

**NEW A Big Step Forward By State Government Towards Protecting All Of The Macedon Ranges Shire, But...**  
(6/3/17 - SP) *Council gets to write the protection policy. While our new group of councillors is much, much better than the previous group, the 'accelerated-growth-and-economic-development' obsessed administration hasn't changed...*

The Minister for Planning released the Macedon Ranges Protection Advisory Committee's report and recommendations for protecting Macedon Ranges in mid February, at a well-attended Community Forum he hosted in Gisborne. He has accepted the Advisory Committee's finding that the form of protection to be applied will be new 'Macedon Ranges' legislation, and a Macedon Ranges' Localised Planning Statement [LPS] (a State-level policy framework about what is important and significant in Macedon Ranges Shire, why, and the primary policy to be applied to protect it).

The Minister has also accepted all of the [Committee's 12 recommendations](#), which include setting aside Macedon Ranges Council's 2014 draft Localised Planning Statement and writing a new one; protecting the *whole* Shire; and identifying in the Localised Planning Statement new Settlement Boundaries around towns within which urban and rural living development will be confined. Other recommendations include strengthening planning controls for protection of landscapes, vegetation and Mount William, identifying biolinks, and meaningful consultation with Aboriginal owners and parties.

The Advisory Committee found that Macedon Ranges is a "special" place in Victoria facing unique pressures from population growth and urban expansion, and that *"the protections provided by Statement of Planning Policy No. 8 have been gradually eroded"*. (p44) The Committee found that a form of legislative protection is warranted, and recommends legislation that requires parliament's consent to change the new Settlement Boundaries. The policy and planning framework in Macedon Ranges Shire also needs to be strengthened. Tellingly, the Committee concluded Council's 2014 draft Localised Planning Statement's language was *"aspirational"* in nature, and the LPS did not provide sufficient guidance to ensure planning decisions will have enough of a 'protection focus', or contain sufficiently clear direction or guidance to assist planning decisions or to help planners resolve competing policy objectives. The Advisory Committee has recommended Council's 2014 draft LPS be set aside [the broader Macedon Ranges' community also rejected the draft LPS in 2014].

The Advisory Committee's report provides a recommended Localised Planning Statement at Appendix B, which includes Committee text changes that (amongst other things) prioritise the environment in decision-making, and bind the LPS on a range of decision-makers (including servicing and other authorities). The Committee says Appendix B is by no means the absolute and final version - rather, changes *"highlight the intent of how the Committee thinks the LPS can better achieve protections for the Macedon Ranges"*. The Localised Planning Statement is to be further revised, and the Committee's report provides directions at 6.4.1 that revisions are to:

- *Be based on the principles of embodying the precautionary principle, and prioritising the protection and preservation of the environment, water catchments and nature conservation,*
- *Produce clear strategies and clear, measurable implementation measures, clear direction through clear prioritisation of values and clearly defined outcomes, and clear mechanisms to ensure meaningful consultation and engagement,*
- *Ensure integrated decision-making between council and other government agencies, and*
- *Clearly identify settlement boundaries.*

Statement of Planning Policy No. 8 is to be retained as a Reference Document for the Localised Planning Statement.

The State government is providing \$70,000 to Council which will be working 'in partnership' with the Victorian Planning Authority \* and Department of Environment, Land, Water and Planning. The Minister said the government was hoping to have legislation before parliament by the end of 2017. Amendments C98, C99 and C100 (Structure Plan amendments for Woodend, Kyneton and Riddells Creek respectively) are presently before the Minister for final

approval. Amendment C110 (i.e. the rural living carve-up amendment) will be considered at a later date, and against the finalised Localised Planning Statement.

You can access the full Advisory Committee Report at <http://www.planning.vic.gov.au/policy-and-strategy/macedon-ranges-protection>

\* *The Victorian Planning Authority has charge of, amongst other things, planning for metropolitan growth corridors (such as the Sunbury Growth Corridor).*

### **MRRA Says:**

Our appreciation goes to Minister Wynne, Mary-Anne Thomas, the Advisory Committee and Departmental contributors for getting protection for Macedon Ranges to this stage.

However, the Association has concerns with where the process goes from here. Recent announcements of new suburbs to be created in close proximity to Macedon Ranges Shire brings Melbourne's sprawl even closer, deepening already intense development pressures on the Shire. Rural properties in Macedon Ranges Shire have already been advertised and sold as *"land-banking opportunities"*.

In 2014 the State government 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."*

MRRA has always said to the State government, *"we will be holding you to that"*.

The protection being proposed is high-level, long-term, and legacy-making. It must be excellence, and it must indeed maintain Statement of Planning Policy No. 8, provide the highest level of protection, and protect "for good". The Advisory Committee and Minister have provided the foundation to achieve these outcomes although significant work and a great deal of expertise, commitment, care and objectivity will be required to get there.

However, revision of the Localised Planning Statement has been handed back to Macedon Ranges Shire Council. While there is a new and refreshingly different councillor group, it has only been in place for a couple of months. Councillors rely on advice from the Council administration that produced the failed 2014 Localised Planning Statement, and appears still intent on implementing its long-held agenda: *replacing Statement of Planning Policy No. 8 with its own accelerated growth and economic development program, with environment relegated to merely being a backdrop*. Consequently, potential exists for undesirable administrative influence, and this reduces confidence in the Localised Planning Statement process.

***The Association believes confidence would be heightened, and the councillor group would be greatly assisted, if the councillor group took charge of the project and engaged an independent, highly-experienced expert planner, to write new policy and provide councillors with sound, objective planning and policy advice.***

## Macedon Ranges' Localised Planning Statement

The Committee accurately identified many of the 2014 draft Localised Planning Statement's short-comings, which primarily arose because it was mis-used as a vehicle to promote and justify the then Council's pet projects: *accelerated growth; subdivision of rural land and increased rural living development; the equine industry and equine centre; rezoning to make smaller lots for people to have horses and pursue a form of agribusiness; and large tourism development and commercial uses in rural and environmentally-sensitive areas* - and this priority set remains in the draft LPS.

Concurrently, the Shire's high-significance values were either not recognised or their importance was downgraded to sit as a peripheral issue, subservient to growth, rural subdivision and economic development priorities (e.g. high-significance features, attributes and resources are reduced to "attractive", "interesting", "scenic") - and this prejudice remains in the draft LPS.

These priorities and prejudices also drove the previous Council's contribution to the Loddon Mallee South Regional Growth Plan, and changes to the Macedon Ranges planning scheme by Amendment C84. They have also permeated other policy and strategic work, for example, Environmental Management Plans, where less really is less.

### **Some specific and broader issues relating to the protection process that are of concern to the Association include:**

#### # Assumptions that major planning documents are sound:

- Macedon Ranges planning scheme. It is unfinished, and relying on it will not produce a complete picture. For example, recommendations for application of Salinity Management, Erosion Management, and hundreds of Heritage Overlays have never been implemented; flood controls remain interim, incomplete and do not accurately reflect flood risk.
- Macedon Ranges current (post-Amendment C84) planning scheme. Amendment C84 was mis-represented as a policy-neutral reformatting of the MSS but rewrote the planning scheme to implement the previous council's priorities and prejudices noted above, without commensurate consultation.
- Loddon Mallee Plans. Council administration oversaw input into the Loddon Mallee South Regional Strategic Plan (without any community consultation), as well as the subsequent Loddon Mallee South Regional Growth Plan (community saw the final exhibited draft only). These Plans also reflect the previous council's priorities and prejudices noted above.

#### # Errors, misrepresentation, and exaggerations in the draft Localised Planning Statement. Examples include:

- The claim there are *established* Regional Centres within the Shire, when there are not.
- The claim that the Loddon Mallee South Regional Growth Plan identifies both Gisborne and Kyneton as Regional Centres. The Loddon Mallee Plan's *Map 1 Future growth framework* includes Gisborne and Kyneton in the category "*Regional centres / towns*" where growth is to be managed and supported. The Macedon Ranges Settlement Strategy identifies only Gisborne as potentially growing to a *Regional Centre* by 2036; Kyneton is identified as growing to a *Large District Town* by 2036.
- MSS Clause 21.13-2 Kyneton Township. The C84 Panel's recommended identification of Kyneton as a town that "*will become a large district town*" by 2036 was deleted between

council's adoption of C84, and the final, approved C84. The LPS then exaggerates growth in Kyneton by mis-representing Kyneton as / growing to a (larger) regional centre.

- Misrepresentation of Macedon Ranges Shire as merely "*part of the broader peri-urban region which surrounds the built up areas of metropolitan Melbourne*". Macedon Ranges Shire is a Large Rural Shire, within Melbourne's peri-urban hinterland region, that abuts but is outside the Melbourne metropolitan and Green Wedge areas at its southern boundary.

# Inadequate recognition of the role and relevance of the Federal *Environment Protection and Biodiversity Conservation Act*, the State *Flora and Fauna Guarantee Act* and other identified environmental and heritage significance in the Shire.

# Insufficient recognition that the local community must be consulted, and that local values and interests are to carry equal weight as any others.

# Over-emphasis of equine matters including two full paragraphs promoting and justifying the equine industry and equine centre in discussion of agriculture and rural land use. The LPS also fails to distinguish that equine-related land use is a rural activity, not (productive) agriculture.

# The former "*Range and the Rock*" policy area (i.e. the "immediate" surrounds of). While the policy area is to be abandoned, the name persists in the LPS. Both policy area and name were invented for the draft 2014 LPS by the previous council to replace the larger, long-recognised *Statement of Planning Policy No. 8 - Macedon Ranges and Surrounds* policy area. Replace "*Range and the Rock*" with "*Macedon Ranges and Surrounds*" when describing significance in the Shire's central areas.

# Inadequate description of implementation actions e.g. Implementation action: identify *and manage* biolinks. Also inadequate identification of outcomes sought.

# Inadequate recognition of the roles and importance of townships in the Shire's overall significance, and provision of commensurate policy to justify application of strong design and development controls that prioritise protection of rural character in township development proposals.

# Insufficient attention to public land, and no implementation requirements to review public land zoning to ensure zones reflect the land's role and function.

# Implementation does not include review and expansion of permit triggers in Environmental Significance overlays applied to Special Water Supply Catchment.

### **Additional Matters**

# The form of protection proposed will maintain application of existing State policy (which often results in metropolitan policies being applied in Macedon Ranges Shire) and standard State zones and overlays. Without specific further clarification, this situation will (continue to) create uncertainty:

- Identify which State policies will, and won't, apply in Macedon Ranges. For example, State policy for activity centres, planning for growth areas, etc.
- Current State policy requirements for provision of 15 years' land supply, if not reconciled with protection policy, will create pressure for continually expanding settlement boundaries.
- Victoria In Future population projections - these figures currently reflect what has been happening *without* protection policy and require revision to reflect protection policy.
- ResCode produces damaging development in the Macedon Ranges context, but will continue to apply even with protective Macedon Ranges' policy and legislation. Reconcile this conflict by allowing modification of all or any ResCode standards in Macedon Ranges, and endorse application of the Neighbourhood Residential Zone, to protect rural township character.

- Management of land uses - overlays only address development.

### Macedon Ranges' Legislation

Legislation is essential, and very welcome, and will be prepared after finalisation of the Localised Planning Statement.

The legislation proposed requires parliament's consent for expanding or creating new settlement boundaries, which are to be identified in the Localised Planning Statement (Framework Plan).

# There is a lack of certainty and clarity about whether settlement boundaries are intended to be *permanent* boundaries. Additional concerns include:

- Potential for settlement boundaries being changed (expanded) on a regular basis, unless there is resolution of State policy requiring 15 years land supply to be constantly maintained, and modification of Victoria In Future projections to reflect protection policy.
- Potential for huge initial settlements to be created. Council administration previously attempted, without community consultation or endorsement by councillors of the day, to have the Macedon Ranges Settlement Strategy's Study Areas declared "settlement boundaries", but this was rejected by the Amendment C84 panel. Those Study Areas are vast and include all Rural Living Zones - including 8ha and 40ha minimum subdivision sizes. The Settlement Strategy regarded the Rural Living Zone as a residential zone, when it is a rural zone.
- Potential endorsement and inclusion of extensive areas identified for 'future investigation' or designated for urban expansion in current planning scheme amendments that respond to the accelerated growth priority that has been applied, and/or landowner aspirations. For example, some 225ha (C99) and 270ha (C110) is identified at Kyneton, almost 500ha at Woodend (C98), and 250ha at Riddells Creek (C100).

# The Association considers it essential that Macedon Ranges' legislation also include requirements for parliamentary approval for:

- Changes that *"have the effect of altering or removing any controls over the subdivision of land"* in relation to rural land (i.e. land in rural zones), as is included in legislation for Green Wedges, at 46AF(1)(b) of the Planning and Environment Act.
- Changes to the Localised Planning Statement. The Advisory Committee alarmingly gives Council authority to review the LPS regularly. As the LPS is, in effect, the Statement of Planning Policy No. 8 of its time, it is not acceptable for any change to be made without the highest levels of consultation, oversight, transparency and accountability. Anything less would leave the LPS vulnerable to being 'picked over' by vested interests.

### A "Macedon Ranges" Particular Provision

At page 46, the Committee's report supported but stopped short of formally recommending introduction of a State-level Macedon Ranges' Particular Provision to provide additional direction for policy objectives for agricultural land. Similar Particular Provisions already exist (Clause 57 for Green Wedges, and Clause 53 for Yarra Ranges). The Advisory Committee champions Clause 53 as a model for Macedon Ranges.

A Macedon Ranges Particular Provision would provide additional strength to protection, and is considered essential.

Clause 53 is an appropriate and desirable model, adapted to Macedon Ranges' specific issues and conditions. Critically, it includes a highly desirable statement that Clause 53 provisions prevail over other parts of a planning scheme where a conflict occurs.

As Macedon Ranges-specific rural zones are not proposed to be introduced as part of the protection process (as they were when Green Wedges were introduced), there would also be merit in including a Clause 57-style Table of Uses that provides for incompatible uses in current standard State rural zones to be restricted through prohibitions and/or limitations on scale.

**This is an exciting and epoch-making time for Macedon Ranges, where some of the most important decisions in the Shire's history are about to be made. Those decisions will determine the Shire's long-term future.**

**As MRRA said above, the output of the protection process must be excellence, to satisfy community expectations and provide the highest level of protection for our towns and rural land. Consequently, whatever is needed to fully realise that objective, must be done.**