

Attention Mr. Richard Wynne.

Thank you for the legislation to protect Macedon Ranges Shire, it is first class. The authors of the legislation were excellent. The authors of the Localised Planning Statement are more than disappointing, they appear to have ignored every consultation process and outcome and mirror the old Council staff or councillors, of which many have now either left or have been voted out.

The latest version of the Localised Planning Statement. I cannot support this policy document because it undermines your legislation and does not provide a sound 50-year vision and integrated framework for the Macedon Ranges that would provide adequate protection against poor land use decisions and it does not reflect community values and expectations. It is a retrograde step from the currently accepted Statement of Planning Policy No. 8.



In Woodend, the Localised Planning Statement would extend the township boundary to include massive areas of rural land for urban development on the northwest, northeast and east of the town. This is shown on the map opposite – everything within the outer boundary line would instantly be designated as part of the town, contrary to the community's expectations and the Woodend Town Structure Plan 2015.

Background:

Statement of Planning Policy No. 8, 1975

As you may be aware, the Macedon Ranges was provided with legal protection from poor land use decisions in 1975 when the Hamer government created Statement of Planning Policy No. 8 Macedon Ranges and Surrounds. (Similar policies were prepared at that time for other areas such as the Yarra Ranges.) This policy sat under the *Town and Country Planning Act 1961*.

When the *Planning and Environment Act 1987* came into effect to replace it, the government of the day did not make provision to carry the existing statements into the new legislation. However, the statements of planning policy found expression in other ways and

a version of our planning statement became a local policy in the Macedon Ranges Planning Scheme. Statement of Planning Policy No. 8 is still considered “live” and is often referred to by VCAT and Planning Panels Victoria.

Over time there have been formal requests to the State government by community members and at times the Macedon Ranges Shire Council to strengthen the protection policy through new legislation. There are concerns that the current arrangements are not strong enough to prioritise protection of environmental, landscape and heritage values when decisions are made (e.g. the proposal for extensive development of the East Paddock at Hanging Rock).

Localised Planning Statement (LPS), 2014

During the term of the last Victorian government, the then Minister for Planning, the Hon. Matthew Guy, proposed that areas requiring special protection should be recognised with Localised Planning Statements as State policy in all planning schemes. This included the Macedon Ranges. The affected Councils were asked to prepare draft LPSs for the government’s consideration and approval. The Macedon Ranges Shire Council drafted an LPS in 2014 and undertook community consultation about it, but it did not gain community support and it was not approved by the Minister. Before further work could be undertaken, there was a change of government.

Macedon Ranges Protection Advisory Committee, 2015 -2017

The current Minister for Planning announced in November 2015 that he would appoint the Macedon Ranges Protection Advisory Committee to provide him with advice about the best way to protect the Macedon Ranges. The Advisory Committee was asked to advise the Minister on “an appropriate policy to support changes to the legislative framework to achieve protection for the Macedon Ranges and its unique natural attributes, high environmental values and distinctive rural character and townships.” The Advisory Committee issued a discussion paper, invited submissions and held public hearings in 2016. Their final report, dated July 2016 (released February 2017), made 12 recommendations to the Minister, all of which he accepted. Information about the Advisory Committee and a copy of its discussion paper and final report are at <https://www.planning.vic.gov.au/panels-and-committees/recent-panels-and-committees/macedon-ranges-protection-advisory-committee>.

The Advisory Committee produced a new version of the Macedon Ranges LPS which it said better represented the principles and aspirations of a protection ethos as well as the policy directions of Statement of Planning Policy No. 8, which the Committee considers are still valid today.

The Advisory Committee report also includes the Statement of Planning Policy No. 8 in its appendix E.

Protected settlement boundary

The legislation would allow the Minister with Parliamentary consent to establish a “protected settlement boundary” around a city, town or village. Once established, these would require an Act of Parliament to be changed.

What is the Localised Planning Statement?

The current version of the Localised Planning Statement (LPS) can be downloaded at <https://engage.vic.gov.au/macedon-ranges-localised-planning-statement> We assume that this LPS would form the new Statement of Planning Policy. This is an overview of the LPS in relation to the draft legislation:

Policy area

The policy area is identified as the Macedon Ranges Shire as recommended by the Macedon Ranges Protection Advisory Committee.

Distinctive attributes

The LPS uses “policy domains” to describe distinctive attributes including Landscape, Biodiversity and environmental values, Water catchments and supply, Aboriginal cultural heritage, European cultural heritage, Settlements, Agriculture and rural land, Tourism and recreation, and Transport and infrastructure. There is a description, objective and set of strategies with in some cases a map for the policy domains.

The descriptions are a mixture of generalisations and at times good detail, leaving gaps in the identification of the unique features and special characteristics that justify a declaration and that are to be protected under the legislation. There is emphasis on state-level significance only instead of a careful layering of the attributes that qualify the Macedon Ranges as a “distinctive area and landscape” – with Shire, Victorian and Australian icons (e.g. what is Woodend’s Avenue of Honour?)

The objectives are so broad that anyone should be able to support them. The strategies and maps only recognise attributes of state significance and the strategy wording is the same as can be found in the planning scheme (or should be); these do not advance protection policy across the Macedon Ranges or with any detail. In addition, there is no prioritising of values or outcomes or any emphasis on development occurring within a natural setting as we have in Statement of Planning Policy No. 8.

Land use threats

These are missing from the LPS.

50-year vision

The front end of the LPS includes several short sections leading up to the vision. Here the emphasis is on growth and on balance (i.e. trade-offs) rather than on integration. The Council’s position (in its submission to the Macedon Ranges Protection Advisory Committee) that the current planning scheme offers sufficient protection and Statement of Planning Policy No. 8 has been superseded by the planning scheme comes through clearly. This does not engender confidence that the Council is fully supportive of lasting, legislative protection.

The vision is a list of (obvious) statements that it would be difficult to argue against, but which does not establish priorities or other clarifications to assist decision makers. It does not express the “values, priorities and preferences of the Victorian community in relation to the distinctive attributes of the declared area.” It also does not reflect the importance of the

Macedon Ranges and its role in relation to the Melbourne Metropolitan Area, as a rural break and recreational destination.

As an example, the last vision statement reads “transport, community and essential services infrastructure will support liveable, well-connected rural communities that are more resilient to natural hazards and the effects of climate change”. How will this help a decision maker to determine whether a proposed land use change protects the distinctive attributes of the Macedon Ranges or is instead a land use threat?

Integration of decision-making and planning

The LPS fails to provide any direction on how the different unique features and special characteristics of the Macedon Ranges are to be protected and conserved *in an integrated manner*. The separate policy maps that are provided only include state-significant attributes. The final framework plan is a map that is intended to implement the vision and reflect the strategies, but it is not clear how it actually does this.

In any case, the document fails to explain how the nine policy domains are to work together and how a decision maker should approach these. We note there is no statement of planning policy such as in Statement of Planning Policy No.8. Once the content problems are fixed for the policy domains (including their plans), then a clear policy statement should be added similar to the one contained in Statement of Planning Policy No.8, to establish clear priorities and outcomes consistent with the legislation and tailored to this distinctive area and landscape.

Whether the statement is binding

The LPS fails to address what elements are binding. The document says that government agencies “must consider it when making relevant decisions and carrying out activities in the policy area.” This does not meet the legislative requirement.

Aboriginal cultural heritage

The three communities in the Macedon Ranges are recognised along with spiritual and culture heritage connection to Country. Sadly, the strategies do not acknowledge that these communities can offer meaningful advice on utilizing and managing the natural resources of the Macedon Ranges for their protection and conservation. This perspective needs to be added if we are to meaningfully recognise connection to Country.

Integrated framework plan

See “Integration of decision-making and planning”, above.

Protected settlement boundaries

Both the terms “protected settlement boundary” (requiring Parliamentary approval for adoption and change) and “settlement boundary” are used in the LPS, creating confusion about what is meant for each of the six township boundaries identified – Kyneton, Woodend, Gisborne, Lancefield, Romsey and Riddells Creek.

Mapped future investigation areas from local township plans for Woodend, Kyneton and Riddells Creek have now been converted to areas for development by their inclusion in the settlement boundaries, instantly adding several hundred hectares of land for township development even when individual township plans have concluded that this land is not needed for the medium to long term. We note that the legislation requires a *50-year*

vision, not a 50-year settlement boundary. And in any case, the town has certainly not doubled in size in the last 50 years, unlike Melbourne.

It is unclear why the LPS includes investigation areas that have been excluded from township boundaries because there is already sufficient land for housing and commercial growth. The inclusion of these areas appears arbitrary and lacking proper process.

In addition, there is no process set out as to how these investigation areas are to be treated. In practical terms, their inclusion simply gives property owners the go-ahead to apply for rezonings because the high-level Statement of Planning Policy will give them the strategic support that they need. It would then be difficult for any decision maker to oppose the rezoning when the land has been identified for township development under the legislation. The “balancing” of competing objectives would see the land developed despite the legislation requiring protection of unique features and special characteristics – which *should* be seen as a priority. This scenario illustrates the type of problem that would be created by the LPS as it is currently written.

In the case of Woodend, the investigation areas comprise the north-western, north-eastern and eastern areas included in the Woodend Town Structure Plan of 2015 and would double the size of the town. This contradicts the conclusions of the structure plan and the values, priorities and preferences of the community, and instead it introduces rezoning by theft.

Thank you

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