A requirement for a new Statement of Planning Policy to be prepared, and its content, has already been expressed in this submission.

Another requirement is that any new Statement of Planning Policy be subject to further consultation with the Macedon Ranges Council, and community, prior to a decision being made to approve it.



## 7 APPENDIX A: MODIFICATION TO LEGISLATION

### Appendix A

#### Modifications Sought by MRRA to the Planning and Environment Amendment (Distinctive Areas and Landscapes) Bill 2017

Forwarded 15/1/18 to Minister Wynne and Mary-Anne Thomas:

*“These modifications are put forward as a response to broad concerns over time with decisions and changes of direction taken by single entities (e.g. a Council, a Minister), at times without sufficient transparency, accountability and consultation. The modifications arise from a desire to engender greater confidence and certainty in the relevant processes through an expansion of “checks and balances” in the legislation.”*

#### 1. Section 46AZB *Amendment of declared area planning scheme to give effect to Statement of Planning Policy*

- 1 Minister must prepare an amendment to declared area planning scheme:
  - a. to give effect to a Statement of Planning Policy, and
  - b. to make an amendment to a Statement of Planning Policy.

**ADD:** “An amendment under Section 46AZB does not take effect until ratified by both houses of parliament.”

#### 2. Section 46AZL *Principles (Division 5 – Duties of responsible public entities)*

*If a responsible public entity develops or implements policies or programs or makes decisions in relation to a declared area, the responsible public entity **SHOULD**:*

**REPLACE** “should” with “must” or “is to”

- a. Consult with all levels of government and government agencies that are relevant to the decision,

**ADD:** “and the local community,” and

- d. Have regard to the **principles** prescribed to apply
  - i. to all declared areas, and
  - ii. in relation to a particular declared area.

**CLARIFY** which principles are referred to

#### 3. **ADD A NEW SECTION:**

“A planning scheme amendment that has the effect of altering or removing any controls over the subdivision of any rural zoned land to allow the land to be subdivided into more lots or smaller lots than allowed for in the planning scheme does not take effect until ratified by both houses of parliament.”

(Ref: Planning and Environment Act, Section 46AF Green wedge land).

## 8 APPENDIX B: PUBLIC MEETING RESOLUTION

## Appendix B

**Resolution Re Draft Macedon Ranges Localised Planning Statement (December 2017)***MRRA Public meeting, 13 February, 2018 (Gisborne Mechanics Institute, Gisborne)*

At least 180 attended

“This public meeting, representing a broad cross-section of the Macedon Ranges’ Shire community, resolves:

- 1) To inform the Premier of Victoria (Hon. Daniel Andrews), Minister for Planning (Hon. Richard Wynne), Shadow Minister for Planning (Hon. David Davis) and MLA for Macedon (Mary-Anne Thomas):
  - 1A. That the draft Macedon Ranges Localised Planning Statement 2017 is completely irreconcilable with the State government’s commitment to protection, and unacceptable in every regard.
  - 1B. That any Macedon Ranges Statement of Planning Policy is required to:
    - x. Meet proposed legislative requirements for the format, content and function of a Statement of Planning Policy;
    - xi. Incorporate Statement of Planning Policy No. 8 as its starting point;
    - xii. Respond to Macedon Ranges Protection Advisory Committee recommendations;
    - xiii. Clearly and fully identify values contributing to the Shire’s significance, threats and constraints;
    - xiv. Confine itself to providing clear, strong, integrated, high-level planning policy and implementation measures prioritising protection of the Shire’s environment and biodiversity, natural resources, rural land, (built, cultural and natural) heritage, landscapes, and rural and township character;
    - xv. Identify existing township boundaries as protected settlement boundaries, and not include investigation areas or promote growth additional to that already planned for out to 2036;
    - xvi. Bind the Statement of Planning Policy upon all responsible public entities;
    - xvii. Prioritise consultation with the Macedon Ranges’ community;
    - xviii. Be prepared subject to further consultation with the Macedon Ranges’ Shire Council and community.
- 2) To call for Mary-Anne Thomas, the member for Macedon, to vigorously pursue and deliver the Statement of Planning Policy at 1B.
- 3) To call for Macedon Ranges’ Shire Council to actively support community expectations and priorities for protection, and strongly advocate for the Statement of Planning Policy at 1B.”

Carried (4 opposed)

## 9 APPENDIX C: PROPOSED SETTLEMENT BOUNDARIES

### Appendix C

# PROPOSED SETTLEMENT BOUNDARIES

Macedon Ranges Localised Planning Statement

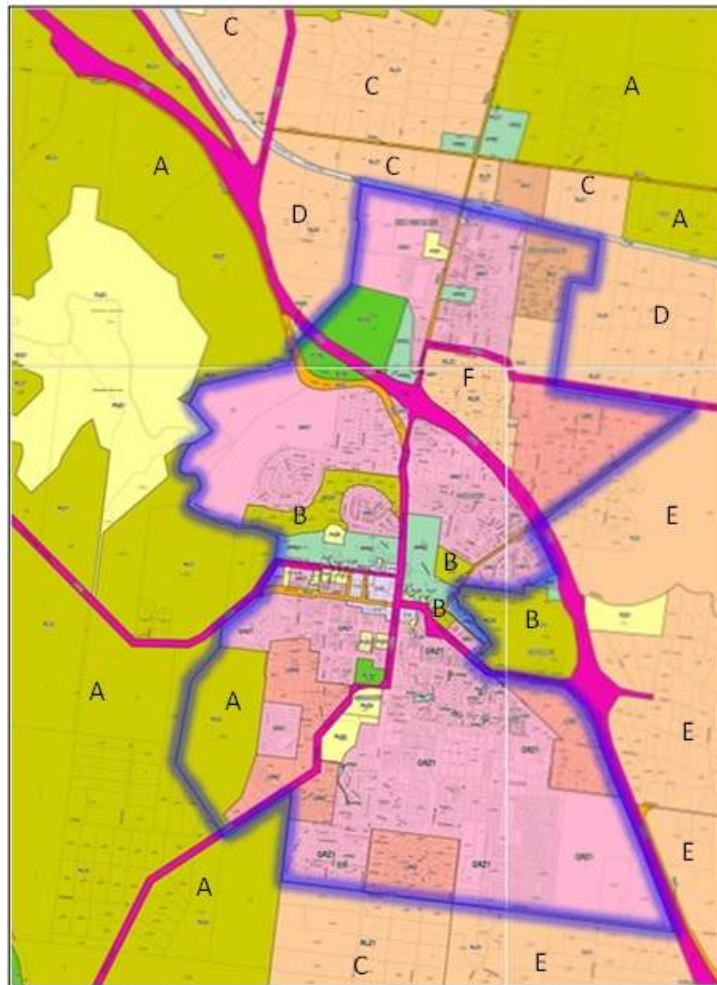
Submitted by Macedon Ranges Residents' Association Inc

## Proposed Gisborne / New Gisborne Settlement Boundary

The blue line shown on the map below is proposed as the Gisborne / New Gisborne settlement boundary. It is the current Gisborne / New Gisborne town boundary at Clause 21.13-1 in the Macedon Ranges planning scheme, which was approved in 2012 (Amendment C67 *Gisborne / New Gisborne Outline Development Plan 2009*).

The map shows urban purpose zones currently applied within the Gisborne / New Gisborne town boundary (blue line). In addition, Rural Conservation Zone 4 (B) is applied to the Jacksons Creek escarpment, Rural Conservation zone 1 (A) to Gisborne Golf Club to the south-west, and Rural Living zone 2 (F 2ha) to Magnet Hill.

Outside the proposed settlement boundary, surrounding rural land includes Rural Conservation zone 1 (A) (40ha minimum subdivision size) to the west (water catchment), and Rural Living zone to the north, east and south of the town, including (C 40ha), (D 8ha) and (E 1ha – 4ha).



Map sourced from zone maps 34, 35, 36 and 37, and Gisborne / New Gisborne Framework Plan; Clause 21.13-1, Macedon Ranges planning scheme

The *Macedon Ranges Settlement Strategy 2011* found that Gisborne / New Gisborne could accommodate substantial projected growth to 2036 without rezoning any additional land for residential purposes. Gisborne in fact had more existing residential zoned land than required for projected 2036 growth (2,200 lots needed, 3,320 lots available at lower end land supply).

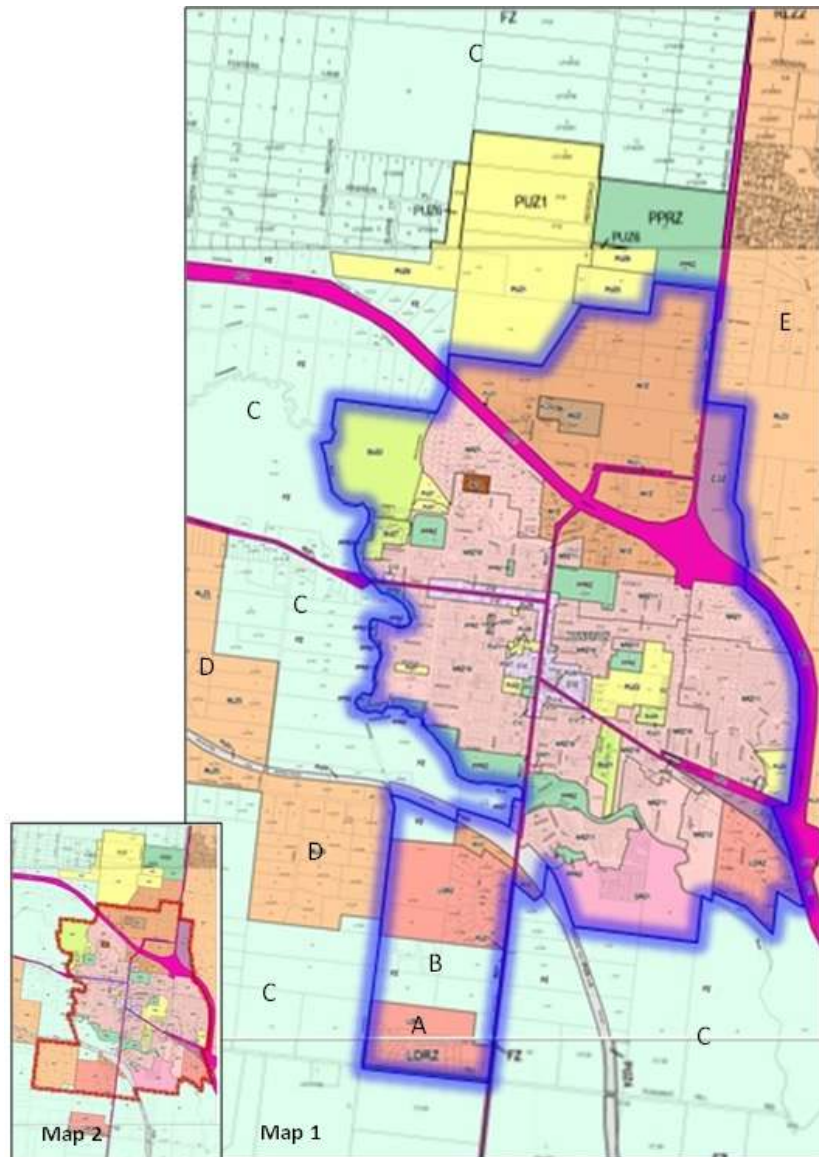
In 2017, Amendment C110 rezoned vast areas of Rural Living zoned land to the east and south east of the current town boundary from 40ha and 8ha minimum subdivision sizes to 1ha, 2ha and 4ha minimum subdivision sizes, creating land supply and housing opportunities additional to those recommended or needed in the Settlement Strategy.

## Proposed Kyneton Settlement Boundary

The blue line shown on **Map 1** below is proposed as the Kyneton settlement boundary. This is the current Kyneton town boundary at Clause 21.13-2 in the Macedon Ranges planning scheme, which was approved in 2017 (Amendment C99, which implemented the *Kyneton Structure Plan 2013*).

In 2017, Amendment C99 changed the Kyneton town boundary (**Map 2** as originally approved in 2000) to place Low Density Residential (A) and Farming zone (B) south of the town within the town boundary (**Map 1**).

**Map 1** shows urban purpose zones within the proposed Kyneton settlement boundary (blue line). Outside the settlement boundary, surrounding rural land is zoned Farming (C - 40ha minimum subdivision) with Rural Living zone 5 (D - 8ha) to the south-west, and Rural Living Zone 2 (E - 2ha) to the east and north-east. All land (inside and outside the settlement boundary) is within the Eppalock Special Water Supply Catchment.



Map sourced from zone maps 6, 12 and 13, and Kyneton Strategic Framework  
 Map, Clause 21.13-2, Macedon Ranges planning scheme

The *Macedon Ranges Settlement Strategy 2011* found that Kyneton could accommodate projected growth to 2036 without rezoning any additional land for residential purposes. The *Kyneton Structure Plan 2013* confirmed the Settlement Strategy’s conclusion. The map shows vacant (undeveloped) residential and low density zoned land, and Farming zone, within the proposed settlement boundary. Amendment C99 also rezoned land for residential use.

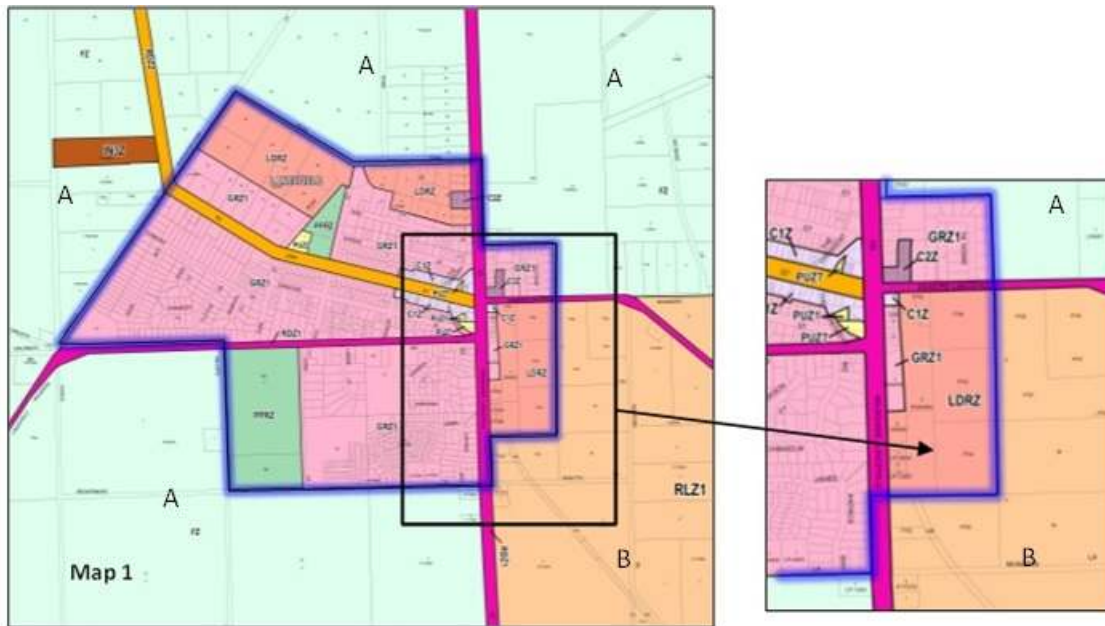


Proposed Lancefield Settlement Boundary

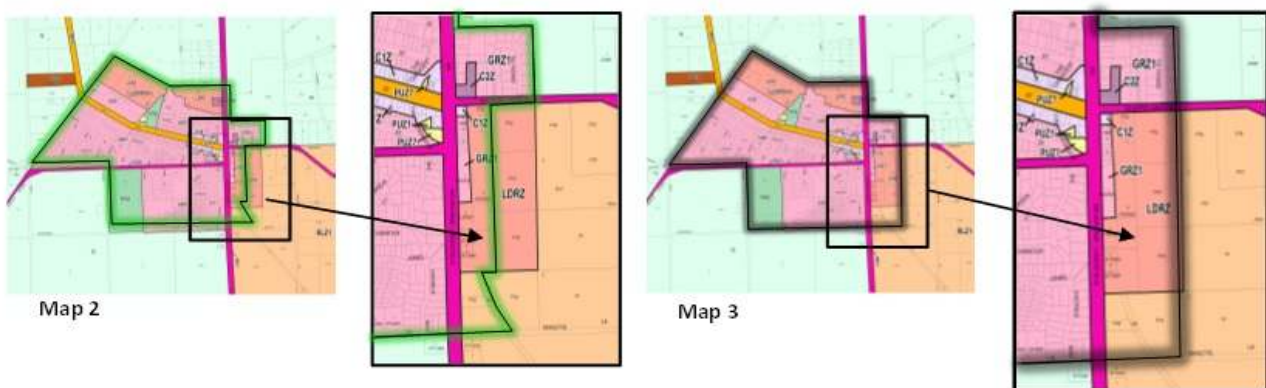
The blue line shown on **Map 1** is proposed as the Lancefield settlement boundary.

This differs slightly from the Lancefield town boundary in the current Macedon Ranges planning scheme (**Map 2 – green line**), which was changed in 2015, without notice, by Amendment C84. **Map 3 (black line)** shows Lancefield town boundary as it existed between 2000 and 2015.

The proposed settlement boundary in **Map 1** (blue line) differs from the current Lancefield town boundary as it includes all of the existing LDRZ area, and excludes a small, single parcel of Rural Living Zone 1 land (40ha minimum subdivision) in the south-west as it does not add residential options.



**Map 1** show urban purpose zones within the proposed Lancefield settlement boundary (blue line). Outside the proposed settlement boundary, surrounding rural land is zoned Farming (A) and Rural Living 1 zone (B) (both 40ha minimum subdivision).



Sources: Zone map 19.

**Map 2** Lancefield Township Framework Plan, Clause 21.13-8. **Map 3** Clause 22.02-7 (pre-2015) (Macedon Ranges planning scheme)

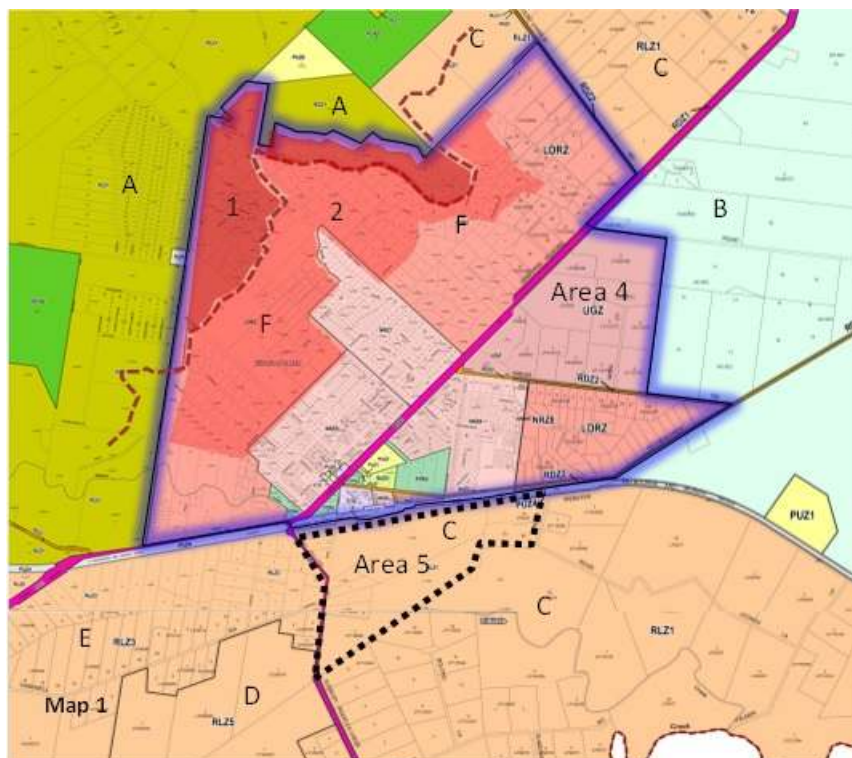
The *Macedon Ranges Settlement Strategy 2011* found that Lancefield could accommodate projected population growth to 2036 without rezoning any additional land for residential purposes. The maps show undeveloped and under-developed residential zoned land is available within the proposed settlement boundary.



## Proposed Riddells Creek Settlement Boundary

The blue line shown on **Map 1** below is proposed as the Riddells Creek settlement boundary. It differs from the current Riddells Creek town boundary at Clause 21.13-5 in the Macedon Ranges planning scheme (**Map 3**, which was approved in 2017, Amendment C100), due to an error with Area 5.

Council officers and the *Riddells Creek Structure Plan 2013* identified Area 5 as a long-term (20-30 year) future investigation area, and excluded it from the town boundary. In December 2013 Macedon Ranges Shire councillors resolved to instead elevate Area 5 to a 'priority development area'. As a result, the exhibited Amendment C100 rezoned Area 5 to Urban Growth zone and changed the town boundary to place Area 5 inside it. The exhibited Area 5 Urban Growth zone was not approved by the Minister, but the altered C100 town boundary (**Map 3**) was not readjusted to exclude Area 5. The proposed Riddells Creek settlement boundary corrects this.



Riddells Creek Structure Plan 2013  
Town Boundary



Approved C100: Clause 21.13-5  
Current Town Boundary

Maps sourced from zone maps 38 and 39, and Riddells Creek Strategic Framework Plan at Clause 21.13-5 (Macedon Ranges planning scheme) and Riddells Creek Structure Plan 2013

**Map 1** shows urban purpose zones within the proposed Riddells Creek settlement boundary (blue line) including a very large area of Low Density Residential zone with high bushfire risk north-west of the town (F). The dashed line approximates the Bushfire Management Overlay applied by Amendment GC13. The Riddells Creek Strategic Framework Plan at Clause 21.13-5 in the Macedon Ranges planning scheme identifies the shaded areas at (1) as "high bushfire threat", and (2) as "Low Density Residential – enhanced bushfire measures".

Outside the proposed settlement boundary, surrounding rural land is zoned Rural Conservation (A), Farming (B) and Rural Living zone 1 (C), all of which have 40ha minimum subdivision size. South of the town, Rural Living zone 5 (D - 8ha) and Rural Living zone 3 (E - 4ha), as well as Rural Living zone 1 (C) together comprise the rural buffer between Mount Macedon and metropolitan Melbourne required by Statement of Planning Policy No. 8.

The *Macedon Ranges Settlement Strategy 2011* found that Riddells Creek required additional residential land to accommodate projected growth to 2036. The *Riddells Creek Structure Plan 2013* identified an additional 57ha was needed. Amendment C100 rezoned 130ha (Area 4) to Urban Growth zone. Area 4 is included within the proposed settlement boundary.

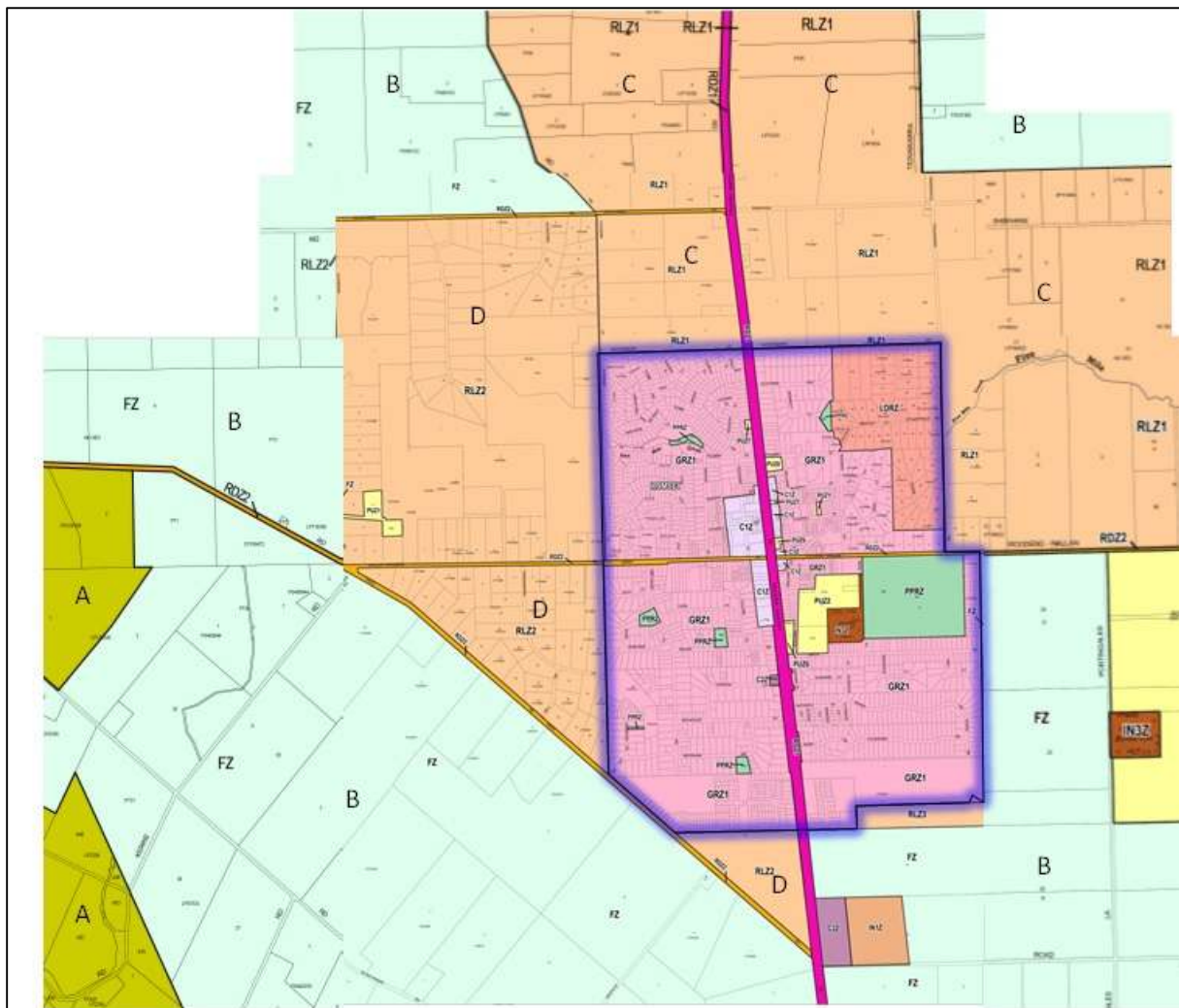
## Proposed Romsey Settlement Boundary

The blue line shown on the map below is proposed as the Romsey settlement boundary.

This is the current Romsey town boundary at Clause 21.13-4 in the Macedon Ranges planning scheme, which was approved in 2012 (Amendment C66, which implemented the *Romsey Outline Development Plan 2009*).

The map shows urban purpose zones within the proposed Romsey settlement boundary (blue line).

Outside the proposed settlement boundary, surrounding rural land is zoned Farming (B) and Rural Living zone 1 (C) - both 40ha minimum subdivision - with Rural Living zone 2 (D – 2ha) immediately west and south of the town, and Rural Conservation zone (A) signalling the Macedon Range edge to the south-west. Romsey is constrained by high bushfire risk to the south-west, high quality agricultural soils, and the sewerage treatment plant to the east.



Map sourced from zone maps 18, 20, 28, 29 and 30, and the Romsey Structure Plan Map Clause 21.13-4, Macedon Ranges planning scheme

The *Macedon Ranges Settlement Strategy 2011* found that Romsey could accommodate projected growth to 2036 without rezoning any additional land for residential purposes. The Settlement Strategy confirmed the *Romsey Outline Development Plan*'s findings and set an extrapolated population figure for 2036. The map shows vacant (undeveloped) and under-developed residential zoned land within the proposed settlement boundary.



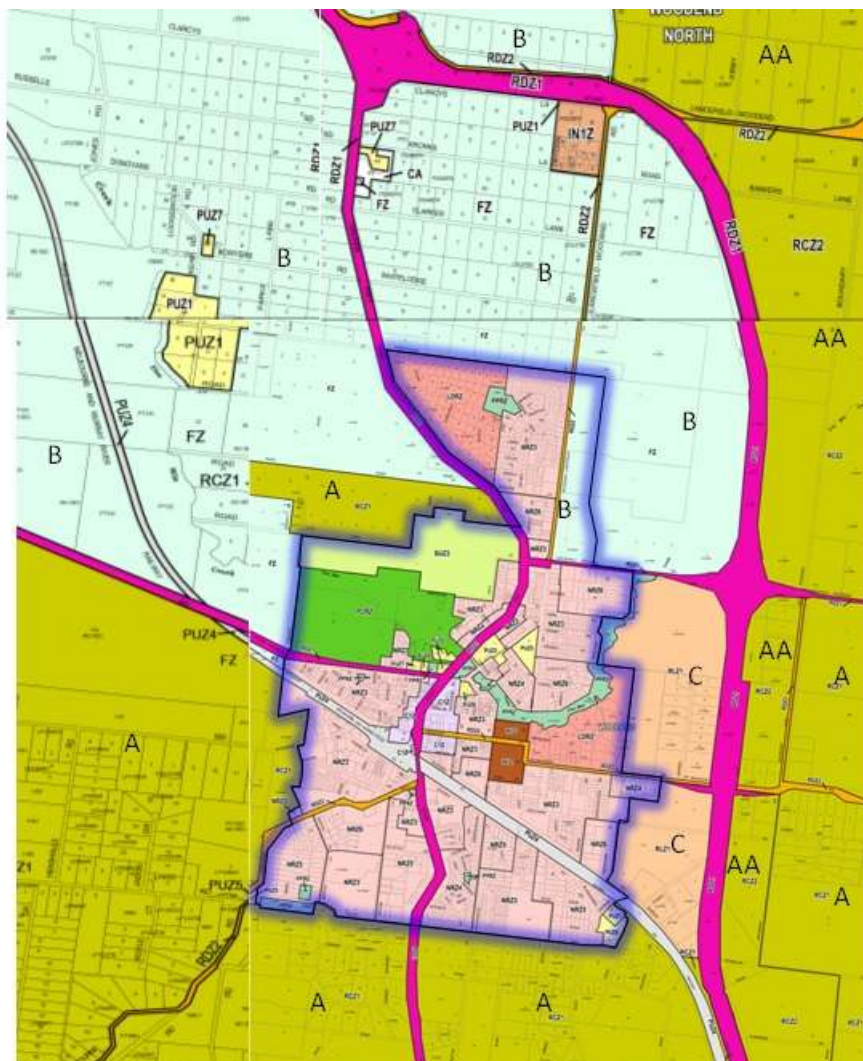
## Proposed Woodend Settlement Boundary

The blue line shown on the map below is proposed as the Woodend settlement boundary. It is the current Woodend township boundary in the Macedon Ranges planning scheme at Clause 21.13-3, which was approved in 2017 (Amendment C98, which implemented the *Woodend Structure Plan 2013*).

The map shows urban purpose zones within the current Woodend town boundary (blue line). An area of Farming zone is also included to the north-east of the town.

Outside the proposed settlement boundary, surrounding rural land is zoned Rural Conservation zone 1 (A) and 2 (AA), Farming (B) and immediately east of the town boundary, Rural Living zone 1 (C). All four zones have 40ha minimum subdivision.

All land (inside and outside the town boundary) is within the Eppalock Special Water Supply Catchment.



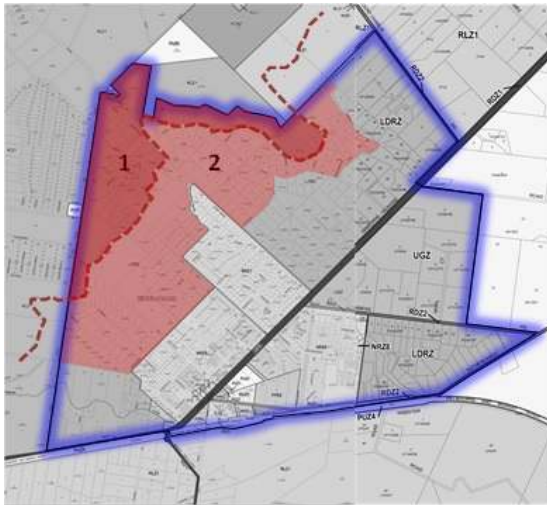
Map sourced from zone maps 15, 23 and 24, and Woodend Strategic Framework Map,  
 Clause 21.13-3, Macedon Ranges Planning Scheme

The *Macedon Ranges Settlement Strategy 2011* found Woodend had sufficient existing residential land supply within its town boundary to accommodate projected growth to 2036 without rezoning any additional land for residential purposes. The *Woodend Structure Plan 2013* confirmed the Settlement Strategy’s conclusion. The map shows vacant (undeveloped) residential zoned land to the west, south west and south east, and Farming zone to the north-east, within this proposed settlement boundary.

# ADDITIONAL CONSIDERATIONS

## A. Exclusion Of High Bushfire Risk Areas From Settlement Boundary

Riddells Creek and Woodend are identified in the Victorian Bushfire Risk Register as having extreme bushfire risk. Both towns have Bushfire Management Overlays applied within existing town boundaries.

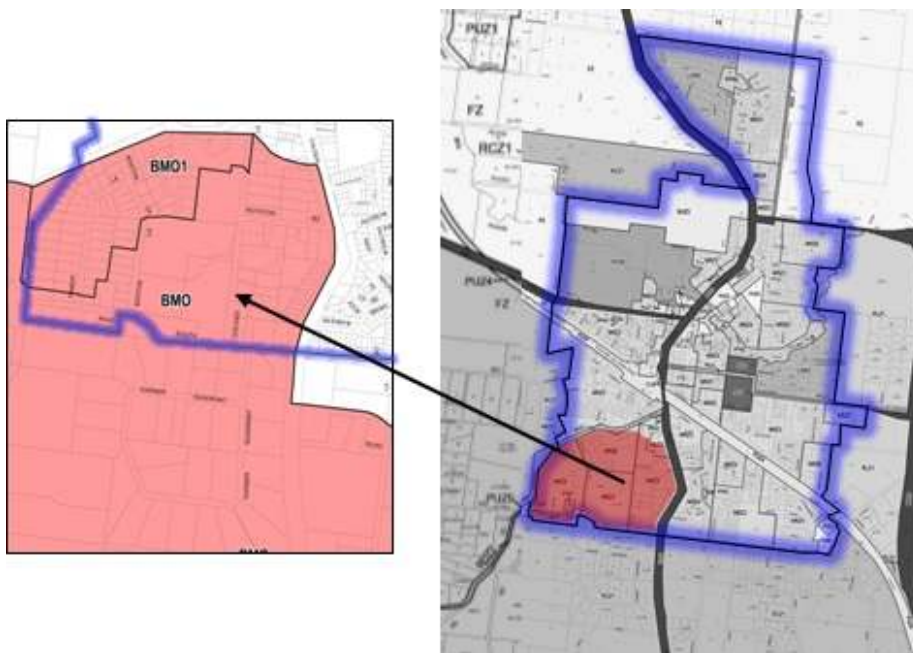


----- BMO (GC13) – differs from Clause 21.13-5

**Riddells Creek Strategic Framework Plan, Clause 21.13-5, Macedon Ranges Planning scheme:**

- 1 Low Density Residential land within the Bushfire Management Overlay. Identified as “High bushfire risk”.
- 2 Low Density Residential land adjoining the BMO. Identified as “Low Density Residential – enhanced bushfire measures”.

**Figure 1 Riddells Creek Bushfire Risks**



**Figure 2 Woodend Bushfire Risk Considerations**

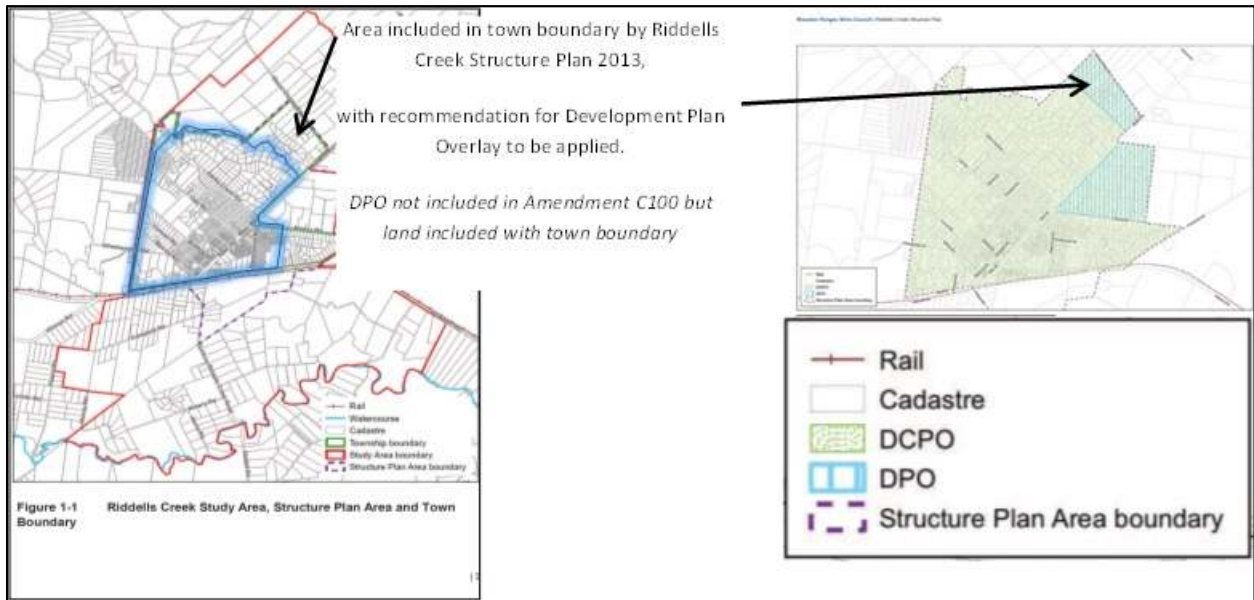
**Recommendation:** remove these high bushfire risk areas from the settlement boundary, in accordance with the Macedon Ranges Protection Advisory Committee’s recommendations:

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.

### Exclusion of Low Density Residential Zone “DPO” Area At Riddells Creek

An area of Low Density Residential Zone was included within the current Riddells Creek town boundary by the *Riddells Creek Structure Plan 2013*, on the proviso that a Development Plan Overlay be applied. In Amendment C100, which implemented the *Riddells Creek Structure Plan*, the recommended DPO was not applied. Inclusion of this land within the settlement boundary without development management controls does not serve the interests of proper and orderly planning.

**Recommendation:** *remove this area from the settlement boundary.*



ATTACHMENT 1: MRRA Assessment Of The LPS

ATTACHMENT 2: Statement Of Planning Policy No. 8 (Policy)

ATTACHMENT 3: Implications Section, Statement Of Planning Policy No. 8