***Planning and Environment Act 1987***

Final Report

Macedon Ranges Protection Advisory Committee

27 July 2016

*Planning and Environment Act 1987*

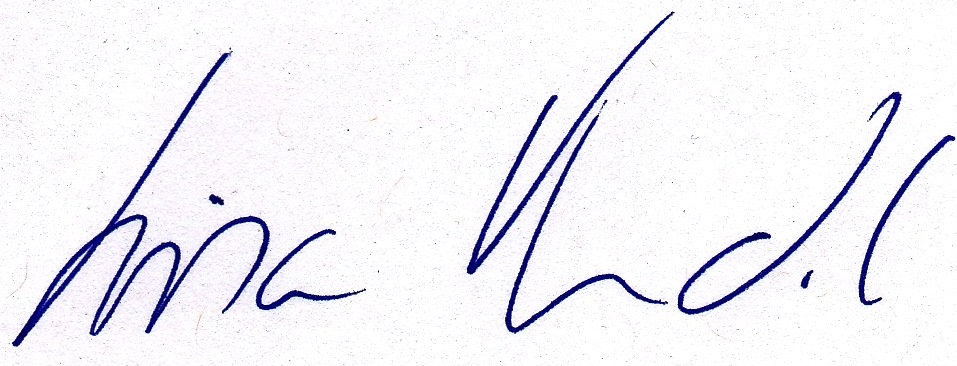
Final Report

Macedon Ranges Protection Advisory Committee

27 July 2016

Brett Davis, Chair Sarah Carlisle, Member

Mandy Elliott, Member Lisa Kendal, Member

Contents

Page

Executive Summary 1

1 Background 7

1.1 Advisory Committee and Terms of Reference 7

1.2 Advisory Committee process 8

1.3 Amendments under consideration 8

1.4 Approach to this report 9

1.5 Issues the Advisory Committee could not consider 10

2 Submissions and issues - overview 11

3 Extent of geographic area 13

3.1 Issues Paper 13

3.2 Submissions 15

3.3 Discussion and conclusion 15

3.4 Recommendations 16

4 Key values, attributes and challenges 17

4.1 Issues Paper 17

4.2 Submissions 17

4.3 Discussion 19

4.4 Findings and conclusions 21

5 Current policy gaps 24

5.1 Issues Paper 24

5.2 Submissions 24

5.3 Discussion 31

5.4 Findings and conclusions 35

5.5 Recommendations 37

6 Legislative Options 38

6.1 Issues Paper 38

6.2 Submissions 38

6.3 Discussion 44

6.4 Findings and conclusions 51

6.5 Recommendations 54

[Appendix A Terms of Reference](#_Toc457379186)

[Appendix B Committee’s Preferred Localised Planning Statement](#_Toc457379187)

[Appendix C Consultation Process](#_Toc457379188)

[Appendix D Document List](#_Toc457379189)

[Appendix E Statement of Planning Policy No 8](#_Toc457379190)

List of Tables

[Table 1 Issues Summary 9](#_Toc457379191)

[Table 2 Models for legislative protection 51](#_Toc457379192)

List of Figures

Page

[Figure 1 Why protection is needed 3](#_Toc457379193)

[Figure 2 Possible ways forward presented in the Committee’s Issues Paper 11](#_Toc457379194)

[Figure 3 Responses to possible ways forward presented in the Committee’s Issues Paper 12](#_Toc457379195)

[Figure 4 Statement of Planning Policy 8 Boundary and Localised Planning Statement Boundary 14](#_Toc457379196)

[Figure 5 Finalising the process of protection 54](#_Toc457379197)

Glossary and abbreviations

|  |  |
| --- | --- |
| Council | Macedon Ranges Shire Council |
| CVLAS | Draft Central Victorian Landscape Assessment Study |
| DDO | Design and Development Overlay |
| DELWP | Department of Environment, Land, Water and Planning |
| EMP | Environmental Management Plan |
| EPBC Act | Environment Protection Biodiversity and Conservation Act 1999 |
| LPPF | Local Planning Policy Framework |
| LPS | Draft Macedon Ranges Localised Planning Statement September 2014 |
| MRRA | Macedon Ranges Residents’ Association |
| MSS | Municipal Strategic Statement |
| RSP | Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan |
| SLO | Significant Land Overlay |
| SPP8 | Statement of Planning Policy No 8 |
| SPPF | State Planning Policy Framework |
| The Act | Planning and Environment Act 1987 |
| The Range and the Rock | Policy area denoted in Draft Localised Planning Statement September 2014 |
| UGB | Urban Growth Boundary |
| VPO | Vegetation Protection Overlay |
| VPP | Victoria Planning Provisions |

Executive Summary

The Macedon Ranges Protection Advisory Committee (the Committee) was appointed on 21 December 2015 by the Minister for Planning to provide advice on an appropriate policy to support changes to the legislative framework to achieve protection for the Macedon Ranges.

The Terms of Reference require the Committee to:

…provide advice on an appropriate policy to achieve protection of the significant values, attributes and character of the Macedon Ranges and support changes to the legislative framework. The Advisory Committee will also report on potential legislative options and statutory arrangements available to implement the final policy.

Macedon Ranges is a significant place in the peri-urban region of Melbourne. The area is characterised by significant high quality natural and built landscapes including Macedon Ranges Regional Park, Hanging Rock, Cobaw Ranges, Wombat State Forest and the historic townships of Kyneton, Woodend, Mount Macedon and Gisborne. The Shire is rich in Aboriginal, post-settlement and natural heritage.

There are three Registered Aboriginal Parties in the area, the Dja Dja Wurrung, Taungurung and Wurundjeri. The Dja Dja Wurrung Clans Corporation represents the interests of the Dja Dja Wurrung traditional owner group, recognised by the 2013 Settlement Agreement. The Dja Dja Wurrung has developed a ‘Country Plan’ which outlines the strategic goals of the Dja Dja Wurrung in the management of land and waters comprising their ‘Country’ as well as consultation principles for State or third parties.

The Committee understands the Taungurung and Wurundjeri are in various stages of the process of achieving their own such settlements under the *Traditional Owner Settlement Act 2010*.

For the local community, the area provides refuge from more urban areas, and income through a variety of land uses, including productive agricultural land and tourism pursuits. For residents and visitors, the area provides important recreational and tourism opportunities based on the area’s natural attractions, historic townships and renowned food and wine.

In addition, the area contains parks and reserves which provide significant biodiversity value, and harbours significant water supply catchments which service regional areas and Melbourne (including the Werribee catchment area).

The Committee agrees with submitters that it is the unique combination of the Shire’s values and attributes, many of which mean different things to different people, that make the Shire ‘special’. The Committee has adopted this view in making its conclusions and recommendations.

The key land use planning challenge for the Macedon Ranges is, to quote from the purpose of the *Planning and Environment Act 1987*:

to balance the use, development and protection of land in the present and long-term interests of all Victorians.

This challenge is not unique to the area. The same challenge exists across the State.

In the Macedon Ranges context, the key challenge is to effectively balance growth and prosperity of the region, while ensuring it retains its unique features and characteristics which make it a popular place for people to live, work and visit. Land use planning needs to provide for housing, agriculture, rural living environments, water supply and tourism, and the infrastructure required to support these various uses. New and existing residents who seek the highly valued lifestyle of the Shire need jobs – these can be provided for from the land (such as in agriculture or nature-based tourism), or through service and other industries within the main town centres.

The key threat identified through this Committee process relates to urban and township growth, expanding settlement boundaries and encroachment onto rural land. This has the potential to impact on the area’s significant values.

The Committee found that the Macedon Ranges is facing unique pressures from population growth and urban expansion. It is a peri-urban municipality, on the doorstep of metropolitan Melbourne, with declared growth areas to its immediate south. Its highly valued lifestyle and rural character combine with its proximity to Melbourne to create particular and significant pressures that are not being felt in other highly valued areas that are more distant from Melbourne (such as the Grampians and the Great Ocean Road).

The area is recognised as a significant fire risk location in Victoria. Fire is a natural feature of the Victorian bush, however encroaching settlement in rural areas has the potential to increase both the prevalence and consequences of fire. The implementation of bushfire protection measures in rural areas may be incompatible with other environmental objectives such as the protection of native vegetation. Climate change is not a unique threat to the Macedon Ranges but has the potential to increase the risk of fire and flood in the Shire.

The Committee concludes that the Macedon Ranges is a significant area worthy of specific protection, due to its appeal to settlers and visitors, and the finite nature of the very aspects which create its appeal. A combination of policy and legislative mechanisms is warranted to provide the appropriate protection of these significant values and attributes.

Figure 1 summarises the Committee’s thinking with regard to why protection is needed.

Figure Why protection is needed

The Committee has considered the existing policy framework including Loddon Mallee South Regional Growth Plan, Macedon Ranges Planning Scheme, Plan Melbourne and *Statement of Planning Policy No 8 – Macedon Ranges and Surrounds,* 1975 (SPP8).

The State Planning Policy Framework recognises Macedon Ranges as one of four distinctive areas in the State, warranting a Localised Planning Statement which, once adopted, would become a reference document in all Victorian Planning Schemes. Macedon Ranges Shire Council prepared a draft Localised Planning Statement in conjunction with the then Department of Transport, Planning and Local Infrastructure. Council conducted extensive community consultation in May and June 2014, and adopted the draft LPS on 24 September 2014. It has not yet proceeded past this point to be formally adopted or included in the Victoria Planning Provisions.

The draft LPS was considered by the Committee and in March 2016 the Committee’s Issues Paper asked a number of questions in relation to the draft LPS. Having considered submissions, the Committee is not satisfied that the draft LPS, in its current form, provides an appropriate policy basis for protection.

The Committee considers the draft LPS has, in parts, captured the essence of what is needed in a Macedon Ranges Localised Planning Statement, but that further work is required to strengthen the policy in some areas. The Committee has provided its preferred version of how this Statement can be re-worded to prioritise the environment and strengthen the implementation aspects of what Council is trying to achieve.

There were submissions both for and against reintroducing SPP8 in its entirety as a way of achieving protection for the Shire.

The Committee considers that, although the Municipal Strategic Statement (at Clause 21 of the Macedon Ranges Planning Scheme) and the restatement of SPP8 (at Clause 22.01) generally reflect the underlying principles of SPP8, there is significant debate as to whether or not these principles have been strictly adhered to in planning decision-making in the Shire over the past few years.

It is the Committee’s view that over time, for varied reasons, the effectiveness of SPP8 as a guiding policy has been eroded. The clear direction, prescriptive language and prioritisation of environmental protection embedded in SPP8 is not reflected in the current planning and policy framework.

Although SPP8 deals with many of the themes relevant to today’s land use planning, and provides clear directions and priorities, the Committee was not persuaded that SPP8 should be reinstated ‘as is’.

The planning system has evolved beyond the time when SPP8 was ‘cutting edge’. In its current form it bears little relation to today’s regulatory regime, under which other tools (such as the Victoria Planning Provisions and other legislation) now fulfil many of the functions that SPP8 once needed to fulfil. SPP8 applies to only a limited area of the Shire, and delivery of key infrastructure in the area (such as the Calder Freeway and reticulated sewage) allows for a more nuanced approach and a broader policy emphasis.

The Committee considers that a revised Macedon Ranges Localised Planning Statement (based on the Committee’s preferred version at Appendix B), together with the existing Local Planning Policy Framework in the Macedon Ranges Planning Scheme, will better reflect the principles of SPP8. A revised LPS will address current gaps in the policy framework, and will provide more effective protection than the current planning and policy framework.

The Committee considers that the revised policy framework must discourage the encroachment of inappropriate development into the Shire’s rural areas. Accordingly, the revised LPS must clearly identify settlement boundaries within which urban development and rural living must be confined. The Committee has found that there is a substantial amount of policy and strategic work that has been done and is available to assist in defining clear settlement boundaries.

The Committee has considered a number of potential legislative options and statutory arrangements that could be implemented to provide protection in a planning context, and to support the revised policy framework.

The Committee concludes that Clause 11.14 of the Victoria Planning Provisions will provide effective protection for the key values and attributes of the Macedon Ranges, once the Localised Planning Statement has been revised in accordance with the Committee’s recommendations.

The Committee concludes that this protection should be supplemented by legislation which prevents the settlement boundaries identified in the revised Localised Planning Statement from being altered without Parliament’s approval.

The Committee concludes that any inconsistencies with the revised Macedon Ranges Localised Planning Statement in the Macedon Ranges Shire Planning Scheme would be identified through Council’s regular review of its planning scheme under section 12B of the Planning and Environment Act.

Set out below are the Committee’s consolidated recommendations to the Minister. These recommendations are repeated in the relevant chapters in this report, but have been reordered for the purposes of the consolidated recommendations.

The Committee recommends that the Minister:

1. Set aside the Macedon Ranges Localised Planning Statement as adopted by Council in September 2014.
2. Direct Macedon Ranges Shire Council to prepare a new Macedon Ranges Localised Planning Statement that is:
   1. based on the Committee’s preferred version contained in Appendix B of this report, and the principles contained in Chapter 6.4.1 of this report
   2. consistent with Recommendations 3, 4, 5 and 6 in this report
   3. prepared in consultation with relevant stakeholders, including the Registered Aboriginal Parties and the Department of Environment, Land, Water and Planning.
3. Direct Macedon Ranges Shire Council to define the geographic extent of the new Macedon Ranges Localised Planning Statement as the existing municipal boundary for Macedon Ranges Shire, with no reference to the Range and the Rock as a separate policy area.
4. Direct Macedon Ranges Shire Council to include a Framework Plan in the new Macedon Ranges Localised Planning Statement which shows clearly defined settlement boundaries within which urban development and rural living must be confined.
5. Direct Macedon Ranges Shire Council to ensure the settlement boundaries avoid or minimise the following areas:
   1. areas identified in the Loddon Mallee South Regional Growth Plan Map as ‘areas containing high value terrestrial habitat’
   2. areas identified in the Loddon Mallee South Regional Growth Plan Map for the facilitation of ongoing agricultural productivity and new opportunities
   3. areas identified as high bushfire risk
   4. areas identified as having potential for agricultural productivity.
6. Direct Macedon Ranges Shire Council that the settlement boundaries be informed by existing policy and strategic work including:
   1. the State Planning Policy Framework at Clause 11 (Settlement) and Clause 16 (Housing)
   2. Clause 21.13 of the Local Planning Policy Framework
   3. The Macedon Ranges Shire Council Settlement Strategy 2011
   4. Amendments C98, C99, C100 and C110 to the Macedon Ranges Planning Scheme (if approved).
7. Direct the Department of Environment, Land, Water and Planning that once the new Macedon Ranges Localised Planning Statement has been approved and incorporated into the Victoria Planning Provisions, it is to prepare a legislative proposal for amending the *Planning and Environment Act 1987* to insert provisions requiring Parliamentary approval for any planning scheme amendment approved by the Minister that:
   1. amends the settlement boundaries identified in the approved Macedon Ranges Localised Planning Statement, or
   2. inserts any new settlement boundary into the approved Macedon Ranges Localised Planning Statement.
8. Direct Macedon Ranges Shire Council to review the geographic application of the Significant Landscape Overlay Schedule 1 in the Macedon Ranges Planning Scheme, and prepare a planning scheme amendment to:
   1. extend the geographic application of the Significant Landscape Overlay Schedule 1 (if required)
   2. insert the following as the first sentence under Clause 2.0:
      * To preserve the landscape quality of the vistas when viewed from the elevated points of the landscape feature.
9. Direct Macedon Ranges Shire Council to review the planning controls applied to the Mount William Stone Hatchet Quarry, to ensure the site is adequately protected for its cultural heritage significance.
10. Direct Macedon Ranges Shire Council to undertake a review of the current application of Vegetation Protection Overlays across the Macedon Ranges Shire to assess whether they are providing adequate protection of the Shire’s significant vegetation, with particular consideration given to whether listed grassland communities within the Shire should be afforded protection.
11. Request Macedon Ranges Shire Council to amend its proposed Environment Strategy to include the following requirement:
    * + Assess biolink projects occurring within the Shire to determine where resources should be allocated.
12. Direct the Department of Environment, Land, Water and Planning to prepare protocols to ensure that relevant Settlement Agreements are embraced and that Registered Aboriginal Parties are meaningfully engaged as partners on natural resource strategic planning projects initiated or undertaken by the Department.

# Background

## Advisory Committee and Terms of Reference

This is the Final Report of the Macedon Ranges Protection Advisory Committee (the Committee) submitted to the Minister for Planning.

The Committee was appointed on 21 December 2015 by the Minister for Planning to provide advice on an appropriate policy to support changes to the legislative framework to achieve protection for the Macedon Ranges. The Committee was guided by Terms of Reference attached in Appendix A.

The Committee consisted of:

* Brett Davis, Chair
* Sarah Carlisle
* Mandy Elliott
* Lisa Kendal.

The Committee was assisted by Elissa Bell and Emily To of Planning Panels Victoria.

The Terms of Reference require the Committee to:

… provide advice on an appropriate policy to achieve protection of the significant values, attributes and character of the Macedon Ranges and support changes to the legislative framework. The Advisory Committee will also report on potential legislative options and statutory arrangements available to implement the final policy.

Clause 4 of the Terms of Reference states that the Committee is to provide independent advice and present its findings and conclusions on the following matters:

a. The extent of the geographic area the final policy and legislative controls should apply to.

b. An assessment of why protection is needed, including identification of the key values and attributes that contribute to the significance of the Macedon Ranges and the key threats and areas that are under threat.

c. The issues, challenges and opportunities for Victoria's land use planning framework in protecting the significant values and attributes of the Macedon Ranges, and the key principles that should underpin legislative protection.

d. The extent to which the current policy and planning framework addresses the identified threats, issues and challenges to protecting the area and identification of any gaps in policy.

e. An appropriate policy to support changes to the legislative framework and provide certainty for the community, Local Government, State Government departments and agencies and other key stakeholders.

f. Potential legislative options and statutory arrangements available, including tools available to State Government department and agencies and Local Government, to implement the final policy and achieve protection of the unique values, attributes and character of the Macedon Ranges.

## Advisory Committee process

The Terms of Reference required the Committee to publish an Issues Paper for the purpose of public consultation, which was to discuss clauses 4a, 4b, 4c and 4d of the Terms of Reference. In order to inform the Issues Paper, the Committee conducted a number of roundtable discussions with various stakeholders as set out in the Terms of Reference.

Members of the Committee also conducted an extensive site visit of the Shire coordinated by Council officers. The tour was for information purposes only, and no submissions were made to the Committee during the site visit.

The Issues Paper was released on 11 March 2016 and exhibited up until 18 April 2016 with late submissions being accepted on request. Public notification regarding the release of the Issues Paper was placed in the following newspapers between 5 and 18 March 2016:

* Herald Sun
* Macedon Leader
* Macedon Star Weekly
* Woodend – Macedon Ranges Guardian
* Midland Express
* Weekly Times.

Direct notification was provided by email to general stakeholders who registered their interest with Planning Panels Victoria prior to the publication of the Issues Paper. In addition, an advertisement was included in the Department of Environment, Land, Water and Planning (DELWP) weekly newsletter ‘Planning Matters’ and on the Planning Panels Victoria website.

A total of 64 submissions were received by the Committee. Public Hearings were held in the week of 2 May 2016 in Gisborne. Twenty seven submitters presented at the Public Hearings. The Committee then met with a number of landcare and environment groups on 13 May 2016. The list of these parties can be found at Appendix C.3.

The Committee has been greatly assisted in fulfilling its tasks by the participation of (in no particular order) the Macedon Ranges Shire Council (Council), the Shire’s residents, local community, environmental, landcare and heritage groups, local business associations, and statutory authorities who have an involvement in the area. The Committee wishes to thank all participants for their time and commitment to this process.

## Amendments under consideration

In parallel to this Committee’s process, several amendments to the Macedon Ranges Planning Scheme have recently been considered by independent panels. They are:

* Amendments C98, C99, C100, C103, C105 which seek to implement the Woodend, Kyneton and Riddells Creek Structure Plans, and establish the Kyneton Horse Training and Equine Services Precinct
* Amendment C110, which seeks to implement the recommendations of the *In the Rural Living Zone Strategy*, including rezoning an area south of Kyneton from Farming Zone to Rural Living Zone.

Several submissions to this Committee raised issues relating to these amendments. The Committee has not been privy to any internal discussions with relevant Panel Members regarding outcomes or findings with regard to these matters.

Given these matters are being considered by separate panels, it would be inappropriate for this Committee to make further comment on them.

## Approach to this report

This report builds on the Issues Paper, which contained an extensive discussion of the values of the Macedon Ranges, the current policy framework and the protections it provides, why protection is needed, the geographic area to which the policy and legislative controls could apply, and both legislative and non-legislative options for additional protections. The purpose of the Issues Paper was to provide background to the issues outlined in the Committee’s Terms of Reference and promote discussion by way of submissions. This report presents findings and conclusions – it does not repeat the background provided in the Issues Paper. For this reason, it may be useful for the two documents to be read together.

The Committee received a range of responses in relation to its Terms of Reference and Issues Paper. The following table lists where the headline issues are addressed.

Table Issues Summary

| ToR | Issue | Report |
| --- | --- | --- |
| 4.a | The extent of the geographic area that the final policy and legislative controls should apply to. | Chapter 3 |
| 4.b | An assessment of why protection is needed, including identification of the key values and attributes that contribute to the significance of the Macedon Ranges, and the key threats and areas that are under threat. | Chapters 4 and 5 |
| 4.c | The issues, challenges and opportunities for Victoria's land use planning framework in protecting the significant values and attributes of the Macedon Ranges, and the key legal principles that should underpin legislative protection. | Chapters 5 and 6 |
| 4.d | The extent to which the current policy and planning framework addresses the identified threats, issues and challenges to protecting the area, and identification of any gaps in policy. | Chapter 5 |
| 4.e | An appropriate policy to support changes to the legislative framework and provide certainty for the community, Local Government, State Government departments and agencies and other key stakeholders. | Chapter 6, Appendix B |
| 4.f | Potential legislative options and statutory arrangements available, including tools available to State Government department and agencies and Local Government, to implement the final policy and achieve protection of the unique values, attributes and character of the Macedon Ranges. | Chapter 6 |

The Committee has made a series of recommendations to the Minister. Many of these recommendations relate to Council’s Planning Scheme. Should they be adopted by the Minister, implementing these recommendations will require the Minister and/or DELWP to work with Council.

## Issues the Advisory Committee could not consider

Some submissions raised issues related to specific planning scheme amendments (including currently exhibited amendments and amendments that have already been approved), and specific permit decisions. It is not within the Committee’s Terms of Reference to consider specific amendments, permit decisions, or developments.

Some submissions raised allegations of corruption and conflicts of interest within Council. The Committee considers that these allegations were subjective, inappropriate and not supported by any substantiated evidence. These matters are not within the Committee’s Terms of Reference, and the Committee makes no further comment.

# Submissions and issues - overview

The Issues Paper sought feedback by posing 20 questions on possible ways forward as shown in Figure 2. It also sought to generate new suggestions for possible ways forward from submissions.

|  |
| --- |
| 1. Is the current policy and planning framework adequate to address protection of the Macedon Ranges? |
| 1. Are there any aspects of policy relating to agricultural activities and protection of productive land that do not adequately protect the values of the region? |
| 1. Is the protection of water supply, tourism and recreation, and nature conservation, as required by SPP8 adequately covered by current policy, zones and overlays? |
| 4a. What are the key values and attributes of the Macedon Ranges? |
| 4b. Have they been adequately identified in the current policy framework? |
| 5. Are there any gaps in the threats to those values and attributes identified in the current policy framework? If so, what is missing? |
| 6. Is the protection of cultural heritage adequately covered by the current policy framework? |
| 7. Is the geographic extent of the policy area in the draft Localised Planning Statement (2014) appropriate? |
| 8. Do you support the inclusion of The Rock and The Ranges Policy Area as a “special area” warranting additional protection to the rest of the Shire? |
| 9. What, if any, particular areas within the policy area are suitable for potential growth or development, and why? How should these areas be defined? |
| 10. What, if any, particular areas within the policy area are not suitable for any further growth or development, and why? How should these areas be defined? |
| 11. Is legislative protection required for the Macedon Ranges? Why? |
| 12. What are the key principles that should underpin any legislative protection? |
| 13. Is SPP8 still relevant, or does an updated policy need to be developed? |
| 14. Are there any values identified in SPP8 that were not adequately reflected in Clause 22.01 or the draft Localised Planning Statement (2014)? |
| 15. What are the benefits of using a Localised Planning Statement to protect the key values and attributes of the Macedon Ranges? |
| 16. Should other zone or overlay controls be considered to achieve appropriate protection? Please specify where and why. |
| 17. Should a body be established with specific responsibility for protecting the values and attributes of the Macedon Ranges from potential threats? |
| 18. Should the body be a statutory authority or a non-statutory body? |
| 19. What functions should the body have? |
| 20. Are there other more appropriate ways of providing for additional oversight of planning decisions affecting the Macedon Ranges (for instance, by the Minister for Planning, or Parliament)? |

Figure Possible ways forward presented in the Committee’s Issues Paper

Where appropriate, submitters were provided the opportunity to provide a ‘yes’ or ‘no’ response to the question, or to rate their acceptance of possible ways forward on a five point scale from ‘Strongly Agree’ to ‘Strongly Disagree’.

Broadly speaking, submitters who rated responses thought that the status quo is not adequate to capture the broad range of values in the region. Figure 3 shows the pattern of views presented. Discussion of individual points raised in submissions is provided throughout the relevant sections of this report.

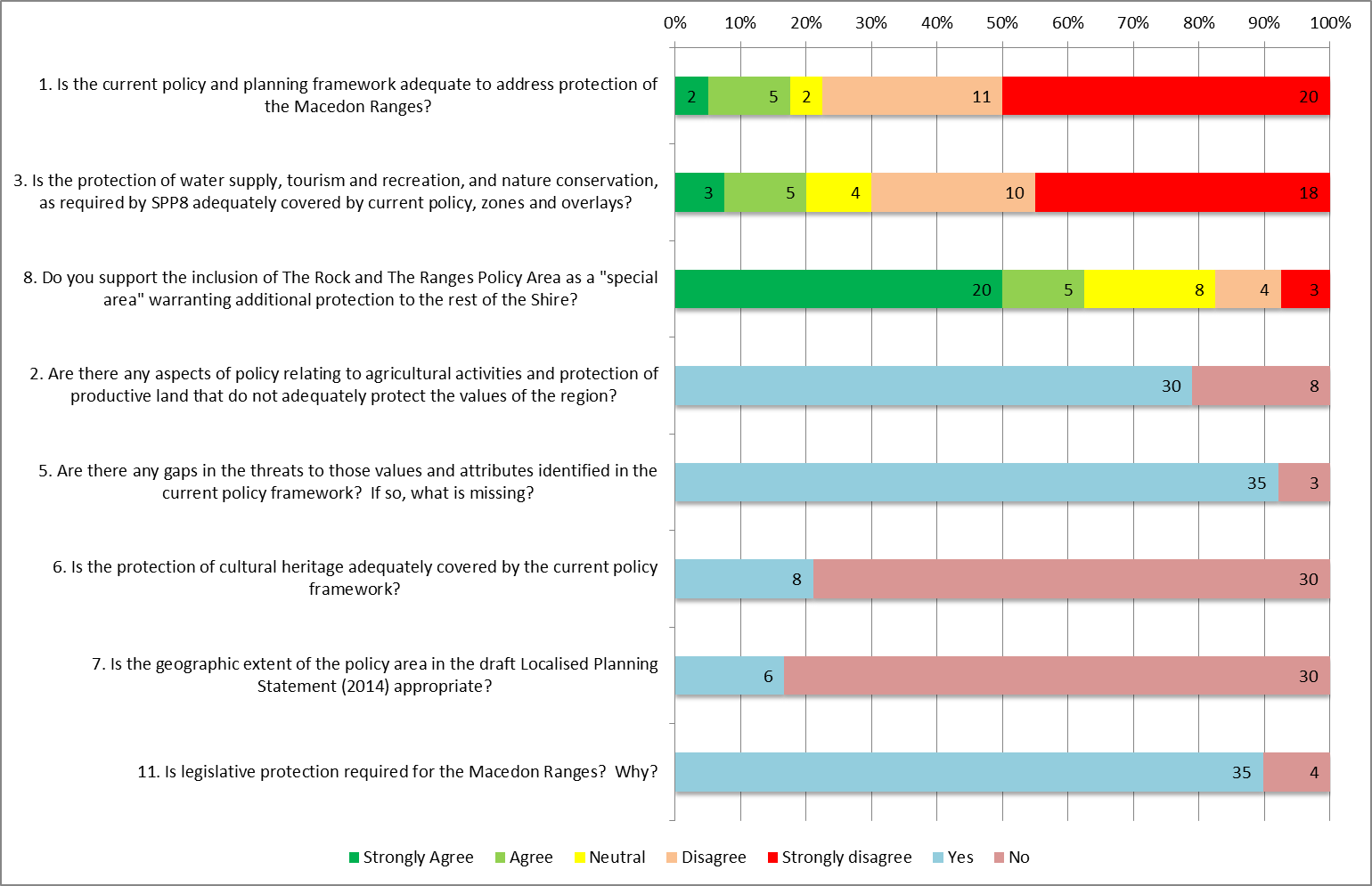


Figure Responses to possible ways forward presented in the Committee’s Issues Paper

# Extent of geographic area

The Terms of Reference 4(a) requires the Committee to advise on “*the extent of the geographic area the final policy and legislative controls should apply to”.*

## Issues Paper

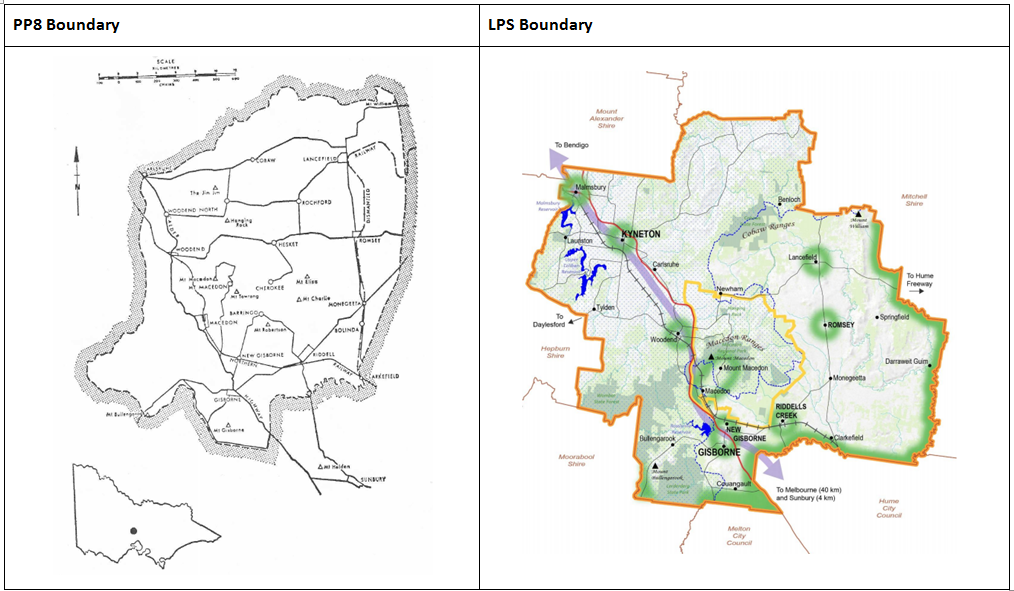
The Issues Paper asked a number of questions relating to the extent of the geographic area for any final policy or legislative controls. These included:

* Is the geographic extent of the policy area in the draft Localised Planning Statement (2014) appropriate?
* Do you support the inclusion of The Rock and The Ranges Policy Area as a ‘special area’ warranting additional protection to the rest of the Shire?
* What, if any, particular areas within the policy area are suitable for potential growth or development, and why? How should these areas be defined?
* What, if any, particular areas within the policy area are not suitable for any further growth or development, and why? How should these areas be defined?

The SPP8 policy area extended from the Cobaw Range and Mt William Range in the north and northeast, to Mt Bullengarook in the south west, and the former Shire of Bulla in the south east. It covered parts of the former Shires of Kyneton, Bacchus Marsh, Gisborne, Romsey and Newham-Woodend.

The SPP8 policy area was significantly smaller than the area within the current municipal boundaries of the Macedon Ranges (which is the area Council proposes should be covered by the Macedon Ranges Localised Planning Statement) as shown in Figure 4 below.

Figure Statement of Planning Policy 8 Boundary and Localised Planning Statement Boundary



## Submissions

It appears from submissions that there is some confusion over the geographic boundary of the draft LPS. Several submissions assumed that the draft LPS boundary was intended to be that applying to the Range and the Rock policy area (the area surrounded by the yellow line in the Framework Plan contained on page 9 of the draft LPS), rather than the Shire boundaries. Other submissions recognised that the Range and the Rock was a particular area within the whole policy area, but considered that the protections offered by the draft LPS outside the Range and the Rock area were ineffective. Submission 26 argued:

The identification of the Range and the Rock policy area in the LPS effectively devalues the more subtle character and values of the remainder of the Shire.

Coliban Water submitted that the draft LPS needs to better reflect the boundaries of natural assets, such as catchments and areas of native vegetation, in order to manage issues that cross municipal boundaries.

Melbourne Water submitted that it would like to see the protection area expanded to include the upper catchment of the Werribee and Lerderderg Rivers. It was submitted that this would help to protect several large reservoirs managed by Southern Rural Water and Western Water, and others that run to the north of the divide.

Submission 19 opposed the draft LPS boundary being confined to the municipal boundary:

The key natural and environmental values aiming to be addressed by the Local Policy Statement are not confined to the Council boundary. The LPS needs to be more reflective of natural boundaries, such as catchment areas and vegetation ranges, in order to address issues that cross multiple municipal planning schemes. This is not true of the key values around agriculture, Tourism, or Towns and settlement.

Coliban Water supported this idea, noting in submission 18:

A localised planning statement that is incorporated into the State Planning Policy Framework, which therefore applies to all planning schemes would provide the opportunity for the LPS to be more reflective of geographic area. The area covered by the LPS can cover multiple planning schemes.

The CFA suggested that from an administrative approach, inclusion of the Shire’s boundaries was more desirable for the LPS boundary.

## Discussion and conclusion

The Committee does not agree with submissions from the water authorities and others that suggested that the policy area boundaries should follow natural features rather than the municipal boundaries. The Committee’s view is that the Loddon Mallee Regional Growth Plan does this.

The Committee finds that the Range and the Rock boundary delineation in the draft LPS is confusing and should be deleted. Other specific issues relating to this area are discussed in Chapter 5.

The Committee concludes:

* the policy area for protection should be the existing municipal boundary
* a separate policy area for the Range and the Rock is not needed.

## Recommendations

The Committee recommends the Minister:

* **Direct Macedon Ranges Shire Council to define the geographic extent of the new Macedon Ranges Localised Planning Statement as the existing municipal boundary for Macedon Ranges Shire, with no reference to the Range and the Rock as a separate policy area.**

# Key values, attributes and challenges

Terms of Reference 4(b) requires “*an assessment of why protection is needed, including identification of key values and attributes that contribute to the significance of the Macedon Ranges and the key threats and areas that are under threat”.*

Terms of Reference 4(c) requires the Committee to address “*the issues, challenges and opportunities for Victoria’s land use planning framework in protecting the significant values and attributes of the Macedon Ranges…”.*

## Issues Paper

Chapter 3 of the Issues Paper discusses the key values and attributes of the region, and asks the following key questions:

* What are the key values and attributes of the Macedon Ranges? Have they been adequately identified and addressed in the current policy framework?
* Are there any gaps in the threats to those values and attributes identified in the current policy framework? If so, what is missing?

This Chapter builds on the Issues Paper, and addresses key values, attributes and challenges.

## Submissions

The Committee heard a number of submissions on the values and attributes of the Macedon Ranges, and why the area is ‘special’ (or in some opinions not particularly special). The Committee also heard many submissions on what constitute the threats or challenges for the area’s values and attributes.

### Values and attributes

Submissions identified many attributes and values of the Macedon Ranges, including its rural character and lifestyle, the Shire’s many natural assets (such as Hanging Rock, Mt William and the Cobaw and Wombat Forests), its “pristine environment”, its bio-links and wildlife corridors, and its water supply catchments.

Cultural and built heritage was a key value highlighted in many submissions. Submissions referred to the built heritage in towns such as Woodend, Macedon, Mount Macedon, Romsey, Kyneton and Gisborne, as well as the area’s many Avenues of Honour. Submissions pointed to the area’s rich Aboriginal and cultural history, and the many places within the Shire of significance to Indigenous people. Submissions also noted that the Heritage Council determined Hanging Rock to have particular cultural significance, and determined to include it on the Victorian Heritage Register following a nomination by the community.

Geomorphology and landscape values were also identified as key values in the Issues Paper, and in submissions. The Shire’s landscapes and natural environments are key tourism and recreation drawcards. Council submitted:

*Landscapes, in particular the landscapes around Mount Macedon and Woodend, are highly valued by residents and visitors and facilitate tourism which plays a key economic role in the Shire.*

MRRA submitted that the Cultural Heritage and Landscape Study prepared for Council in 1994 (and which remains a reference document in the Macedon Ranges Planning Scheme), concluded that:

The landscape encompassed by the [Macedon Ranges Shire] is critical in the contemporary character of Australia.

The special qualities of this landscape have been recognised for more than one hundred years.

The study identifies numerous sites of local, regional and State significance, and concluded that “*of the thirty landscape units identified in the study, the landscape units which collectively are Mt Macedon are of national significance*”.

Several other submissions, including from Council, expressed the view that although the Macedon Ranges contains many significant and highly valued areas, it is no more ‘special’ than other highly valued areas of Victoria, such as the Grampians, the Great Ocean Road and areas in the Hepburn and Murrindindi Shires.

### Challenges and threats

Many submissions considered population growth and urban expansion to be a key threat to the region’s values, including water resources, landscape values, agricultural land and biodiversity. Submissions referred to urban expansion as:

* the expansion of Melbourne’s Urban Growth Boundary (UGB) toward the southern boundary of the Shire
* the expansion of the township boundaries within the Shire (for example, Romsey, Riddells Creek)
* the expansion of rural living subdivisions in areas that are outside the existing townships.

In this context, it was submitted that Council’s strategic planning agenda had unduly focused on settlement and growth above environment and protection, and that environmental protections and programs had been de-prioritised through recent planning decisions, and funding and resourcing decisions.

Conversely, submitter 62 submitted that “*too much emphasis has been placed on protection of existing environmental and other conditions at the expense of delivery of improved development outcomes…negative connotations associated with the word protection should not be underestimated.”*

Coliban Water (submitter 18) submitted that there is fundamentally nothing wrong with growth and development. “*Managing growth by providing the opportunity for development to occur, provided suitable measures are to be incorporated into the planning scheme and enforced, has the potential to create environmental enhancement. An example of this would be a requirement for the native revegetation of waterways, drainage lines or property boundaries, as part of any new development... The use of Development Contribution Plans to resource natural or green infrastructure is a mechanism that could also be considered*”.

The developer of ‘Lomandra’ in Romsey (Ross Closter Property Group) submitted that economic evidence suggests that current residential land supply levels in Romsey warrant consideration for additional rezoning being commenced immediately.

Several submissions pointed to tourism and visitor numbers as a threat or challenge to the area’s values and attributes. MRRA submitted that tourism is given priority over protection of water supply and nature conservation, which is damaging the very values that underpin tourism. Submitter 33 pointed to a number of heritage matters and suggested that over recent years areas such as the Macedon Avenue of Honour are coming under pressure from an increase in “extremely high visitor numbers”.

Other submissions, including those from Council and Tourism Macedon Ranges, characterised tourism as a value, rather than a threat.

Fire was seen as a threat to most key values and attributes in the region. The Macedon Ranges is recognised as a significant fire risk location in Victoria (which is itself in the top three fire prone locations in the World[[1]](#footnote-1)) and comprises significant areas of forest and grasslands, both of which pose significant fire risk to settlements and isolated properties.

The CFA stated that the biggest planning issue for them was the need to avoid development in areas where planned bushfire protection measures may be incompatible with other environmental objectives, and that settlement planning needs to direct development away from high risk vegetated areas. The CFA submitted that current controls regarding fire management are adequate and are working.

Climate change was another key threat or challenge highlighted in several submissions, particularly in relation to water quality and water security. Western Water submitted that climate change is an emerging issue that has the potential to impact on the health of water catchments. Western Water suggests that protection of natural resources requires a focus on energy efficiency, renewable energy and opportunities for recycled water.

Coliban Water submitted that “*water security and the impacts of climate change on resource allocation has been given limited discussion*”. They submitted that climate change will result in increased risk to water quality protection, for example through “*the increased likelihood of more intense storm events”* that will *“create contamination risks from excess nutrients, which will be exacerbated in a warmer climate when water supply storages fill and spill less frequently*”.

Submitter 15 stated that “*global warming necessitates throwing out the notion of “business as usual*”, and that climate change requires locally specific schedules.

## Discussion

Submitter 51 stated:

What is valuable about the Macedon Ranges is that the whole is much greater than the sum of its parts.

Many of the Shire’s values and attributes mean different things to different people. The Committee agrees that it is the combination of these values, combined with the Shire’s proximity to Melbourne and its attractiveness as a recreational and tourism destination, that make the Shire ‘special’. The Committee has adopted this view in making its conclusions and recommendations.

Growth is mandated in the SPPF at Clause 11.02-1, where every Council must “*plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur”*. The key challenge for the planning framework in the Macedon Ranges is to balance the protection of the area’s significant values and attributes, while meeting State planning policy objectives set out in Clause 11.02 and fostering growth and prosperity in the region.

In the Macedon Ranges context, this means achieving a balance which ensures that the region retains its unique features and characteristics which make it a popular place for people to live, work and visit. Land use planning needs to provide for housing, agriculture, rural living environments, water supply, tourism and the infrastructure required to support these various uses. New and existing residents who seek the rural living lifestyle need jobs – these can be provided for from the land (such as in agriculture or nature-based tourism), or through service and other industries within the main town centres.

The Committee does not accept submissions which asserted that the Shire is being subjected to “*uncontrolled development*” and “*unfettered urban sprawl*”. The Macedon Ranges Planning Scheme controls development, and in particular the spread of development into rural areas. The Committee notes from Council’s briefing provided in February 2016 that 85 per cent of the Shire is currently in a protective zone which restricts development (either the Farming Zone, Rural Conservation Zone or Public Conservation and Recreation Zone).

Having said that, while a substantial amount of policy and strategic work has been done and is available to assist decision making in the area, the Committee has identified that there is currently no single policy that assists in addressing the key challenge of balance. The Committee considers the current policy framework does not achieve an appropriate balance between the often competing objectives of growth and protection, and fails to recognise and apply the precautionary principle, which states:

If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation[[2]](#footnote-2).

Chapter 6 discusses how the existing policy framework might be revised to better achieve the appropriate balance, with the Committee providing its preferred version of the LPS in Appendix B.

The Committee agrees with submissions to the effect that fire and climate change are challenges and threats that need to be recognised in the policy framework, and carefully managed. The Committee notes the CFA’s submission that the planning and policy framework currently in place is working well, and manages fire risk effectively. The Committee’s preferred version of the LPS in Appendix B recognises fire and climate change as key challenges to the area.

### Planning for managed growth

The Committee considers that in order to manage growth in the Macedon Ranges, it is critical that the planning policy framework clearly identify settlement boundaries within which urban development and rural living can occur.

The Committee notes that Clause 21.13 (Local areas and small settlements) of the LPPF contains Framework Plans for each of the Shire’s townships which identify township boundaries, and boundaries for Low Density and Rural Living adjacent to the Shire’s townships.

There is much recent strategic work that will help to inform the identification of final settlement boundaries, including:

* In 2011, Council adopted the Settlement Strategy for the Shire, which “*responds to Macedon Ranges Shire Council’s identified need for an integrated and long term plan to manage the growth and development of the Shire*”. The Settlement Strategy was implemented via Amendment C84 in August 2015. Amendment C84 went through the full planning scheme amendment process, including consideration by an independent panel.
* Structure planning for Woodend, Kyneton and Riddells Creek is well advanced with Amendments C98, C99, and C100 all being recently considered by independent panels. The Committee anticipates that this may have implications for the township boundaries for these towns currently identified in the LPPF.
* Clause 21.09 (Housing) of the LPPF identifies the need for Council to prepare a rural living strategy to review existing supply and identify appropriate locations for rural residential development across the Shire. The Committee understands that this has been done via Council’s adopted *In the Rural Living Zone Strategy*, which Council is seeking to implement via Amendment C110. Amendment C110 was recently considered by an independent panel, and if approved, will establish a finite 30 year supply of rural living land for the Shire (in Council’s submission).

On the completion of this strategic planning work, an updated Framework Plan should be produced that identifies settlement boundaries within which urban development and rural living must be confined. This new Framework Plan should align with the Framework Plans contained at Clause 21.13 (updated as necessary in light of Amendments C98, C99, C100 and C110), and should be inserted into the LPS.

## Findings and conclusions

The Committee finds that the present and long term interests of Victorians require the preservation of the following significant values of the area:

* productive agricultural land which supports the local economy
* historic townships which provide a vibrant lifestyle for residents and a reason for tourists to visit and stay
* significant landscapes across the region, and significant viewpoints and view sheds including those to and from Hanging Rock and the Macedon Ranges, which attract visitors from near and far
* significant water supply catchments, which provide water to both the Macedon Ranges and the broader region
* extensive native vegetation and rich biodiversity present in woodlands such as Black Forest, Wombat State Forest, Bald and Black Hill Reserves, Mount William and the Cobaw Ranges.

The Committee finds that these values and attributes make the Shire unique, and that protection of these values and attributes is warranted.

The Committee finds that the key challenge for the planning framework in the Macedon Ranges is to balance the protection of the area’s significant values and attributes, while meeting State planning policy objectives set out in Clause 11.02 and fostering growth and prosperity in the region. To assist in managing this challenge, the planning framework must identify settlement boundaries, underpinned by recent strategic planning work, within which urban development and rural living must be confined. Defined settlement boundaries will provide certainty for the community, Council, State government departments and agencies and other key stakeholders including landowners, developers and the Registered Aboriginal Parties.

Recommendations

The Committee recommends that the Minister:

* **Direct Macedon Ranges Shire Council to include a Framework Plan in the new Macedon Ranges Localised Planning Statement which shows clearly defined settlement boundaries within which urban development and rural living must be confined.**
* **Direct Macedon Ranges Shire Council to ensure the settlement boundaries avoid or minimise the following areas:**
  1. areas identified in the Loddon Mallee South Regional Growth Plan Map as ‘areas containing high value terrestrial habitat’
  2. areas identified in the Loddon Mallee South Regional Growth Plan Map for the facilitation of ongoing agricultural productivity and new opportunities
  3. areas identified as high bushfire risk
  4. areas identified as having potential for agricultural productivity.
* **Direct Macedon Ranges Shire Council that the settlement boundaries be informed by existing policy and strategic work including:**
  1. the State Planning Policy Framework at Clause 11 (Settlement) and Clause 16 (Housing)
  2. Clause 21.13 of the Local Planning Policy Framework
  3. The Macedon Ranges Shire Council Settlement Strategy 2011
  4. Amendments C98, C99, C100 and C110 to the Macedon Ranges Planning Scheme (if approved).

# Current policy gaps

Terms of Reference 4(d) requires the Committee to advise on “*the extent to which the current policy and framework addresses the identified threats, issues and challenges to protecting the area and identification of any gaps in policy”.*

## Issues Paper

Chapter 2 of the Issues Paper set out the existing planning policy framework for the Macedon Ranges area and provided background as to how this framework has evolved over time. Key questions posed in the Issues Paper were:

* Is the current policy and planning framework adequate to address protection of the Macedon Ranges?
* Are there any aspects of policy relating to agricultural activities and protection of productive land that do not adequately protect the values of the region?
* Is the protection of water supply, tourism and recreation, and nature conservation, as required by SPP8 adequately covered by current policy, zones and overlays?
* Are there any gaps in the threats to those values and attributes identified in the current policy framework? If so, what is missing?
* Is the protection of cultural heritage adequately covered by the current policy framework?

## Submissions

### Protection of agricultural and productive land

A significant issue arising from submissions was that the current policy framework has gaps in relation to agriculture, particularly the threat posed by development and urban expansion into the Shire’s rural areas.

Submitter 47 stated that the planning controls fail to recognise and protect the unique high quality agricultural land identified in the *Land Capability Study for the Shire of Romsey* (1994), and that this study seems to have disappeared from planning documents. The Hanging Rock Action Group submitted that:

Current policy is not protecting agricultural land to maintain its productivity. None of the areas within the policy area are suitable for further growth or development.

There is a prevailing perception amongst submitters that current planning controls are resulting in inappropriate development of dwellings within the Farming Zone or Rural Conservation Zone. Submitter 31 stated that “*residential development of agricultural land does not seem to consider the value of the land resource for food and production*”. Submitters 22 and 39 argued that the current policy allows fragmentation of land use, which is negatively impacting the agricultural land’s capacity to maintain productivity.

On the other hand, there were a number of submitters claiming that it can be very difficult for landowners to get approval for a dwelling in rural areas due to strict planning controls, and that this limits the ability to use some land productively.

It was also contended that the current planning controls in rural areas restrict the use of land in ways that limit the potential to develop rural retail and tourism based activities that may help with farm viability.

Council acknowledged it faced challenges related to managing conflicting land uses in rural areas, and that it “*does encounter some difficulties in applying the VPP to consistently implement Council’s policy objectives relating to agricultural land*”.

Council submitted at the Hearing that it was considering a number of potential policy development initiatives related to agricultural land, including the introduction of the Rural Activity Zone, to allow agribusinesses greater flexibility to expand their land use activities to improve productivity and business viability. Council did not provide the Committee with detail as to where the use of this zone might be considered. The use of the Rural Activity Zone was not supported by submitters 19 and 38, as in their view it would result in intensification of use, and an increased threat to water resource protection.

It was suggested by a number of submitters that the equine industry should not be considered an agricultural industry, and that it could have a negative impact on agriculture by preventing agricultural land from being able to be used for food and fibre production.

### Protection of water supply

Many submitters agree that water resources in the Macedon Ranges are not being adequately protected from inappropriate development. Submitter 38 stated while:

*…there are references to the Macedon Ranges in the SPPF and SPP8 in local planning policy … this has not been enough to deliver protection of water supply, tourism and recreation, and nature conservation.*

Western Water submitted that the LPS in its current form weakens protection of Special Water Supply Catchment Areas. In this regard, Western Water requested significant changes to the LPS in order to achieve the appropriate level of protection.

The main threats to the protection of water catchments were identified as arising from “*inappropriate land use and development within catchment areas*”. These threats include unsewered dwellings, intensive agricultural practices, equine and tourism based land uses.

Submitter 56 highlighted that there are a number of unnamed waterways which flow into reservoirs that are not acknowledged in the planning scheme.

It was submitted by Coliban Water that Councils tend to have a reliance on referral authorities, such as water authorities, to be the objector, rather than taking the lead to deter inappropriate development.

Melbourne Water submitted that the real potential to undermine the long term health of the catchment systems “*are the medium to long term forecast of diminishing stream flows*” and the impact this has on Melbourne Water’s ability to manage these assets effectively. Melbourne Water also raised a number of specific issues:

* lack of regulation of surface water harvesting of new and small farm dams
* continued and largely unmonitored use of unlicensed groundwater and surface water use for stock and domestic use, including pumping from waterways
* subdivision of farming land to rural living, which increases the inefficient use of surface water
* regulatory gap between the Water Act’s protection of water assets and the planning scheme, in particular gaps in referrals to water authorities
* the impact of broad acre forestry on stream flows
* the impact of future mining on ground and surface water quality.

Western Water submitted that investigations undertaken in the Northern Regional Sustainable Water Strategy demonstrate that small catchment dams intercept approximately 11% of surface water, and under dry conditions this can be as high as 29%. Western Water stated “Unlicensed domestic and stock dams make up between 80 and 90% of this total”.

Western Water and MRRA cited *Rozen v Macedon Ranges SC* [2009] VCAT 2746 as an example of where the precautionary principle was determined to be a fundamental guiding principle in relation to water quality protection. The precautionary principle was not, they submitted, adequately reflected in the draft LPS.

On the other hand, a number of submitters supported the adequacy of current protection of water supply. In particular, Council were of the view that the current State and local planning policy frameworks and schedules to the zones and overlays “*recognise the importance of protecting water quality within Special Water Supply Catchment Areas*”, and that:

…the Planning Scheme more than adequately addresses the issues of the protection of water supply, tourism and recreation and nature conservation as required by SPP8. The essence of SPP8 has been translated into Clause 22.01 Macedon Ranges and Surround … [and] with regard to water supply, a large part of the Shire is affected by the Environmental Significance Overlay, which relates to the presence of the 25 different Declared Water Supply Catchments within the Shire.

Council submitted that it is important to understand that there are multiple bodies with different regulatory responsibilities and priorities in relation to water protection, some of which operate outside the planning system.

Submitter 33 stated that “*water supplies and reservoirs are adequately covered by SPP8*”, and according to Tourism Macedon Ranges “*potable water supplies in the Macedon Ranges are well protected by overlays*”.

### Protection of tourism and recreation

It was generally agreed among submitters that there is a need for recreation and tourism to generate employment in the Shire, however there is an inherent conflict in balancing tourism with protection of the environment. Many submitters felt that the current policy framework does not address this balance appropriately.

A number of submitters stated that current planning controls were creating limitations and restricting economic activity and potential for tourism (as well as improved viability of farming enterprises) through activities such as cellar door and farm gate sales. Macedon Ranges Accommodation Association submitted that economic and business values were not addressed adequately in the planning scheme, and more flexibility was needed to be achieved in zoning.

Tourism Macedon Ranges submitted that the use of the Rural Activity Zone would be an appropriate way of ensuring there were opportunities to enhance the viability of agricultural tourism based activities in rural areas of the Macedon Ranges.

Expressing a different view, submitter 24 argued that instead of needing protection, tourism and economic activity “is something that the Macedon Ranges needs protecting from”. MRRA expressed similar views in its submission.

### Protection of nature conservation and biodiversity

Many submissions said that the increase in urban development close to areas of high conservation and biodiversity values in the Shire was a threat that is not adequately addressed in the current policy framework. Many submissions were concerned that urban development is encroaching on these values, and causing not only increasing numbers of road kills of native fauna, but a general decline in biodiversity.

Submissions referred to the wildlife corridors between parks and reserves (including the Barrm Birrm area), the Cobaw Biolink (and other biolinks within the Shire), and roadside vegetation as being important to maintaining biodiversity and wildlife corridors, and that these are not adequately protected.

Submitter 31 submitted that the Shire contains important native grassland communities that that are not currently protected via a Vegetation Protection Overlay.

While submitters acknowledged that Council, at an officer level, was trying to implement what it could with minimal funds and resources, some submitters raised issues with Council’s draft Environment Strategy, suggesting it had been weakened from previous adopted environment strategies. There is a concern that this would not assist in protection of the Shire’s environmental assets and biodiversity. The community and environment and landcare groups also raised concerns that environment strategies, Environmental Management Plans (EMPs) and the like are not being effectively implemented and enforced.

Council submitted that 85 per cent of the Shire is within a protective zone, including State and Regional Parks (which are mostly within the Public Conservation and Resource Zone). Other high biodiversity areas are protected through overlays (mainly the Vegetation Protection Overlay or Environment Significance Overlay) and the use of the Rural Conservation Zone or the Public Park and Recreation Zone. Council also pointed to its draft Environment Strategy, and to the numerous EMPs that have been prepared to assist Council manage the various parks and reserves for which Council is responsible.

Council submitted that it proposes to undertake further policy development in relation to:

A review of the Scheme’s Environmental Overlays, such as the VPOs and SLOs, to ensure that the operation of these provisions are most effectively supporting the policy directions relating to protecting significant landscapes and environmental assets.

### Protection of heritage

A number of submitters stated that they did not believe that heritage was adequately protected in the currently framework, and highlighted examples of natural, built and Aboriginal cultural heritage that required protection (some of which were identified in the current framework, and some of which were not). Submissions cited threats such as increased development and tourism to these heritage assets.

One example was the Mount William Stone Hatchet Quarry, an 18 hectare site listed on the National Heritage List under the Commonwealth *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act). It was suggested by some submitters that there is a need for a Heritage Overlay on this site.

Numerous other examples referred to in submissions included various heritage buildings, bluestone kerbs in the historic towns, Avenues of Honour and horticultural heritage including 19th century English gardens at Mt Macedon.

In its submission, the National Trust outlined that it maintains a Heritage Register of Significant Places, which includes buildings, landscapes and trees. Within the Macedon Ranges Shire, the National Trust maintains files on 274 heritage places, including one building (the Walter Burley Griffin ‘Wills’ house in Woodend) of National significance, five gardens of National significance (four of which are in Mount Macedon) and a further 28 buildings, gardens and 51 trees classified as of State significance.

The National Trust pointed to SPP8 having endorsed the preservation of the Shire’s landscapes and heritage values and stated that:

*Heritage values underpin many of the Shire’s assets that are discussed … for example, it is well-understood that in this region, built heritage features support tourism; natural heritage values support water resources and biodiversity; cultural heritage is closely associated with the Avenues of Honour and memorial sites for which the Shire is famous. Yet,* *heritage is not included in the Policy Statement under discussion, and is only tangentially referred to in the issues paper by reference to places under the Heritage Overlay …*.

The National Trust believes that key threats to heritage in the Macedon Ranges Shire are ‘demolition by neglect’, and increased development pressure driving subdivision of land surrounding heritage places.

The National Trust submitted that the draft LPS “makes no mention of heritage or its protection as a key objective despite explicitly naming it in section 4 in describing the significance of the policy area” (p5). The National Trust did suggest that if heritage were included in a revised LPS, then that policy document would be preferable over SPP8 because it is more modern.

In relation to the recognition of Aboriginal people and their cultural heritage, submitter 31 pointed out that the draft LPS “mentions the Dja Dja Wurrung, Taugurung and Wurundjeri peoples as the traditional owners of the region in the opening paragraph of the policy overview but does not make any further reference or include any policy initiatives to consider or protect our Aboriginal Cultural Heritage”.

The Dja Dja Wurrung Clans Aboriginal Corporation (submitter 49) suggests that if the Dja Dja Wurrung Clans Aboriginal Corporation is to be properly respected as per the Recognition Settlement Agreement (RSA), then the:

* Macedon Ranges Localised Policy Statement includes recognition of the Dja Dja Wurrung people;
* The Local Planning Policy Framework and any subordinate policy adopts the integration of the Dhelkunya Dja Country Plan; and
* The MSS captures the local government needs to the DDW peoples in relation to RSA (notwithstanding the RSA Local Government Strategy) and requirements to the Victorian Aboriginal Heritage Act 2006.

Submissions (particularly 24 and 49) highlighted that Aboriginal cultural heritage is not well recognised within the Macedon Ranges and were concerned that there is minimal consultation with the Registered Aboriginal Parties. A number of submissions said that the draft LPS does not explicitly include Aboriginal cultural (or post contact) heritage.

Representing an alternative view, submitter 37 and a group of regional planning professionals as well as Tourism Macedon Ranges (submission 41) suggested that heritage is adequately covered by the current policy framework.

In its closing submission, Council acknowledged that there is some work to do in identifying post contact heritage within the Shire. The Council stated:

Of the 201 sites, 14 are considered to be of State significance and 49 of regional significance. The significance of these sites will be a factor used to determine a priority for future studies on a town by town basis. Council acknowledges that future heritage studies may reveal further sites worthy of heritage protection. It is noted that Mr. McDonald’s submission also raised the issue of the need for further heritage studies.

With respect to cultural heritage, Council noted that:

‘…despite these provisions it is fair to say that the existing planning policy framework does not effectively address indigenous cultural heritage within the context of planning decisions. This is largely due to the fact that these are dealt with almost entirely outside the ambit of the Planning and Environment Act 1987 within the Aboriginal Heritage Act 2006’.

Council also stated in its closing submission that there are references to heritage on pages 7 and 15 of the adopted LPS.

### Protection of landscape

Several submissions expressed the view that there are gaps in the existing framework in relation to the protection of geomorphology and landscape values, and that a review was needed of the Shire’s landscapes and associated planning controls.

Submitter 47 submitted that the local planning policy framework for the Macedon Ranges Shire is reductionist, in that it isolates and protects specific landmarks, rather than considering the landscape entity as a whole. *“The country side provides more than an iconic Hanging Rock, or a tourist lookout, or a national park*.”

Submissions suggested that standards should be developed to guide the siting and appearance of buildings and other developments, “*particularly in recreation and tourist areas of special landscape significance*”, and that “*landscape design tools for guidance on protecting views and vistas*” could be developed (submitters 5 and 8).

Concerns were raised in relation to development on ridgelines (submitter 16) and uncontrolled planting of cypress trees which changes the landscape and blocks views (submitter 31).

It was submitted that SPP8 has much stronger recognition of, and emphasis on the conservation of, the landscape values of the Macedon Ranges than the draft LPS.

MRRA submitted that the draft Central Victorian Landscape Assessment Study (CVLAS), being prepared for DELWP, is “*not appropriate to use by any measure*” to identify and protect landscape values. It contended that the study assesses big ticket landscape features rather than landscapes. The Committee notes MRRA’s submission, but the methodology used in the CVLAS is beyond the Committee’s Terms of Reference.

On the other hand, Council were of the view that current policy framework adequately protects the Shire’s landscapes, stating:

The policy provisions of the Macedon Ranges Planning Scheme clearly recognise the special importance of the Shire’s landscapes and built and natural environment and indicates how the identified values and assets of the Shire should be protected through planning decisions.

Council pointed to the following objective in Clause 21.03-2 (Land Use Vision) of the LPPF:

* Ensure that development complements the nature and character of the rural landscapes of the Shire. Landscapes, in particular the landscapes around Mount Macedon and Woodend, are highly valued by residents and visitors and facilitate tourism which plays a key economic role in the Shire.

Council submitted that it proposes to undertake further policy development in relation to:

A review of the Scheme’s Environmental Overlays, such as the VPOs and SLOs, to ensure that the operation of these provisions are most effectively supporting the policy directions relating to protecting significant landscapes and environmental assets.

### The Range and the Rock

A number of submissions spoke to gaps in the protections currently afforded to the Hanging Rock area.

Friends of Hanging Rock, along with a number of other submitters, expressed concerns that the values of the Victorian Heritage Register listed Hanging Rock are not being protected, and that the immediate surrounds around the Rock are under threat from urban development, citing the example of the East Paddock conference centre dispute.

The Hanging Rock Action Group (19) stated that the current planning policy framework is not working and stated “*the fact that projects such as the conference centre and hotel for Hanging Rock (proposed in 2013) can even be considered indicates that the current framework does not provide adequate protection of the Macedon Ranges from inappropriate development”*.

Submitter 57 suggested that the view sheds to Hanging Rock and from the top of Hanging Rock “need to be given specific protection in the Planning Scheme at a policy level, zoning level and through overlay controls from inappropriate development taking place”. Document 16 submitted at the Hearing by submitters 19 and 38 argued:

There is a clear deficiency in the application of the overlay as the view shed from the north east of the Rock has not been included. The area outside this overlay includes the site of the Colwells Road dwelling. Although there is adequate planning policy to prevent this inappropriate development, as detailed in the officer’s recommendation for refusal, it is an inexplicable ‘hole’ in this overlay.

Submitter 8 suggested that a *“DDO in addition to the SLO may be the best tool to protect vistas and view corridors from and to Hanging Rock rather than a blanket prohibition on development*”.

Contrary to other submissions, submitter 37, representing a group of local planning consultants, submitted that “there is nothing particularly special about Hanging Rock”, noting that there are many other significant features in Victoria.

## Discussion

The Committee notes that in general, there are provisions and overlays within the planning scheme to protect native vegetation, biodiversity, Aboriginal and post contact heritage, landscape and agricultural values and water catchments. The Committee considers that in many cases, the real issue of concern to the community is whether these protections are being properly implemented and adequately enforced.

### Agricultural and productive land

It is generally understood that farming in the Macedon Ranges Shire is a marginal economic enterprise and most farmers supplement with off-farm income. It is understood that the nature of farming is changing, with innovative practices, new technologies and changing market trends influencing farming activities.

While there is some information available about land capability, and the Planning Scheme includes a Rural Framework Plan, it appears to the Committee that the studies are quite dated (over 20 years old). The Committee considers that it would be valuable for Council to review the Shire’s agricultural land capability in light of emerging trends and innovation in agriculture.

There are clear tensions between existing rural zones and rural land use activities, in particular as they relate to viability of farming enterprises. The Committee considers there is a gap in policy and the absence of guidelines to assist with these tensions. In suitable locations, alternative planning controls that permit a greater range of on-farm business activities may assist with farm business viability.

The Committee supports Council’s suggestion of investigating the possible application of the Rural Activity Zone as a means of addressing some of these tensions.

### Water supply

There are a number of Special Water Supply Catchment Areas in the Macedon Ranges. Many parts of these areas are in private ownership and are used for a range of purposes including residential, tourism and agricultural pursuits.

The Committee agrees that main threats to the protection of water catchments were identified as arising from development within catchment areas, including unsewered dwellings, intensive agricultural practices, equine and tourism based land uses. The Committee appreciates the resources required to enforce these measures, but nonetheless, in a unique environment such as Macedon Ranges more attention to monitoring and enforcement is required. This applies to Council, the community and relevant agencies.

### Tourism and recreation

A number of submitters noted the challenge of balancing local employment and tourism opportunities against the environmental attributes of the Macedon Ranges. Submissions generally provided positive feedback on the need for recreation and tourism as an employment generator for the Shire, although some submissions suggested tourism was being given priority over conversation values.

Several submissions referred to the need for the planning framework to be more flexible, to allow tourism related activities to be undertaken where appropriate, and with respect for the Shire’s natural environment.

As noted above, Council stated at the Hearing that the introduction of the Rural Activity Zone into the Shire could be considered. The Committee considers that there is the potential for the Rural Activity Zone to address many of the concerns raised by Tourism Macedon Ranges and other submitters in relation to a lack of flexibility in the current framework to accommodate appropriate tourism-related activities. The Committee encourages Council to progress its consideration of how the Rural Activity Zone might be applied in the Shire.

### Nature conservation and biodiversity

The Shire’s biodiversity is highly valued by the community, and plays an important role in making the Macedon Ranges ‘special’. The Committee agrees that the ongoing management and monitoring of the Shire’s biodiversity is important. This role is shared by numerous agencies and both State and local government, as well as volunteer environmental and landcare groups.

It is evident to the Committee that there is a degree of mistrust within some community groups and individuals that Council, and planning controls and processes, are not working as they should be to protect these values.

The Committee accepts that an increase in urban development close to areas of high conservation and biodiversity values can threaten the Shire’s biodiversity values, and has been a challenge for many non-metropolitan councils for some time.

The Committee applauds the community, particularly the landcare and environment groups whose members consist of mostly volunteers who dedicate much time and resources into biodiversity management and protection within the Shire. The Committee also notes the numerous EMPs and strategies that Council has prepared in the past 10 years to ensure ongoing management of parks and biodiversity, and the efforts being made (particularly at officer level) within Council to conserve the environment and protect biodiversity.

Submissions identified several biolink projects underway in the Shire, some of which are being carried out by volunteer environment and landcare groups. The Shire’s biolinks are an important environmental asset, and the Committee encourages Council to continue to work constructively with the community on these projects.

The Committee agrees with submitter 31’s suggestion for a review of the Shire’s VPOs, with particular consideration given to whether a VPO is needed to protect significant grassland communities.

The other area presented to the Committee that may require review is the Barrm Birrm area. The area comprises lots from a 1890s subdivision, and some submissions suggested that this area should become a conservation reserve. The Committee notes that Council has sought to take ownership of these parcels of land via Title transfer, but this has not been very successful. The Committee nevertheless encourages Council to consider whether the planning controls that currently apply to the Barrm Birrm area provide adequate protection.

### Heritage

Many submissions highlighted the importance of post contact and Aboriginal heritage within the Macedon Ranges, for the community, the traditional land owners and for visitors. There was a strong theme through submissions that more effective protection is needed for the Shire’s heritage, and that threats such as tourism and urban development may lead to the decline of some of these heritage areas. The Committee understands the concerns regarding increased development having potential impacts on heritage and Aboriginal cultural heritage significance.

Heritage is protected not only through the Heritage Overlay provisions in the planning scheme, but also by other legislation such as the *Heritage Act 1995* and the *Aboriginal Heritage Act 2006*.

The Committee supports Council’s proposal to conduct further heritage studies, and agrees that this will assist Council in identifying those post contact heritage matters that may warrant additional protection. The Committee encourages Council to review its Heritage Overly in light of these studies once they have been completed.

The Committee notes the several submissions that pointed to the lack of recognition of heritage values in the draft LPS. Council stated in its closing submission that there are references to heritage on pages 7 and 15 of the draft LPS. These references are:

* Page 7 – ‘There are many sites and features of national, state, regional and local historic, architectural and cultural significance in the areas, including sites of Aboriginal cultural significance’; and
* Page 15 – ‘Communities and settlements: protect and maintain the significant heritage characteristics of towns and settlements including street tree plantings’.

The Dja Dja Wurrung Clans Aboriginal Corporation represents the interests of the Dja Dja Wurrung traditional owner group, recognised by the “Dja Dja Wurrung Recognition and Settlement Agreement (2013)” under the *Traditional Owner Settlement Act 2010* (Vic) between the State of Victoria and the Dja Dja Wurrung Clans Aboriginal Corporation.

The Corporation has developed a ‘Country Plan’ which outlines the strategic goals of the Dja Dja Wurrung in the management of land and waters comprising their ‘Country’ as well as consultation principles for State or third parties.

Part of the 2013 settlement with the Dja Dja Wurrung includes an ongoing State commitment to engage with the Dja Dja Wurrung Clans Aboriginal Corporation in natural resource management (the ‘participation strategies‘). The Committee understands the Taungurung and Wurundjeri are in various stages of the process of achieving their own such settlements under the *Traditional Owner Settlement Act 2010*.

The Committee acknowledges these rights and the Settlement Agreement, and believes that more could have been done by the State in working with the Council in preparing the draft LPSto ensure recognition of the Settlement Agreement.

### Landscape

Council has proposed to undertake a landscape assessment of the Shire and to implement suitable associated planning controls. The Committee supports this initiative. While strategic work has been done in the past to document landscape values, a new landscape assessment can incorporate new knowledge and reflect contemporary community values.

Community engagement during this process will be important, to develop an understanding of community values associated with landscape, as well as acknowledging cultural, scientific, visual and heritage significance.

The draft LPS does make reference to high quality landscapes and the significance of rural landscapes across the Shire, and contains quite a number of proposed strategies to protect significant landscapes. The Committee supports these aspects of the draft LPS, and has made some further revisions to the LPS (in Appendix B) to strengthen these aspects of the policy.

As discussed, the State Government is undertaking a regional landscape assessment process (CVLAS). Consideration of the CVLAS is outside the Committee’s Terms of Reference and the Committee makes no further comment, other than to note that Council and community involvement in this process will be important to ensure its relevance to the Shire.

### The Range and the Rock

Submissions on the topic of Hanging Rock were supportive of its environmental and cultural significance to the Shire. The Committee notes that consultancy firm PPB Advisory has prepared a report for the State Government on *A Review of ownership and management arrangements of Hanging Rock and East Paddock (2014)*. This report, which is publically available, reiterates many of the themes raised in submissions, including that the area’s environmental values should be considered and planned for in a larger context, including the wider Macedon Ranges and adjacent biolinks.

In the draft LPS, the area encompassing Hanging Rock was given prominence as a separate policy area known as ‘The Range and the Rock.’ The draft LPS nominates a number of strategies for the Range and the Rock policy area, including prioritising protection of the resources of the area for water supply, tourism and recreation and nature conservation.

The Committee recognises the strong theme in submissions regarding the particular significance of Hanging Rock to the Shire. Having said that, the Committee was not presented with detailed information or submissions that the Range and the Rock area had higher biodiversity, heritage, cultural significance, geomorphological and landscape values than some of the other parks and reserves within the Shire. Parks Victoria suggested that the Wombat State Park, Macedon Regional Park and the Cobaw Ranges are the most significant areas for biodiversity within the Shire.

It is unclear to the Committee why the Range and the Rock area was given prominence over other significant and highly valued parts of the Shire. It is also unclear why the strategies and implementation requirements listed in the draft LPS in relation to the Range and the Rock area should not apply more broadly across the whole Shire. The Committee addresses these gaps in its revised LPS in Appendix B.

## Findings and conclusions

The current planning and policy framework includes many protection mechanisms, which in many cases are complimented by other legislation. However the Committee has identified some gaps.

There are gaps in the protection afforded to significant view sheds to and from Hanging Rock by Significant Landscape Overlay Schedule 1 (SLO1). It appears that the Colwells Road dwelling is prominently visible from the Rock, and is a notable example of the SLO1 not providing the level of protection that was intended.

The Committee understands that the Colwells Road dwelling is located outside the SLO1 area. The Committee concludes that the geographic application of the SLO1 needs to be reviewed. The Committee also concludes that the following objective in Clause 2.0 would strengthen the protection of view sheds to and from Hanging Rock:

* To preserve the landscape quality of the vistas when viewed from the elevated points of the landscape feature.

The Committee considers that strategic guidance to assist in the protection of views to and from the Range and Rock area is lacking, and could be strengthened. The Committee encourages Council to develop strategic guidance, in consultation with the various groups with an interest in protecting Hanging Rock.

The Committee supports Council’s planned landscape assessment of the Shire, and a review of local policies and the application of planning controls including the Significant Landscape Overlay and associated schedules. However the SLO1 should be reviewed immediately.

The Committee concludes that the draft LPS does not provide appropriate recognition or protection of post contact or Aboriginal cultural heritage, or clear objectives and strategies for identifying and protecting post contact and Aboriginal cultural heritage.

There may be gaps in the planning scheme in relation to protection of heritage as well (in particular in the Heritage Overlay). Council has identified the need for further heritage studies, to identify post contact heritage matters that may warrant additional protection. The Committee supports this initiative, and encourages Council to review its Heritage Overly in light of these studies once they have been completed.

In the meantime, the Committee considers that as a priority, the protections that apply to the Mt William Stone Hatchet Quarry under the Macedon Ranges Planning Scheme should be reviewed, to ensure that they align with the objectives of the National Heritage List.

The Committee believes that the State Government should prepare protocols (if they have not done so already) to ensure the Settlement Agreement is embraced, and that the Dja Dja Wurrung and other Registered Aboriginal Parties with Settlement Agreements are meaningfully engaged as partners on natural resource strategic planning projects initiated or undertaken by the State government.

The Committee concludes that there may be gaps in the protection of some of the Shire’s significant vegetation, in particular significant grassland communities. Council has indicated that it intends to review of the Scheme’s Environmental Overlays, to ensure that the operation of these provisions are most effectively supporting the policy directions relating to protecting significant landscapes and environmental assets. The Committee supports this initiative, and considers that this review should have particular regard to the need to protect significant grassland communities with a VPO.

The Committee also concludes that the bio-link projects occurring within the Shire should be assessed, to determine where resources should be allocated, and planning controls applied to bio-links should be reviewed to assess whether they are providing adequate protection.

The Committee concludes that the protection of potentially productive agricultural land should be prioritised in the LPS, acknowledging that rural activities must be compatible with, and subservient to, overarching productivity and environmental protection objectives.

The Committee also supports Council’s proposed consideration of the potential introduction of the Rural Activity Zone, to address concerns in relation to a lack of flexibility in the current framework to accommodate appropriate agribusiness and tourism-related activities.

Preparing a revised LPS based on the Committee’s preferred version (in Appendix B) will go a significant way toward filling the current gaps. An approved LPS will provide an overarching State level policy framework to guide decision-making, allowing planners to prioritise the more significant (and more vulnerable) values and attributes of the Macedon Ranges that are not clearly prioritised in the currently planning and policy framework. The Committee’s preferred version of the LPS also identifies specific implementation strategies, including further policy work to identify and fill possible gaps in the current framework.

## Recommendations

The Committee recommends that the Minister:

* **Direct Macedon Ranges Shire Council to review the geographic application of the Significant Landscape Overlay Schedule 1 in the Macedon Ranges Planning Scheme, and prepare a planning scheme amendment to:**
  1. extend the geographic application of the Significant Landscape Overlay Schedule 1 (if required)
  2. insert the following as the first sentence under Clause 2.0:
     + To preserve the landscape quality of the vistas when viewed from the elevated points of the landscape feature.
* **Direct Macedon Ranges Shire Council to review the planning controls applied to the Mount William Stone Hatchet Quarry, to ensure the site is adequately protected for its cultural heritage significance.**
* **Direct Macedon Ranges Shire Council to undertake a review of the current application of Vegetation Protection Overlays across the Macedon Ranges Shire to assess whether they are providing adequate protection of the Shire’s significant vegetation, with particular consideration given to whether listed grassland communities within the Shire should be afforded protection.**
* **Request Macedon Ranges Shire Council to amend its proposed Environment Strategy to include the following requirement:**
  + - Assess biolink projects occurring within the Shire to determine where resources should be allocated.
* **Direct the Department of Environment, Land, Water and Planning to prepare protocols to ensure that relevant Settlement Agreements are embraced and that Registered Aboriginal Parties are meaningfully engaged as partners on natural resource strategic planning projects initiated or undertaken by the Department.**

# Legislative Options

Terms of Reference 4(f) requires the Committee to address “*potential legislative options and statutory arrangements available, including tools available to State Government department and agencies and Local Government, to implement the final policy and achieve protection of the unique values, attributes and character of the Macedon Ranges”.*

## Issues Paper

Chapter 5 of the Issues Paper canvassed a number of potential legislative options and statutory arrangements which may be available to achieve protection of the values, attributes and character of the Macedon Ranges. The Issues Paper posed the following questions in this regard:

* Is legislative protection required for the Macedon Ranges? Why?
* What are the key principles that should underpin any legislative protection?
* Is Statement of Planning Policy Number 8 still relevant, or does an updated policy need to be developed?
* Are there any values identified in Statement of Planning Policy Number 8 that were not adequately reflected in Clause 22.01 or the draft Localised Planning Statement (2014)?
* What are the benefits of using a Localised Planning Statement to protect the key values and attributes of the Macedon Ranges?
* Should other zone or overlay controls be considered to achieve appropriate protection? Please specify where and why.
* Should a body be established with specific responsibility for protecting the values and attributes of the Macedon Ranges from potential threats?
* Should the body be a statutory authority or a non-statutory body?
* What functions should the body have?
* Are there other more appropriate ways of providing for additional oversight of planning decisions affecting the Macedon Ranges (for instance, by the Minister for Planning, or Parliament)?

This Chapter discusses legislative options, and broadly examines whether the draft LPS and SPP8 are an appropriate policy basis to support legislative options.

## Submissions

### Legislative protection

Submissions in favour of legislative protections favoured SPP8 and believed it had been slowly eroded through changes to the Planning Scheme. These submissions considered legislative protection could have prevented this erosion in the past, and would safeguard the future by providing greater certainty for the ongoing protection of the area.

Further submissions in favour of legislative protection considered that a strengthened planning scheme and policy framework would not provide the required clarity or certainty, as it would not be sufficiently binding and would be too open to interpretation to provide clear protections.

Submissions against legislative protection included those from Council, the CFA, Western Water, a group of planning professionals and individual submitters. These submitters considered the current planning scheme does or could provide adequate protection and therefore legislative protection is not required.

In Council’s submission, adequate protection was already provided in the Scheme and the “*extraordinary justification”* required to support legislative protection had not been established. Council questioned whether legislation could realistically provide the sought after ‘protection’. Using the example of the protections for the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (the RSP) provided within Part 3A of the Planning and Environment Act, Council contended that:

It should be noted that while this provision provides clear reference to a historical planning document (the former Statement of Planning Policy Number 3) and makes the planning process within the policy area of that plan more complex, its inclusion within the Act has not stopped development from occurring within the Shire of Yarra Ranges and also has not negated the need for that Council to update or contemporise this plan via the development of their own LPS. Legislation also has the potential to add significant work and burden to the planning process for applicants, proponents and decision makers for little additional benefit.

Some submissions argued that the protections currently in place under the existing planning framework were too restrictive, making it difficult to do business in the Shire. They said that legislation should not be pursued, as it would impose yet more unnecessary regulatory burdens.

### Key principles to underpin protection

Key principles to underpin legislative protection arising from the submissions were:

* Based on SPP8, the area’s environmental, water supply, cultural heritage and agricultural values should be prioritised ahead of growth and development.
* Growth and development must be sustainable and appropriately managed.
* Key assets of the region such as Hanging Rock should be specifically recognised and protected.
* Development and ‘urban sprawl’ should be prevented from encroaching into rural areas.
* Tourism potential should be recognised and protected so long as it is sustainable and does not compromise the region’s natural values and assets.
* Existing community needs should be ‘looked after’.
* Community should be encouraged to participate in local decision-making, and their views should be given more weight.
* Policy should be clear and simple, and contain appropriate enforcement mechanisms.
* The principle of social equity, and in particular the right of future generations to enjoy the values of the Macedon Ranges.
* Principles of transparency and fairness.

Council did not support legislative protection, but submitted that if the Committee took a different view, any legislation should:

* contain a clear description of what is ‘special’ about the area beyond anywhere else in Victoria, and why it warrants specific legislation
* describe a clear geographical boundary to which it applies
* contain a clear purpose
* explain how it interacts with the existing Planning Scheme or any future amendments to the Scheme.

### Statement of Planning Policy Number 8 and Clause 22.01

SPP8 is a cornerstone of the policy and planning framework for the Macedon Ranges. Although it no longer has any legislative force in its own right, it remains as part of the policy framework and has a strong influence. Clause 22.01 of the Macedon Ranges Planning Scheme states:

The Statement of Planning Policy No. 8 was adopted as State planning policy in 1975 and has provided the basis of strategic planning in the Macedon Ranges area since. Its provisions are as essential and relevant to the planning of the Macedon Ranges area today as they were when the policy was introduced.

Although drafted in 1975, SPP8 outlines objectives that remain relevant today. SPP8 prioritised the protection and utilisation of the resources of the policy area for water supply, tourism and recreation, and nature conservation, with secondary priority to forestry and agriculture. SPP8 banned any “*further subdivision for outward urban extension of Mount Macedon settlement or for extension generally northerly of Macedon township”* (clause 2.5).

Overall, Clause 22.01 (like SPP8) seeks to achieve balance between new developments and the existing natural features of the area, for the benefit of the State and the local community.

There was general support for SPP8 in submissions, with almost universal recognition of its value and the ongoing relevance of its principles in protecting the values of the Macedon Ranges.

Council submitted that SPP8 “*outlined strategic policy objectives for its specific policy area that are broadly speaking still relevant today …”*. Council submitted that Clause 22.01 contains a “*definitive distillation”* of SPP8’s policy objectives and directions, and that Council and the Minister are required to ensure that all aspects of the Local Planning Policy Framework (including Clause 22.01) are complied with when approving a planning scheme amendment, or assessing a permit application.

Many submissions pointed to the “*clear, directive and prescriptive language”* used in SPP8. By contrast, these submissions considered that the language used in today’s planning policy framework (particularly the draft LPS) is too open to interpretation, and lacks clear direction or guidance for planning decisions.

Other benefits of SPP8 raised in submissions included its status as a State level policy document. It bound every Department, Public Authority, Regional Planning Authority and other Responsible Authority exercising functions that could impact on the SPP8 policy area, and ‘trumped’ policy or decision-making made at a local level.

Many submissions recognised that SPP8 was written several decades ago, in a very different context. Council submitted that SPP8 should be updated if it is to be included in any new legislation or policy:

… a lot has changed since SPP8 was written, making it dated in some aspects. We now have a complex regulatory environment with many of the matters dealt with SPP8 now governed by other Acts and authorities. There have been physical and demographic changes to the Shire, including the delivery of key infrastructure such as the Calder Freeway and delivery of reticulated sewer to areas such as Macedon and Mount Macedon. The nature of tourism and recreation uses has changed significantly since 1975 as outlined in this submission. Accordingly Council is of the view that an updated policy is needed.

Council’s view was that the draft LPS adequately updates SPP8, while remaining faithful to its original intent.

Coliban Water similarly submitted that the values, purpose and intent of SPP8 are still relevant, but that it would make sense to update the policy in line with the current planning system and mechanisms.

The Committee considers that the Local Planning Policy Framework (LPPF) in the Macedon Ranges Planning Scheme, in particular the Municipal Strategic Statement (MSS) at Clause 21 and the restatement of SPP8 at Clause 22.01, generally reflects the underlying principles of SPP8. However, there is significant debate in the community as to whether or not these principles have been adhered to in decision-making in the Shire over the past few years.

Despite significant support expressed for SPP8, no submission persuaded the Committee that SPP8 should be reinstated ‘as is’. No one presented a viable reason why a policy drafted in 1975 is applicable to a planning system that has evolved considerably from where it began.

A lot has happened since 1975. Key infrastructure such as the Calder Freeway and reticulated sewerage been built in the area. Numerous Acts have been passed which now govern many of the matters dealt with in SPP8. The *Planning and Environment Act 1987* has been passed, and the Victoria Planning Provisions have been introduced. These other tools now fulfill many of the functions that SPP8 once needed to fulfill.

### Draft Localised Planning Statement (September 2014)

While acknowledging that there are differences between the two documents, Council submitted that the draft LPS is based on SPP8, and that it faithfully reflects its key principles. To explain the differences, Council submitted:

* since SPP8 was prepared, issues like water, native vegetation, cultural heritage and flora and fauna are now regulated under other Acts and by other agencies, and are beyond the ambit of the planning scheme
* the Department did not instruct Council to restate SPP8 under the banner of a LPS
* despite differences in formatting, tone and policy expression between SPP8 and the draft LPS, the two policies have much in common “*both in purpose and in utility for planning decision makers*”.

Other submissions that were supportive of the LPS in its current form included those of Tourism Macedon Ranges (41), Coliban Water (18) (from a water supply perspective), and the CFA (Document 19) (from a fire risk management perspective).

However, in contrast to SPP8, very few submissions provided unqualified support for the draft LPS.

Submissions did not express any real concerns that the draft LPS does not adequately *identify* the key values and attributes of the Macedon Ranges. Concerns related more to whether the draft LPS provided effective *protections* for those values and attributes.

One of the main concerns expressed in submissions was that the draft LPS favours development and growth over the environment. Submission 38 suggested the reason the draft LPS had:

not attracted widespread community confidence…may be because it shuffles around many of the SPP8 statements, yet it fails to articulate a clear direction. It adds an economic development slant which is not found in SPP8. In my view, it could be used to perpetuate the current planning practice in the Shire of identifying particular planning objectives to justify projects.

Submission 26 considered the draft LPS was full of “*sweeping aspirations”* but failed to provide certainty and clarity. The language of the draft LPS was considered too open to interpretation to be of any meaningful value.

Submission 24 considered that unlike SPP8, which was supported by a lengthy and well-researched background document, the draft LPS lacked supporting information. Further, this submission claimed feedback provided through community consultation had been “*largely ignored”.*

The key benefit of using a LPS recognised in submissions was its place in the State Planning Policy Framework, and its role in guiding future planning decisions. As Council submitted, “*The benefit of using a Localised Planning Statement for the Macedon Ranges is that it would provide a State level planning policy which clearly articulates the key values and attributes of the Shire*.”

MRRA submitted that:

There are no benefits to using a Localised Planning Statement, particularly one as damaging as Council’s LPS. We need legislation, SPP8 and implementation through planning controls.

### Other zones and controls

As noted in Chapter 5, submissions raised a number of suggestions regarding the potential use of zones and overlays to allow for some growth and development while providing protection for the values, attributes and character of the Macedon Ranges. These included:

* introduction of the Rural Activity Zone, to provide greater flexibility to agribusinesses and tourism operators in rural areas
* broader application of the Significant Landscape Overlay (SLO), to better protect the Shire’s valued landscapes and view sheds
* broader application of the Vegetation Protection Overlay (VPO), in particular to protect the Shire’s listed grassland communities
* broader application of the Heritage Overlay, to better protect the Shire’s Aboriginal and post-contact heritage (including the Mount William Stone Hatchet Quarry)
* application of a Design and Development Overlay (DDO) in addition to the SLO to control development around Hanging Rock.

### Additional governance, oversight and consultation

The Issues Paper canvassed a number of options for additional governance, oversight and consultation for planning decisions in the Macedon Ranges, including from the Minister, the community and/or the establishment of a separate statutory or non-statutory body with specific responsibilities for the Macedon Ranges.

There was little support in submissions for options involving additional governance or oversight requirements. Submission 31 summed up the general opinion expressed in the majority of submissions:

Surely we have suitable existing oversight mechanisms. We need better accountability and implementation. Council also needs more financial resources so it can do the jobs required of it.

Council submitted that a separate body should not be established, noting that this would be an extraordinary measure for which no sound or reasonable justification has been provided, and which has not been done in any other municipality across Victoria. Council submitted that if the Committee took a different view, a non-determining referral authority would be preferred.

Other submissions opposing a separate body considered a clear planning framework and properly resourced Council would obviate the need for such a body. It was submitted that Council is already supported by referral authorities, and establishing a separate body would add another layer of administration and red tape to an already complex system. In practical terms there were concerns about potential complexities associated with who is on the body, how and by whom the body would be overseen, and whether or not it should have final decision-making powers.

The few submissions that supported the establishment of an oversight body emphasised the need for independence, and for community representation on the body.

Some submissions asserted that closer scrutiny should be applied to Council decision-making, given there were a number of cases where the recommendations of independent panels were not adopted by the Council. MRRA’s Hearing submissions (Document 20) noted a number of instances over the past several years of when this had occurred, and provided extracts of amendments as exhibited, as adopted and as approved demonstrating that changes were made through the process of some amendments.

Some submitters submitted that a requirement for community consultation should be a key part of any policy framework for Macedon Ranges. Submissions also expressed a wish to re-activate the clear commitment within SPP8 (Clause 4.14) to strong public participation programs in the planning of the area.

Others suggested that various versions of community consultative committees should be established to work with Council on specific issues, including an environment committee and a special committee to determine suitable development areas. The purpose of these committees would be to assist Council with implementation and accountability, rather than to create additional regulatory mechanisms.

On the other hand, some submitters (for example submitter 58) submitted that the current process “*is sufficiently rigorous both in consultation and participation from the community*”.

## Discussion

The Macedon Ranges is facing unique pressures from population growth and urban expansion. It is a peri-urban municipality, on the doorstep of metropolitan Melbourne, with declared growth areas to its immediate south. Its proximity to metropolitan Melbourne, its excellent transport links to Melbourne, its highly valued lifestyle and its rural character combine to create particular and significant pressures that are not being felt in other highly valued areas that are more distant from Melbourne (such as the Grampians and the Great Ocean Road).

The Committee acknowledges that other highly valued areas, such as the Mornington Peninsula and Yarra Ranges, are close to Melbourne and may well be under similar pressure from population growth and urban expansion as the Macedon Ranges.

These municipalities have legislative protections under Part 3AA of the Act. The Urban Growth Boundary (UGB) runs through these municipalities. The UGB cannot be changed without Parliament’s approval. Nor can an amendment be approved that would allow further subdivision of land outside the UGB without Parliament’s approval.

Two of Melbourne’s peri-urban areas (Mornington Peninsula and Bellarine Peninsula) have approved Localised Planning Statements in place. While Yarra Ranges does not yet have a LPS in place, it has the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (RSP) and the protections afforded to the RSP under Part 3A.

### The need for legislative protection

The Committee agrees with submissions that even if the current policy or planning framework is strengthened, it could never be binding in the same way as legislation. This is illustrated by the fact that, in the Committee’s view, the protections provided by SPP8 have been gradually eroded, notwithstanding that SPP8 has remained part of the policy and planning framework.

Unlike planning schemes for other peri-urban areas of Melbourne, the Macedon Ranges Planning Scheme is not currently supported by some form of legislative protection in relation to land use and development.

The Committee concludes that, while the policy and planning framework for the Macedon Ranges needs to be strengthened, a strengthened policy and planning framework alone will not provide adequate protection. Some form of legislative protection is warranted.

The Committee finds that the key principles to underpin legislative protection should be:

* Legislation should only be required as a last resort if the current legislative framework is inadequate.
* Legislation must be effective in achieving protection.
* Legislation should provide clarity and certainty.
* Legislation should compliment and build on the existing land use planning framework, and therefore must be consistent with the objectives of planning set out in section 4 of the Planning and Environment Act.
* Legislation should not add unnecessary administrative burdens or complexity to the planning system in the Macedon Ranges.

The models for legislative protection considered by the Committee, and its conclusions about the form that legislative protection should take, are discussed in detail below.

### Macedon Ranges Localised Planning Statement

The Committee finds that the LPS is capable of providing significant protection for the values, attributes and character of the Macedon Ranges, once it has been revised, approved by the State Government, and incorporated into the VPP at Clause 11.14 of the State Planning Policy Framework (SPPF).

Approval of a LPS is required from the Victorian Government, and a LPS can’t be amended without State government approval. An approved LPS carries significant weight in the planning policy framework. As part of the SPPF, Ministerial Directions require all planning authorities to support and implement a LPS. When preparing planning scheme amendments, a LPS prevails over any inconsistent local policy. Clause 11 of the VPP requires all planning proposals (both planning scheme amendments and permits) to consider an approved LPS.

Some submissions argued that the draft LPS has in parts captured the essence of what is needed in a Macedon Ranges Localised Planning Statement, but that further work is required to strengthen the policy in some areas.

The Committee agrees with submissions that the draft LPS identifies the important and valued assets of the Shire, and the potential threats to these values. However, while the Committee acknowledges that the role of a LPS (as opposed to land use controls) is to provide a policy framework to guide planning decisions, rather than providing protection directly, the Committee does not consider that the draft LPS provides sufficient guidance to ensure that planning decisions will have enough of a ‘protection’ focus. Nor does it contain sufficiently clear direction or guidance to assist planning decisions, or to help planners resolve competing policy objectives.

As discussed in Chapter 4, the Committee considers the key challenge facing decision-makers in the Macedon Ranges is balancing the need for protection with the need for growth. The Committee finds that the draft LPS does not provide clear prioritisation of values to assist with this challenge. The language used in the LPS is aspirational in nature and does not provide clear direction to guide decision-making (in particular decision-making regarding permit applications).

In particular, it is not clear to the Committee why the draft LPS prioritises protection of the resources of the area for water supply, tourism and recreation and nature conservation within the Range and the Rock policy area, but not within the rest of the Shire.

The draft LPS does not acknowledge or explain the role of the other agencies, the community, local community groups, and the Registered Aboriginal Parties in ensuring that the objectives and strategies outlined in the LPS will be achieved.

The Committee has begun the process of tightening the draft LPS by providing the Committee’s preferred version at Appendix B. The Committee’s preferred LPS combines elements of SPP8 and the 2014 draft LPS. It has followed the drafting intent of existing approved LPSs in the VPP, and keeps SPP8 as its reference document.

The Committee’s preferred version is by no means the absolute and final version. The Committee’s changes highlight the intent of how the Committee thinks the LPS can better achieve protections for the Macedon Ranges.

### Other zones and controls

Having considered submissions, the Committee has found that a number of specific zoning and overlay controls require further consideration. The Committee’s recommendations are set out in Chapter 5.

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. However 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 of the VPP is a possible model for a particular provision. The primary role of Clause 53 is to ensure that the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (RSP) (which is not otherwise incorporated into the Yarra Ranges Planning Scheme) has a role in guiding land use planning decisions under the Yarra Ranges Planning Scheme. This would not be needed for the Macedon Ranges, as Clause 11.14 effectively achieves this aim for the Macedon Ranges Localised Planning Statement (once approved). However, Clause 53 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.

### Additional governance oversight and consultation

With respect to the perceived problem of Council not adopting recommendations of independent panels, although the Committee found the comparisons in MRRA’s submissions very helpful, the Committee does not consider that sufficient evidence was presented to it to draw any firm conclusions about the extent of this perceived problem.

The Act contains a number of checks and balances to ensure sound decision-making. These are discussed in the Issues Paper, and include (in relation to planning scheme amendments):

* Ministerial authorisation to prepare an amendment
* public notification and exhibition of amendments
* review by independent panels
* approval by the Minister for Planning for any amendment to take effect
* the ability for Parliament to disallow any amendment after it has been gazetted
* oversight by the Courts.

These checks and balances are complimented by DELWP practices, including scrutiny of requests for authorisation to prepare an amendment, and providing briefings to the Minister for Planning regarding discrepancies between panel recommendations and amendments submitted for approval.

With respect to community consultation committees, the Committee considers the purpose of these would be to assist Council with implementation and accountability, rather than providing an additional regulatory mechanism. The Committee encourages Council to explore this option with the community, but makes no specific recommendations in this regard.

### Options for legislative protection

Having concluded that a form of legislative protection is warranted, the Committee considered four possible models for legislative protection:

* tailored legislation protecting the Macedon Ranges, based on legislation protecting the Barossa Valley (Model 1)
* protections similar to those provided for the Yarra Ranges area, under Part 3A of the Planning and Environment Act (Model 2)
* protections similar to those that were once in place in relation to SPP8 (Model 3)
* protections similar to those that apply to the Urban Growth Boundary (UGB) and green wedge land, under Part 3AA of the Planning and Environment Act (Model 4).

These models were developed in response to the Issues Paper, written submissions, and submissions and discussion at the Hearings.

#### Tailored legislation (Model 1)

The *Character Preservation (Barossa Valley) Act 2012* (SA) (the Barossa Valley Act) is tailored legislation that seeks to protect the unique values and attributes of the Barossa Valley in South Australia. The Act contains four objectives which are broadly aimed at achieving balanced outcomes which protect the *“special character of the district”* while *“providing for economic, social and physical wellbeing of the community”.* The Act specifies the recognised character values of the district, and that these values are relevant to the development of planning policies that relate to the district.

The Act contains strict controls on subdivision of rural land (particularly that which is not in a rural living area) and empowers bodies responsible for making decisions to request information to enable them to consider any matter relevant to the objectives of the Act in relation to the decision.

#### Yarra Ranges style protections (Model 2)

Part 3A of the Planning and Environment Act provides legislative protections for the Upper Yarra Valley and Dandenong Ranges, based on the RSP. Several submissions suggested that legislative protections for the Macedon Ranges could be modelled on those under Part 3A.

The current role of the RSP is “*to ensure that planning in the Region continues to protect the special character and features of the Region in accordance with the Principles of Statement of Planning Policy No 3*” (RSP, p2).

Key protections provided under Part 3A of the Act are:

* planning scheme amendments ‘must be consistent with’ the RSP (section 46F)
* amendments to the RSP can only be prepared by the Minister for Planning, and must be ratified by Parliament in order to take effect (sections 46C and 46D)
* public works in the region must be consistent with the RSP (except with the Premier’s approval) (section 46G).

Adapting Model 2 to the Macedon Ranges could involve enacting a new part of the Act requiring:

* planning scheme amendments to be consistent with the revised LPS
* amendments to the revised LPS can only be prepared by the Minister for Planning, and must be ratified by Parliament in order to take effect.

In considering Model 2, a key question for the Committee is how effective Part 3A style protections have been in protecting the values of the Yarra Ranges.

The Upper Yarra Valley and Dandenong Ranges RSP has not been comprehensively reviewed or updated since 1994[[3]](#footnote-3). The area has evolved significantly since then, and many planning scheme amendments have been approved which are inconsistent with the RSP. Each time this occurs, the RSP must be amended to exempt the specific site to which the amendment relates from the RSP.

Since 1983, when the RSP was approved, the RSP has been amended 121 times, including 95 site-specific exemptions and 26 amendments to the RSP itself[[4]](#footnote-4). Each of these amendments had to be ratified by Parliament.

Although this would appear to provide an additional level of scrutiny and protection to the RSP, in reality, exemptions are often ratified without significant debate. The following Hansard extract explains the issue:

Honourable members would know that under the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan and the Planning and Environment Act occasionally planning scheme amendments come before this house. The minister moves that the amendment be approved, and that is normally done without debate. There are occasional debates, but the reality is that they are few and far between.[[5]](#footnote-5)

Amendments to the RSP – at least for site-specific exemptions – are relatively straightforward to prepare. However they add considerable time and administrative burden to the planning scheme amendment process. First, the RSP must be amended by the Minister for Planning, then the RSP amendment must be ratified by Parliament and gazetted, before the planning scheme amendment can proceed. This adds considerable red tape to planning decision-making in Yarra Ranges.

#### SPP8 style protections (Model 3)

Several submissions called for SPP8 to be given its former legislative status.

For reasons expressed elsewhere in this report, the Committee does not consider that SPP8 is an appropriate policy basis for protection for the Macedon Ranges. However the Committee has considered whether the revised LPS should be provided with legislative protections similar to those that once applied to SPP8.

The protections afforded to SPP8 under the (now repealed) *Town and Country Planning Act 1961* were that every responsible authority who was preparing or amending a planning scheme was required to “have due regard to” SPP8.

Adapting these protections to the revised LPS, and expressing them in contemporary language, would involve legislation requiring planning scheme amendments to be consistent with the revised LPS. In this sense, SPP8 style protections are equivalent to those provided for the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan (RSP) under section 46F of the Act (discussed above).

#### UGB style protections (Model 4)

Part 3AA of the Act requires Parliament to approve any planning scheme amendment that would shift Melbourne’s UGB, or allow further subdivision of green wedge areas outside the UGB. Adapting UGB style protections for the Macedon Ranges could involve requiring Parliament to approve any changes to the settlement boundaries identified in the revised LPS.

Requirements for Parliamentary approval for particular types of planning scheme amendments are rare. The only other examples of Parliamentary approval being required are:

* changes to the Upper Yarra Valley and Dandenong Ranges RSP (approval required under Part 3A of the Act, as discussed above)
* changes to the Melbourne Airport Environs Strategy Plan (approval required under Part 3C of the Act)
* changes to the Williamstown Shipyard Site Strategy Plan (approval required under Part 3D of the Act).

### Comparative analysis of the different legislative protection models

Under all four models, the protections provided by the legislation sit alongside, rather than replace, the land use planning framework that applies under normal planning legislation and the planning scheme.

Yarra Ranges style protections (Model 2) and UGB style protections (Model 4) involve an element of direct Parliamentary oversight. In the Yarra Ranges model, Parliament has direct oversight of policy changes, but not planning scheme amendments. In the UGB model, Parliament has direct oversight of planning scheme amendments. Tailored legislation based on the Barossa Valley Act (Model 1) and SPP8 style protections (Model 3) do not involve direct Parliamentary oversight.

All models except tailored legislation based on the Barossa Valley Act (Model 1) involve an enforcement mechanism. In the Yarra Ranges model, policy changes do not take effect until they are approved by Parliament. In both the Yarra Ranges model and the SPP8 model, planning scheme amendments that are not consistent with the revised LPS would not be valid. In the UGB model, the relevant planning scheme amendments do not take effect until they are approved by Parliament.

Tailored legislation (Model 1) and UGB style protections (Model 4) can involve legislative controls on subdivision, whereas the Yarra Ranges model (Model 2) and the SPP8 model (Model 3) don’t. Under Models 2 and 3, subdivision controls would need to be implemented and given legal effect through land use controls in the planning scheme.

These similarities and differences are summarised in the following table.

Table Models for legislative protection

| Feature | Model 1 | | Model 2 | Model 3 | Model 4 |
| --- | --- | --- | --- | --- | --- |
| Complements rather than replaces the land use planning framework under planning legislation/scheme | | 🗸 | 🗸 | 🗸 | 🗸 |
| Guides development of planning policy framework and land use controls in the planning scheme | | 🗸 | 🗸 | 🗸 | 🗸 |
| Relies on a separate overarching policy | | 🞨 | 🗸 | 🗸 | optional |
| Involves direct oversight from Parliament: | |  |  |  |  |
| * for changes to the overarching policy | | 🞨 | 🗸 | 🗸 | 🞨 |
| * for planning scheme amendments | | 🞨 | 🞨 | 🞨 | 🗸 |
| Includes enforcement mechanisms | | 🞨 | 🗸 | 🗸 | 🗸 |
| Directly controls subdivision | | 🗸 | 🞨 | 🞨 | optional |

Another key difference noted by the Committee between Yarra Ranges style protections (Model 2) and UGB style protections (Model 4) is their apparent effectiveness.

Since 2003, when Part 3AA of the Act and the UGB were introduced, Parliament has only approved changes to the UGB twice. The Committee was not presented with any statistics on the number of amendments approved or not approved by Parliament which allow further subdivision of green wedge land under Part 3AA.

In contrast, since 1983 when the RSP was adopted (albeit 20 years earlier), Parliament has approved 121 amendments to the RSP under Part 3A of the Act, including 95 site specific exemptions from the RSP.

## Findings and conclusions

### Policy framework for providing protection

As discussed above, the Committee concludes that neither SPP8 nor the draft LPS provide an appropriate policy basis to support legislative protections for the Macedon Ranges. The Committee concludes that a revised LPS needs to be prepared, based on the following principles:

* 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 Committee concludes that any inconsistencies with the revised Macedon Ranges Localised Planning Statement in the Macedon Ranges Shire Planning Scheme would be identified through Council’s regular review of its planning scheme under section 12B of the Planning and Environment Act.

### Legislative protections

As discussed in Chapter 6.3.1, the Committee finds that the special nature of the Macedon Ranges warrants legislative protection. Chapter 6.3.1 outlines the principles to underpin legislative protection. Applying these principles, the Committee considers that legislative protection for the Macedon Ranges should be based on an adaption of UGB style protections (Model 4).

#### Tailored legislation (Model 1)

The Committee does not consider that tailored legislation modelled on the Barossa Valley Act is warranted.

The objectives of the Barossa Valley Act are similar to many of the objectives of planning set out in section 4 of the Planning and Environment Act, and the objectives and strategies of a Localised Planning Statement set out in Clause 11.14 of the VPP. The Committee considers that the existing Victorian legislative and regulatory system already fulfil the function sought to be achieved by the Barossa Valley Act, and that tailored legislation modelled on the Barossa Valley Act would not provide solutions that could not already be provided under the current legislative and statutory framework.

Further, tailored legislation based on the Barossa Valley Act:

* would not involve direct Parliamentary oversight of changes to the planning policy framework or land use controls
* would not involve a direct enforcement mechanism.

#### Yarra Ranges style protection (Model 2) and SPP8 style protection (Model 3)

As noted above, in adapting Models 2 and 3 to the Macedon Ranges, Model 3 effectively becomes a subset of Model 2. These are therefore discussed together.

Although Yarra Ranges style protections received a degree of support in submissions, the Committee considers that there are significant limitations associated with this model. The Committee considers the high number of site-specific exemptions to the RSP that routinely occur without significant debate as to the merits of the amendment, make this option less attractive in providing the appropriate level of protection. It is also clear that Part 3A of the Act has resulted in considerable red tape being added to the planning scheme amendment process in the Yarra Ranges, for little apparent gain in terms of certainty or protection.

There is therefore considerable doubt in the Committee’s mind as to whether Yarra Ranges style protections are capable of providing meaningful protection for the Macedon Ranges in the longer term.

#### UGB style protections (Model 4)

The Committee considers that adapting UGB style protections for the Macedon Ranges (Model 4) has the most merit.

Once the settlement boundaries are clearly identified in the revised LPS, the Committee considers that it would be warranted for Parliamentary approval to be required for any subsequent amendments to the settlement boundaries. This will provide certainty for the community, Council, State government departments and agencies, and other key stakeholders including land owners, developers and the Registered Aboriginal Parties.

The Committee does not consider that legislative controls are required in relation to subdivision outside the settlement boundaries. Subdivision outside the settlement boundaries is dealt with in the Committee’s preferred LPS, which will guide and direct the application of appropriate zoning and overlays in the Macedon Ranges Planning Scheme.

The Committee prefers this targeted approach to the more blanket approach under the Yarra Ranges model, of requiring Parliament to approve all amendments to the revised LPS. The Committee considers that a blanket approach would be likely to eventually result in less scrutiny (as has occurred in the Yarra Ranges), and would be less effective in providing protections. It would also, in the Committee’s view, add unnecessary administrative burdens to the planning process in the Macedon Ranges.

The Committee acknowledges that requiring Parliament to approve changes to the settlement boundaries in the Macedon Ranges represents a significant shift from the current regulatory regime, under which it is essentially up to Council to determine whether to amend the planning scheme to allow urban expansion within the Shire (subject only to the approval of the Minister for Planning).

However, apart from involving an important additional step of Parliamentary approval, the planning scheme amendment process will run its ordinary course. Council will remain the primary planning authority for the Macedon Ranges, and will remain primarily responsible for deciding whether to prepare an amendment. Amendments would still be required to be exhibited and relevant notice requirements will apply. This is appropriate in the Committee’s view, as Council is best placed to understand local conditions and circumstances, and to make judgements regarding whether additional development pressure might warrant reviewing the Shire’s settlement boundaries.

The public, including the Registered Aboriginal Parties (as a project partner with an agreed DELWP protocol), and the Shire’s residents and community groups, will continue to have an important role to play in any proposal to alter the Shire’s settlement boundaries, and will have the opportunity to express their views in relation to any such proposal.

### Conclusions

The Committee concludes:

* The principles and protections offered by SPP8 have been slowly eroded, and are no longer reflected in the current policy framework.
* SPP8 and the draft LPS do not provide an appropriate policy basis for protection. A revised LPS should be prepared, based on the Committee’s preferred version in Appendix B and further embodying the principles outlined in Chapter 6.4.1.
* Clause 11.14 of the VPP recognises Macedon Ranges as a distinctive area in State Policy, and provides the mechanism (through a Localised Planning Statement) for planning to protect its key values and attributes.
* However, a revised Localised Planning Statement alone will not provide the requisite certainty. The unique pressures facing Macedon Ranges mean that additional legislative protections are warranted, just as legislative protections already apply to similar highly valued peri-urban areas of Melbourne which are also recognised in Clause 11.14.
* Existing checks and balances in the planning system are significant, and the Committee does not consider that additional oversight or governance arrangements are warranted or would assist in providing clarity for decision-makers, applicants and the community.

Finalising the process of protection is explained in Figure 5.

Figure Finalising the process of protection

## Recommendations

The Committee recommends that the Minister:

* **Set aside the Macedon Ranges Localised Planning Statement as adopted by Council in September 2014.**
* **Direct Macedon Ranges Shire Council to prepare a new Macedon Ranges Localised Planning Statement that is:**
  1. based on the Committee’s preferred version contained in Appendix B of this report, and the principles contained in Chapter 6.4.1 of this report
  2. consistent with Recommendations 3, 4, 5 and 6 in this report
  3. prepared in consultation with relevant stakeholders, including the Registered Aboriginal Parties and the Department of Environment, Land, Water and Planning.
* **Direct the Department of Environment, Land, Water and Planning that once the new Macedon Ranges Localised Planning Statement has been approved and incorporated into the Victoria Planning Provisions, it is to prepare a legislative proposal for amending the *Planning and Environment Act 1987* to insert provisions requiring Parliamentary approval for any planning scheme amendment approved by the Minister that:** 
  1. amends the settlement boundaries identified in the approved Macedon Ranges Localised Planning Statement, or
  2. inserts any new settlement boundary into the approved Macedon Ranges Localised Planning Statement.

Appendix A Terms of Reference

|  |
| --- |
| Terms of Reference |
| **Macedon Ranges Protection Advisory Committee** |

**Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to provide advice on an appropriate policy to achieve protection of the significant values, attributes and character of the Macedon Ranges and support changes to the legislative framework. The Advisory Committee will also report on potential legislative options and statutory arrangements available to implement the final policy.**

**Name**

1. The Advisory Committee is to be known as the ‘Macedon Ranges Protection Advisory Committee’.
2. The Advisory Committee is to have four members comprised of the following skills:
   1. Expert knowledge and experience in Victorian land use planning law.
   2. Expertise in strategic and statutory land use planning, including a sound understanding of the implementation of policy through land use planning decisions.
   3. Technical or policy experience related to one or more of the following areas of knowledge: natural resource and water management; cultural heritage; biodiversity; landscapes; sustainability; strategic and statutory land use planning; and local government and stakeholder engagement.
   4. The Advisory Committee may also seek specialist advice as appropriate.

**Purpose**

1. The purpose of the Advisory Committee is to provide advice to the Minister for Planning 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 will also consider and report on legislative options and statutory arrangements to achieve protection.
2. The Advisory Committee is to provide independent advice and present its findings and conclusions on the following matters:
   1. The extent of the geographic area the final policy and legislative controls should apply to.
   2. An assessment of why protection is needed, including identification of the key values and attributes that contribute to the significance of the Macedon Ranges and the key threats and areas that are under threat.
   3. The issues, challenges and opportunities for Victoria's land use planning framework in protecting the significant values and attributes of the Macedon Ranges, and the key principles that should underpin legislative protection.
   4. The extent to which the current policy and planning framework addresses the identified threats, issues and challenges to protecting the area and identification of any gaps in policy.
   5. An appropriate policy to support changes to the legislative framework and provide certainty for the community, Local Government, State Government departments and agencies and other key stakeholders.
   6. Potential legislative options and statutory arrangements available, including tools available to State Government department and agencies and Local Government, to implement the final policy and achieve protection of the unique values, attributes and character of the Macedon Ranges.

**Background**

1. Macedon Ranges Shire is approximately 60 kilometres north-west of Melbourne, midway between Melbourne and Bendigo. The area is part of the broader metropolitan Melbourne hinterland, is predominantly rural in character and includes a number of significant high quality landscapes, both natural and built.
2. The area’s rural landscapes provide an important buffer between local towns and settlements and the urban areas of metropolitan Melbourne with a range of farming and related rural activities and high quality soils that are an important food production resource. Macedon Ranges, including Macedon Regional Park and Hanging Rock and rural landscapes are significant tourism assets for the region, and more broadly the state. The region also contains high ecological values, special water supply catchments and includes areas subjects to high bushfire risk.
3. Due to its amenity and proximity to metropolitan Melbourne, the area is increasingly coming under pressure for development.
4. There is significant concern and interest amongst State Government, key stakeholders and the local community to ensure that the area is protected from inappropriate development.

**Method**

1. The Advisory Committee may apply to vary these Terms of Reference prior to submission of its reports.
2. The Advisory Committee may inform itself in anyway it sees fit, but must consider:
   1. The latest relevant information available on the areas’ biodiversity values, remnant native vegetation, water resources, geography, geology and landforms, landscape values, agricultural land use, and cultural heritage values.
   2. Loddon Mallee South Regional Growth Plan
   3. Plan Melbourne
   4. Macedon Ranges Planning Scheme
   5. Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds, 1975
   6. Draft Macedon Ranges Localised Planning Statement, September 2014, including background, consultation and reporting undertaking by Macedon Ranges Shire Council.
   7. Any other relevant State Government policy document.
3. The Advisory Committee is expected to publish an Issues Paper for the purposes of public consultation, which will discuss points 4a, 4b, 4c and 4d of the Terms of Reference.
4. The Advisory Committee must invite public submissions and consider all submissions.
5. The Advisory Committee must carry out public notification, consultations, hearings or workshops. All such proceedings will be open to the public.
6. The Advisory Committee will conduct its hearings as far as practicable in a location and times accessible to all parties (within the Macedon Ranges Shire Council).
7. The following parties should be asked to meet with the Advisory Committee:
   1. Macedon Ranges Shire Council
   2. Local Water Authorities
   3. Relevant State government departments and agencies
   4. Catchment Management Authorities
   5. Macedon Ranges Residents’ Association
   6. Other peak bodies, stakeholder groups and community groups
8. The Advisory Committee may meet and invite others to meet with them when there is a quorum of at least three Committee members.
9. The Advisory Committee may limit the time of parties appearing before it in the interests of efficiency
10. The Advisory Committee may prohibit or regulate cross-examination.
11. The Advisory Committee may appoint its own legal counsel to assist in any of its deliberations if required.

**Submissions are public documents**

1. The Advisory Committee must retain a library of any written submissions or other supporting documentation provided directly to it until a decision has been made on its report or five years has passed from the time of its appointment.
2. Any written submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that the material is to remain confidential.

**Outputs**

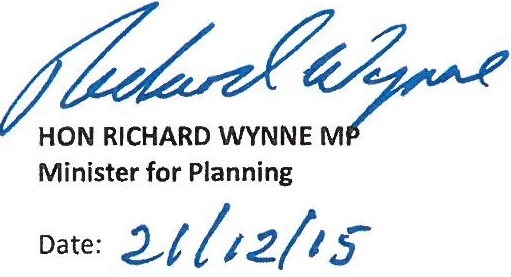
1. The Advisory Committee must produce an Issues Paper for the purposes of public consultation, which will discuss points 4a, 4b, 4c and 4d of the Terms of Reference.
2. The Advisory Committee must produce a written report including:
   1. A response to the ‘Purpose’ of the Terms of Reference.
   2. An assessment of submissions to the Advisory Committee.
   3. Any other relevant matters raised in the course of the Advisory Committee hearing.
   4. A list of persons who made submissions considered by the Advisory Committee.
   5. A list of persons consulted or heard.

**Timing**

1. The Advisory Committee is required to complete its research and the preparation of the Issues Paper within 40 business days from the date of receipt of notification of its appointment.
2. The Advisory Committee is required to complete its hearings no later than 40 business days from the final date for submissions on the Issues Paper.
3. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 40 business days from the completion of its final hearings or other consultations.
4. The Advisory Committee must complete its work and submit its final report to the Minister for Planning by 15 July 2016.

**Fee**

1. The fee for the Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the Planning and Environment Act 1987.
2. The costs of the Advisory Committee will be met by the Department of Environment, Land, Water and Planning (Planning).



Appendix B Committee’s Preferred Localised Planning Statement

This is the Panel’s preferred Localised Planning Statement. Inclusions are denoted by blue underlined text, deletions are red strikethroughs. Green underlined text denotes objectives that have been moved from one part of the strategy to another.

**1.** **Introduction**

The Victorian Government, in partnership with local government, is establishing Localised Planning Statements for four key areas; the Bellarine Peninsula, Macedon Ranges, Mornington Peninsula and the Yarra Valley and Dandenong Ranges.

These highly valued areas have significant geographic and physical features which contribute to the quality of life for Victorians and are a distinctive part of our state. They play an important role in the state as tourist destinations and have strong economic bases driven by tourism, agribusiness and lifestyle, with all areas linking strongly to Melbourne.

The attractiveness, accessibility and proximity of these areas to metropolitan Melbourne, mean that they are increasingly coming under pressure for growth and change. This could potentially undermine the long-term natural or non-urban uses of land in these areas and needs to be carefully managed. Because of this there is a need to identify the key valued attributes and activities important to these areas and put in place objectives and strategies to ensure that they are preserved and enhanced for ongoing use by present and future generations.

The key challenge for the land use planning framework in the Macedon Ranges is to balance the protection of the area’s significant values and attributes, while fostering growth and prosperity in the region. In the Macedon Ranges context, this means achieving a balance which ensures that the region retains its unique features and characteristics which make it a popular place for people to live, work and visit. Land use planning needs to provide for housing, agriculture, rural living environments, water supply and tourism. To support the existing and growing community, land is required for housing and infrastructure. New and existing residents who seek the rural living lifestyle need jobs – these can be provided for from the land (such as in agriculture or nature-based tourism), or through service and other industries within the main town centres.

This Policy acknowledges both the Traditional Owners and Registered Aboriginal Parties in the region and requires they are to be meaningfully consulted and engaged in planning decisions, particularly in the context of Traditional Owner Settlement Agreements (approved and pending) made under the Traditional Owner Settlement Act 2010 (Vic).

In December 2015, the Minister for Planning appointed the Macedon Ranges Protection Advisory Committee to provide advice on an appropriate Policy to support changes to the legislative framework to achieve protection for the Macedon Ranges. This Localised Planning Statement represents an amalgam of work undertaken in 2014, Statement of Planning Policy No. 8 (1975) (SPP8), and the Advisory Committee process (2016).

This policy should be reviewed by Council as part of its Planning Scheme review process or every 5 years, whichever comes first.

Each section of this Localised Planning Statement contains a set of Objectives and Strategies. Each strategy has an indicative timeframe of:

* Short – 1-2 years
* Medium – 2-5 years
* Ongoing

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.

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.

**2. Overview of the policy area**

Macedon Ranges Shire Council (the Shire) is approximately 60 kilometres north-west of Melbourne, midway between Melbourne and Bendigo. The Shire is approximately 1,750 square kilometres in area, predominantly rural in character and includes a number of established regional centres, towns and settlements. The Shire is part of the broader peri-urban region which surrounds the built-up areas of metropolitan Melbourne and is under the indigenous custodianship of the Dja Dja Wurrung, Taungurung and Wurundjeri peoples.

The Macedon Ranges Localised Planning Statement policy area applies across the entire Shire. Within this area there are a range of high quality landscapes, both natural and built, with important areas of biodiversity and a wide variety of species and structural forms of vegetation on both public and private land. The area’s rural landscapes provide an important buffer between local towns and settlements and the urban areas of metropolitan Melbourne with a range of farming and related rural activities and high quality soils that are a significant food production resource.

~~Within the broader policy area an additional area referred to~~ This policy includes the area known as ‘the Rock and the Range’ with distinct geological and environmental values which includes the ~~been also identified for the~~ Macedon Ranges and its immediate surrounds – including Hanging Rock and the townships of Macedon and Mount Macedon. This area is focussed generally on areas of the Rural Conservation Zone bounded by land in the Farming Zone to the east, the Rural Living Zone to the south, the Calder Freeway to the west and local roads to the north. Within this distinct policy area ongoing protection and utilisation of the area for water supply, tourism and recreation, and nature conservation are to be the primary concern. These areas are identified on Macedon Ranges Framework Plan.

The Macedon Ranges are a prominent land form located central to the policy area. They provide some of the most outstanding natural features north-west of Melbourne and the areas surrounding them are renowned for offering a country lifestyle and landscapes featuring attractive forested slopes, interesting landforms and built features such as gardens and reserves. Along with the significant views and vistas to and from the undulating wooded hills these aspects form the valued environmental and cultural landscape of the area.

Across the policy area native woodlands such as Black Forest and the Cobaw Forest are renowned for their scenic aspects and biodiversity values. Other forests within the area, such as the softwood plantation in the south-east, also perform an important economic function. The closure of sawmills in the area has seen forestry now confined to softwood plantations north and west of Macedon, and some harvesting in the Wombat State Forest. The area also offers significant tourism and recreation assets, from Hanging Rock and Mount Macedon, to wineries and eateries, nature conservation, historic assets and walking and riding trails.

In 2011 the Shire had a population of 42,800 people. The population profile of the Shire is also ageing and by 2036 approximately 25% of the population will be over 65 years. Gisborne and Kyneton are the major population and employment centres within the municipality. Urban growth over the past decade has been greatest in the southern part of the Shire in Gisborne, Romsey and Riddells Creek, with more modest growth occurring in Woodend, Kyneton, Malmsbury, Lancefield, Macedon and Mount Macedon.

The high demand for growth in the region, combined with an increase in tourism and recreation activities, places pressure on the natural assets of the area. Increasing demands on the natural resources, particularly for water supply, recreational and residential purposes, are causing obvious conflicts.

The changing nature of agriculture and the economy and the continuing demand for a rural residential lifestyle all combine to put pressure on the rural landscapes and environmental features in the policy area. ~~As the area continues to grow,~~ It is vital that these valued characteristics are retained and that the policy area remains a rural and regional part of Victoria characterised by small towns, agricultural enterprises and environmentally significant landscapes.

1. **Cultural Heritage**

The Macedon Ranges is rich in both Aboriginal cultural heritage and post contact heritage. There are many sites and features of national, state, regional and local historic, architectural and cultural significance in the area, including sites of Aboriginal cultural significance. There are three Registered Aboriginal Parties in the Macedon Ranges Shire. These are the Dja Dja Wurrung, the Taungurung and Wurundjeri. Registered Aboriginal Parties must be meaningfully consulted with.

The Macedon Ranges has a significant collection of heritage towns, with largely intact streetscapes from the gold rush era of the early to mid 1800s. Many of the region’s towns were established along historic transport corridors and played an important role in the Victorian gold rush, linking Melbourne to central and northern Victoria.

Typical of many towns are bluestone buildings, historic churches and fountains, old homesteads and stables, wool and flour mills, and hay and grain stores. Some towns are also known for their historic streetscapes, such as Piper Street in Kyneton and High Street in Woodend.

Historical monuments and tree-lined Avenues of Honour are also important heritage assets to be protected.

There are many sites and features of national, state, regional and local historic, architectural and cultural significance in the area, including sites of Aboriginal cultural significance. Many towns and locations in the area were developed prior to the gold rush. Development in the late nineteenth and early twentieth centuries has also been significant. Examples of this heritage are seen today in streetscapes, buildings and other landmarks. In the rural areas early settlement and farming practices represent significant cultural associations and relationships for the community.

1. **Landscape and Environmental features**

The policy area contains many environmental assets that are of ecological, scientific and historical significance. These provide the foundation for the significance of the area and are an important consideration for tourism and agricultural uses. The environmental values and assets of the area are highly valued by the community and are considered fundamental to the long term preservation of the area’s significance.

The Macedon Ranges form part of the Great Dividing Range and are the remainder of more extensive Upper Devonian volcanic granite formations, which overlook the surrounding region. Its maximum elevation is approximately 1000 metres at Mt. Macedon and Camels Hump with lower parts of the formation being at 600-770 metres in the Black Forest at the western foot of Mt. Macedon and 490-550 metres in areas north of Macedon Ranges.

The Cobaw Range and Mount William in the north and north-east reach elevations of over 750 metres, while the lowest point is at Deep Creek in the south east at an elevation of 160 metres.

The variations in geology, landform, soil, sand and climate are reflected in the marked changes of vegetation throughout the policy area. Over very short distances, dry forests and woodland merge into wet open forest and this range of habitats provides for a diversity of fauna. The area retains rich native biodiversity with extensive areas of remnant native vegetation, including significant forested areas, which are an integral part of the area’s unique landscape. Key features include Mt Macedon and the Macedon Regional Park, the Wombat State Forest around Woodend and the Cobaw Ranges, Bald and Black Hill Reserves, and Mount William.

The area also features significant exotic vegetation, including boulevards of tree plantings in many towns, Avenues of Honour in Macedon, and Woodend, Gisborne and New Gisborne and significant ornamental gardens on Mount Macedon that are fundamental to local landscape quality.

1. **Waterways and Water Supply**

The policy area contains significant water catchment areas, including many open potable water catchments. These constitute ~~a significant~~ an essential water supply asset for both the policy area and the broader region. The main streams which drain the area waterways to the south of the Macedon Ranges and form forming headwaters of the Maribyrnong River system are Deep Creek, Emu Creek, Riddells Creek and Jacksons Creek. North of the Macedon Ranges, Five Mile Creek flows into the Campaspe River system.

Major water catchment storages are also located in the western part of the Shire, being the Upper Coliban, Lauriston and Malmsbury storages on the Coliban River near Malmsbury and the Rosslynn Reservoir on the Maribyrnong River near Gisborne.

In total there are ~~24~~25 proclaimed open potable water supply catchments in the area, including the headwaters of the Campaspe, Coliban, Maribyrnong and Werribee Rivers. Special Water Supply Catchments wholly or partly within the area include Djerriwarrh, Eppalock, Lake Merrimu, Lake Merrimu (Goodmans Creek), Lake Merrimu (Lerderderg River), Lancefield (Deep Creek), Macedon (Bawden Creek), Mollison Creek (Pyalong), Monument Creek, Romsey (Upper Bolinda Creek), Rosslyn Reservoir (Jackson Creek), Sunbury (Cherlies Creek and Main Creek).

1. **Recreation**

The policy area is highly valued and utilised for a variety of recreation uses. Bush walking, cycling, picnicking and bird watching are just some examples of activities that occur. There are a number of nature reserves both within and outside of settlements that are home to valuable flora and fauna, as well as providing for passive recreation opportunities.

The 2,379 hectare Macedon Regional Park protects forested land along the ridge of the Macedon Ranges and surrounds the highest peak at Mount Macedon. The park offers great opportunities for bushwalking, scenic drives, picnics, and magnificent views are provided from the [Mount Macedon Memorial Cross](http://parkweb.vic.gov.au/explore/parks/macedon-r.p./things-to-do/mermorial-cross-reserve) and [Camels Hump](http://parkweb.vic.gov.au/explore/parks/macedon-r.p./things-to-do/camels-hump-visitor-node) viewing platforms. Picnic facilities are provided at [Sanatorium Lake](http://parkweb.vic.gov.au/explore/parks/macedon-r.p./things-to-do/sanatorium-picnic-area) and there are many walking and cycling tracks throughout the park.

1. **Tourism**

The policy area is located within Victoria’s broader Daylesford and the Macedon Ranges tourism region which is extremely popular with both domestic and international visitors due to its rich history, natural attractions, top quality wineries, historic gardens and proximity and accessibility to the Melbourne metropolitan area. Current strengths of the area as a tourist location include food and wine, vibrant townships, arts and culture, festivals and events, nature based tourism, heritage and history and an emerging strength in day spas and wellbeing services.

The Macedon Ranges have been appreciated for their recreational and tourist value since the mid 1800’s when development of the area as a holiday and health resort began. The Macedon Ranges themselves are a key recreation and tourism asset for the region and features the historic ornamental gardens of Mount Macedon, the unique geology of Camels Hump and the Mount Macedon Memorial Cross. Hanging Rock is also a significant tourism asset and with its unique geological formation it provides scenic views, bushwalking and picnicking as well as hosting periodic performances at the base of the rock.

The area features a number of historic built heritage assets influenced by the Goldfields era, including its towns and settlements, many of which still retain a unique heritage character and village atmosphere. Day trippers and visitors are attracted to the region for pleasure driving, picnicking and sightseeing and recreational pursuits such as rock climbing, bush walking and riding. The equine and wine industries, as well as weekend markets, also attract tourism and economic activity to the area.

1. **Agriculture and rural land use**

Farming activities make a ~~valuable~~ significant contribution to the area and include broad acre cropping and grazing as well as specialist activities such as viticulture, timber plantations, stock raising and a strong equine industry. Agriculturally productive high quality soils are situated between Lancefield and Romsey, in the Kyneton district and north of Woodend/Newham and Hesket.

Farming land provides an important non-urban buffer between the towns and settlements in the Shire and the urban areas of metropolitan Melbourne. A significant portion of the policy area is designated for agricultural purposes with the majority of large farm holdings being located predominantly to the north. ~~However, traditional farming activities are declining in favour of more intensive forms of agriculture, such as vineyards and other horticultural pursuits~~. Traditional farming activities are declining in favour of more intensive forms of agriculture, such as vineyards and other horticultural pursuits. It is widely acknowledged that farming in the Macedon Ranges Shire is a marginal economic enterprise and most farmers supplement with off-farm income. The nature of farming is changing, and with the introduction of innovative practices and new technologies, alternative and intensive farming enterprises that respond to market trends are becoming more viable.

The equine industry is a significant part of the local agricultural economy, with horse breeding supporting other related industries such as vets, farriers, dentists, trainers, instructors, suppliers of horse related products as well as fencing and other horse related property building and maintenance. The keeping of horses also provides a considerable ~~contribution to the community through its~~ recreational ~~activities~~ opportunities such as pony and adult riding clubs, trail riding clubs, dressage clubs and local competitions and training.

The area is experiencing substantial growth in investment for equine related infrastructure and facilities. This is, in part, due to the decline of competitive facilities in metropolitan Melbourne and the higher cost of property. Preserving areas for agricultural and farming activities is important for maintaining viable local industries and the valued agricultural landscapes that provide the non-urban breaks between towns and settlements.

In order to retain sustainable farming areas, land use and agricultural practices need to be both adaptable and viable, but also have regard to the environmental values of the area. Equally, the landscape values of farming areas need to be preserved through careful management and siting of dwellings, agricultural structures and other infrastructure so that the open agricultural landscapes and characteristic of the area are retained and built form is minimised to that which is essential to agricultural activity.

1. **Towns and settlements**

Within the policy area housing is predominately detached, and is dispersed across settlements that range from large towns to smaller rural localities. In addition, the area has a considerable supply of rural residential land with dispersed housing in the rural balance. The Loddon Mallee South Regional Growth Plan designates Gisborne and Kyneton as Regional Centres that will accommodate higher levels of growth. The towns of Romsey and Riddells Creek will accommodate more modest growth appropriate to their role as District Towns. Other settlements such as Macedon and Mount Macedon are to be limited to little to no growth given infrastructure and environmental constraints. Council manages the growth of its towns and settlements through its Settlement Strategy.

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.

~~There are many sites and features of national, state, regional and local historic, architectural and cultural significance in the area, including sites of Aboriginal cultural significance. Many towns and locations in the area were developed prior to the gold rush. Development in the late nineteenth and early twentieth centuries has also been significant. Examples of this heritage are seen today in streetscapes, buildings and other landmarks. In the rural areas early settlement and farming practices represent significant cultural associations and relationships for the community.~~

Townships in the area have their own distinctive character with tree lined avenues and “turn of the century” streetscapes, houses, commercial and public buildings. Wide main streets are a feature of Romsey, Gisborne and Woodend. There is continuing strong demand across the Shire for small acreage lots driven by the desire of many urban workers to live in semi-rural environments. Given the policy area’s location within the peri-urban region of metropolitan Melbourne, and combined with its natural qualities, it is an attractive location for new residents as well as visitors. The high quality transport links provided by the Calder Freeway and fast rail link, as well as proximity to Melbourne Airport, further contribute to the demand for land and building in the area.

1. **Non-urban breaks**

~~Because of the high demand for growth,~~ Development needs to be carefully balanced with the protection of natural and agricultural landscapes that characterise the area. Protection of the unique natural environment and management of land use conflicts need to be carefully ~~considered~~ managed to ensure the area remains a predominantly rural location characterised by towns and settlements within a natural landscape.

Non-urban breaks of farmland, agricultural landscapes, forests, nature reserves and environmental assets are highly valued and contribute to the overall character of the area. These will be retained through maintaining growth boundaries around towns, managing urban growth through strategic planning and encouraging urban consolidation where it is appropriate to the character of the area and the capacity of available infrastructure. Maintaining rural buffers between the major recreational and scenic attractions, water catchments and forest resources of the area and the broader metropolitan urban areas, including Sunbury and Melton, is critical to achieve harmony with the natural environment and to maintain both the generally rural character of the area and protect its valuable landscapes.

1. **The key challenges facing the policy area**

* The pressure of demand for further subdivision and development in non urban areas and its impact on the valuable natural and agricultural landscapes, recreation, water and nature conservation resources.
* Impacts of increased urban development on the natural environment and landscape values.
* Escalating land prices which undermine viable agricultural uses and results in increasing pressures for further subdivision.
* Use of elevated and steeply sloping land for residential purposes that impact on landscape protection, soil conservation, drainage, access and provision of services.
* The increased risk of bushfire associated with more settlement at the forest interface which can result in an increased number of deliberate and accidental bushfire ignitions.
* The risk of bushfire associated with the topography and ecology of the area, characterised by tall forests on steep terrain. This type of forest has the potential for high fuel hazards which can result in high-intensity bushfires.
* The potential conflict between the provision of access for effective fire protection and the restriction of public access in the interests of the conservation of flora, fauna and water.
* The urban development of nearby areas, such as Sunbury, Melton and Wallan, which will increase demand for water from catchments in the area.
* Protection of biolinks, waterways and water supply catchments.
* The potential for conflict between the interests of metropolitan and local communities and the importance of adequate recognition of both.
* The existing and potential conflict between recreation activities and both water catchment management and nature conservation priorities.
* Changing economic factors influencing the continued viability of agricultural land use and fragmentation of land through inappropriate subdivisions and development that is inconsistent with policy.
* The potential for conflict between current and future agricultural land uses and new residents seeking a ‘rural living’ lifestyle.
* The threat of climate change impacts on the resilience and viability of the natural environment, water resources and biodiversity. ~~of the area.~~
* The increased risk of natural disasters, such as bushfire and flood, as a result of climate change, and the impact of this on community wellbeing, natural assets and infrastructure.
* The need to protect and preserve agricultural land, and to preserve the Shire’s rural productive capacity, feel and rural lifestyle.

*Figure 1 Macedon Ranges Framework Plan*

[A NEW FRAMEWORK PLAN TO BE INSERTED ON COMPLETION OF STRATEGIC PLANNING, SHOWING SETTLEMENT BOUNDARIES, CONSISTENT WITH CHAPTER 4.3.1 OF THIS REPORT]]

1. **Significance of the policy area**

The significance of the Macedon Ranges Localised Planning Statement policy area derives principally from its abundance of natural attributes and high environmental values combined with its proximity to Melbourne.

The Macedon Ranges provide interesting geological landforms and scenic views across the surrounding natural and rural landscape with many features of ecological, scientific, historic and educational significance. They comprise a wide diversity and contrast of landscape types including State, regionally and locally significant areas of remnant vegetation within the Macedon Regional Park, Black Forest, Cobaw Forest and Wombat Forest and surrounds. These bushland areas are home to exceptional flora, fauna and natural habitats.

The outstanding quality and range of the natural environment and distinctive rural character of the area, with ‘country towns’, are highly valued by the local and broader community and differentiate the area from metropolitan Melbourne and its urbanised and suburban development. Maintaining clear non-urban breaks between settlements and the policy area and the broader metropolitan Melbourne area are critical to protecting valued natural attributes and preserving the area’s rural character.

The policy area offers a rare concentration of a wide variety of plant species and vegetation types on both public and private land within a relatively small area providing habitats for the wide variety of native fauna. The area also provides an important water resource to urban and local water supply systems.

There is a broad range of assets valued by both residents and visitors to the area. The high quality natural and built landscapes and the heritage character of existing towns and settlements are key assets for the area and contribute to its physical attractiveness. These assets, combined with the area’s proximity to metropolitan Melbourne, increasingly generate demand for development and need to be carefully managed. The area offers a range of increasingly diverse and important rural activities associated with agricultural production, equine and other emerging agribusinesses.

**~~The Range and The Rock~~**

The area immediately surrounding Mt Macedon and the Macedon Range itself is of particular significance to the broader policy area for its value as a tourism and recreation attraction and, above all, its unique geology and environmental and biodiversity values. This includes Hanging Rock, a rare volcanic formation.

This part of the broader policy area needs more explicit policy direction that identifies the unique combination of natural environmental features found here and reinforces its importance as a key area of landscape and conservation significance. Like the rest of the Shire, ongoing protection and utilisation of the area for water supply, tourism and recreation, and nature conservation are to be the primary concern.

**Policy objectives and strategies**

**Purpose**

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.

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.

**Landscape and Environment**

**Objective:**

**To protect and enhance environmental resources and landscape assets, with particular regard to water supply and nature conservation (including biolinks).**

**To prioritise the conservation and utilisation of the ~~area~~** 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.**

**Implementation Strategies:**

**Short:**

* Undertake a Landscape Assessment of the Shire, reviewing local policy and application of the Significant Landscape Overlay and Vegetation Protection Overlay where appropriate.
* Review the application of the Significant Landscape Overlay Schedule 1 to appropriately reflect the landscape quality in and around Hanging Rock.

**Medium:**

* Formulate appropriate policy and controls for the siting and appearance of buildings and other developments, particularly in recreation and tourist areas and areas of special landscape value.
* Formulate appropriate policy and controls designed to reduce the potential intensity of land use and development in the area, particularly with regard to identified areas of landscape and environmental value.
* Preserve and enhance landscape character by reserving land and appropriately regulating land use with regard to significant landscape areas and vantage points and visual sequences along access routes.
* Prepare a comprehensive conservation and recreation strategy for the area which takes account of the various values of all land in the policy area for nature conservation and for satisfying a broad range of recreational needs.
* Prepare a system of natural vegetation management that provides adequate variety and extent of habitat to enable the conservation of locally indigenous biodiversity.
* Ensure the integration of water supply policies with overall land use planning policy to create efficiencies in catchment management and prevent pollution of water supplies.
* Undertake a water resource asset protection review in association with water authorities and the community to ensure that protections align with this policy direction and to identify assets that need further protection with overlay controls or zone reviews.
* Council and water authorities work with the State Government to review and improve regulation of groundwater licenses, and surface water diversions including dams.

**Ongoing:**

* Prioritise the protection of the resources of the area for water supply, tourism and recreation, and nature conservation.
* Protect landforms and geological features of special scientific or educational value, including forests and other valued landscapes, from development.
* Maintain views across the landscape from public land by minimising development along ridgelines and within prominent view line areas and vantage points.
* Protect water quality by minimising development in proclaimed water supply catchment areas and elevated areas.
* Maintain high value vegetation for biodiversity protection and conservation purposes.
* ~~Support the provision of strategic actions that mitigate the impacts of climate change on the natural environment and biodiversity.~~
* Facilitate the integrated management of water catchments and recreation areas to minimise environmental impacts and support for protection of Special Water Supply Catchment Areas.
* Limit and regulate all development in proclaimed water catchments and elevated areas to protect water quality and maintain or enhance natural systems and landscape character.
* Direct planning for recreation and leisure towards activities which require natural or semi-natural surroundings and integrate this with planning for water catchment management and nature conservation so as to minimise conflicts.
* Avoid further subdivision for outward urban extension of the Mount Macedon settlement or for extension generally northerly of the Macedon township.
* Discourage subdivision of land outside the Settlement Boundaries.
* Ensure that development is planned to achieve harmony with the natural environment and maintains both the generally rural character and high landscape values of the area.
* Ensure that all development is connected to or provided with an approved system for the treatment and disposal of waste materials and effluents.
* Regulate the use and development of land to minimise fire hazard.
* Design, construct and regulate of an integrated network of fire control access routes that provide for minimum interference with the environment values of the area.
* Enforce existing restrictions on subdivision in accordance with identified future land use expectations.
* Review and evaluate existing subdivisions with regard to their capacity to be developed without material detriment to the area and formulate equitable policies to avoid such detriment.
* Preserve landforms and geological features of special scientific or educational value.
* Provide drainage, sewerage, utilities and social services in keeping with the particular needs and capacity of the area.
* Continually review controls in the Macedon Ranges Planning Scheme in response to new and emerging knowledge around climate change impacts, with particular consideration of agriculture, biodiversity, water, fire, infrastructure and renewable energy.

**Tourism and recreation**

**Objective:**

**To preserve important recreation areas for both residents and visitors and to support tourism related development that does not impact on complements the sustainable use of recreation and environmental attractions.**

**Implementation Strategies:**

**Short**

* Protect the area’s key tourism assets, including the heritage character of towns and settlements valued by tourists through implementation of Heritage Strategies and Structure Planning.

**Ongoing**

* Facilitate recreation and leisure uses that are primarily directed toward activities which require natural or semi-natural surroundings.
* Support recreational uses that are consistent with desired conservation outcomes and long term water catchment management objectives.
* Require tourism related land uses to demonstrate they will not compromise the use of rural land for agricultural purposes.
* Facilitate appropriate tourism development which is in keeping with the landscape and environmental values of the region.

**Agriculture and rural land use**

**Objective:**

**To support current and future agricultural land use as a key part of a productive rural landscape.**

**Implementation Strategies:**

**Short**

* Support compatible value adding activities to existing agricultural uses such as farm door sales and agri-tourism.
* Prepare a new Shire wide land capability strategy.

**Medium**

* Undertake a Rural Land Use Review that clearly identifies for protection areas of viable, productive agricultural land and environmental sensitivity, with consideration of viability of emerging farming practices and applicable zones.

**Ongoing**

* Protect agricultural land from inappropriate subdivision and the impacts of other uses so that a viable agricultural based economic function is maintained.
* Support the development of appropriately sited specialist agricultural and rural uses, such as viticulture and the equine industry.
* Support agricultural practices that respond to and encourage adaption to climate change impacts.

**Communities and settlements**

**Objective:**

Unplanned urban expansion is a key threat to the Macedon Ranges. ManageTo manage **population growth by directing urban development to a hierarchy of settlements and protect the township and rural character, their landscape features and surrounds.**

**Implementation Strategies:**

**Short**

* Facilitate and reinforce the growth of settlements in accordance with their role identified in adopted structure plans and the settlement strategy.
* Protect and maintain the significant heritage characteristics of towns and settlements including street tree plantings.

**Ongoing**

* Avoid bushfire and flood risk by limiting expansion of settlements in high risk locations.
* Maintain and protect non-urban breaks between all settlements, including metropolitan Melbourne and the Sunbury and Hume growth corridors.
* Where not in conflict with Landscape and Environment objectives, support the provision of drainage, sewerage, utilities and social services consistent with the special demands and constraints of the policy area.
* Discourage subdivision or urban or rural living development outside the defined settlement boundaries.

**~~The Range and The Rock~~**

~~This policy applies to The Range and The Rock area as identified on the Macedon Ranges Framework Plan.~~

**~~Objective:~~**

**~~To prioritise the conservation and utilisation of the area 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.~~**

~~Strategies:~~

~~Short~~

* ~~Prioritise the protection of the resources of the area for water supply, tourism and recreation, and nature conservation.~~
* ~~Limit and regulate all development in proclaimed water catchments and elevated areas to protect water quality and maintain or enhance natural systems and landscape character.~~
* ~~Prepare a comprehensive conservation and recreation strategy for the area which takes account of the various values of all land in the policy area for nature conservation and for satisfying a broad range of recreational needs.~~
* ~~Formulate appropriate policy and controls for the siting and appearance of buildings and other developments, particularly in recreation and tourist areas and areas of special landscape value.~~
* ~~Amend the Significant Landscape Overlay Schedule 1 to appropriately reflect the landscape quality of this region.~~

~~Medium~~

* ~~Prepare a system of natural vegetation management that provides adequate variety and extent of habitat to enable the conservation of locally indigenous biodiversity.~~
* ~~Ensure the integration of water supply policies with overall land use planning policy to create efficiencies in catchment management and prevent pollution of water supplies.~~
* ~~Formulate appropriate policy and controls designed to reduce the potential intensity of land use and development in the area, particularly with regard to identified areas of landscape and environmental value.~~
* ~~Preserve and enhance landscape character by reserving land and appropriately regulating land use with regard to significant landscape areas and vantage points and visual sequences along access routes.~~

~~Ongoing~~

* ~~Direct planning for recreation and leisure towards activities which require natural or semi-natural surroundings and integrate this with planning for water catchment management and nature conservation so as to minimise conflicts.~~
* ~~Avoid further subdivision for outward urban extension of the Mount Macedon settlement or for extension generally northerly of the Macedon township.~~
* ~~Ensure that development is planned to achieve harmony with the natural environment and maintains both the generally rural character and high landscape values of the area.~~
* ~~Ensure that all development is connected to or provided with an approved system for the treatment and disposal of waste materials and effluents.~~
* ~~Regulate the use and development of land to minimise fire hazard.~~
* ~~Design, construct and regulate of an integrated network of fire control access routes that provide for minimum interference with the environment values of the area.~~
* ~~Enforce existing restrictions on subdivision in accordance with identified future land use expectations.~~
* ~~Review and evaluate existing subdivisions with regard to their capacity to be developed without material detriment to the area and formulate equitable policies to avoid such detriment.~~
* ~~Preserve landforms and geological features of special scientific or educational value.~~
* ~~Provide drainage, sewerage, utilities and social services in keeping with the particular needs and capacity of the area.~~

~~Implementation:~~

~~In implementing the above strategies every public authority, planning authority and responsible authority, where appropriate to its function, must have regard to the following implementation actions:~~

Reference Documents

*Statement of Planning Policy No. 8 – Macedon Ranges and Surrounds* approved by the Victorian Government in 1975.

Appendix C Consultation Process

C.1 List of submitters

| Identifier | Name | Organisation | Heard? |
| --- | --- | --- | --- |
| MRP001 | Susan Walter |  | No |
| MRP002 | Kate Elliott |  | No |
| MRP003 | Alison Joseph |  | Yes |
| MRP004 | Brett Elliott |  | No |
| MRP005 | Miranda Bain |  | Yes |
| MRP006 | Alan Grinton |  | No |
| MRP007 | Keryn Allan |  | No |
| MRP008 | Sharon Macaulay |  | No |
| MRP009 | Wendy Lilian Hebbard |  | Yes |
| MRP010 | Dianne Padgham | Macedon Ranges Accommodation Association | No |
| MRP011 | Ronald Noel Fitt |  | No |
| MRP012 | Barry Mcdonald |  | Yes |
| MRP013 | Kaye Madigan |  | No |
| MRP014 | Mark Horner |  | No |
| MRP015 | Lyn Hovey |  | No |
| MRP016 | Oriole Paul |  | No |
| MRP017 | John Phair |  | No |
| MRP018 | Barry Floyd | Coliban Water | No |
| MRP019 | Joan Copland |  | Yes |
| MRP020 | Penelope Frances Rice |  | No |
| MRP021 | Jennie Morrison |  | No |
| MRP022 | Nicholas Massie |  | Yes |
| MRP023 | Yvonne von Hartel |  | No |
| MRP024 | Helen Radnedge |  | Yes |
| MRP025 | Caroline North |  | No |
| MRP026 | Luke Spielvogel |  | Yes |
| MRP027 | Jennifer Anderson |  | No |
| MRP028 | James Walker |  | No |
| MRP029 | Ann O'Neill |  | No |
| MRP030 | Robert James Power | Plenty Investments Pty Ltd | No |
| MRP031 | Lachlan Milne |  | Yes |
| MRP032 | Don Lewis | Melton City Council | No |
| MRP033 | Helen Kalajdzic |  | Yes |
| MRP034 | Lorri Buttner |  | Yes |
| MRP035 | Nea Gyorffy |  | Yes |
| MRP036 | Annie Morrison |  | No |
| MRP037 | Andrea Tomkinson | Tomkinson Group | Yes |
| MRP038 | Esther Kay |  | Yes |
| MRP039 | Natasha Gayfer | Hanging Rock Action Group | Yes |
| MRP040 | Richard Hughes |  | Yes |
| MRP041 | Helen Relph | Tourism Macedon Ranges | Yes |
| MRP042 | Ian and Helen Scott |  | No |
| MRP043 | Timothy Rice |  | No |
| MRP044 | Rosalind Mearns | National Trust of Australia (Victoria) | Yes |
| MRP045 | Kim Strong |  | No |
| MRP046 | Barry Murphy |  | Yes |
| MRP047 | Sue Kirkegard |  | Yes |
| MRP048 | Amanda Dorhout Mees | Macedon Villages Volunteers Inc. | No |
| MRP049 | Rodney Carter | Dja Dja Wurrung Clans Aboriginal Corporation | Yes |
| MRP050 | Bruce Rush | Melbourne Water | No |
| MRP051 | Jay Williams |  | No |
| MRP052 | David Nevin | Macedon Ranges Shire Council | Yes |
| MRP053 | Matthew Gilbertson | Western Water | Yes |
| MRP054 | Christine Pruneau | Macedon Ranges Residents’ Association Inc | Yes |
| MRP055 | Amanda Gauci | Federation for Environment and Horticulture In the Macedon Ranges Inc | Yes |
| MRP056 | Lyn Stephenson |  | No |
| MRP057 | Nathan Alexander | Friends of Hanging Rock | Yes |
| MRP058 | Ross Closter | Romsey Property Group | Yes |
| MRP059 | Helen Kalajdzic | Stanley Park - Committee of Management | Yes |
| MRP060 | David Allen | Country Fire Authority | Yes |
| MRP061 | Karen Clifford |  | No |
| MRP062 | Chris De Silva | Mesh Planning | Yes |
| MRP063 | Margaret Douglas | Macedon Ranges Wildlife Network Inc. |  |

C.2 Appearances at the Hearing

| Submitter | Represented by |
| --- | --- |
| Department of Environment, Land, Water and Planning | Hugh Griggs |
| Macedon Ranges Shire Council | David Nevin and Stuart Grigg |
| Tomkinson Group | Andrea Tomkinson |
| National Trust of Australia (Victoria) | Rosalind Mearns |
| Tourism Macedon Ranges | Helen Relph |
| Federation for Environment and Horticulture In the Macedon Ranges Inc | Amanda Gauci |
| Stanley Park - Committee of Management | Helen Kalajdzic |
| Friends of Hanging Rock | Nathan Alexander |
| Romsey Property Group | Ross Closter |
| Macedon Ranges Residents’ Association Inc | Christine Pruneau |
| Western Water | Matthew Gilbertson, Glossop Town Planning |
| Dja Dja Wurrung Clans Aboriginal Corporation | Rodney Carter |
| Hanging Rock Action Group | Natasha Gayfer |
| David Allen | Country Fire Authority |
| Barry Murphy |  |
| Joan Copland |  |
| Esther Kay |  |
| Barry McDonald |  |
| Sue Kirkegard |  |
| Miranda Bain |  |
| Helen Radnedge |  |
| Helen Kalajdzic |  |
| Chris De Silva |  |
| Lachlan Milne |  |
| Wendy Lilian Hebbard |  |
| Nea Gyorffy |  |
| Luke Spielvogel |  |
| Alison Joseph |  |

C.3 Appearances at the Environment Round Table Meeting

| Submitter | Represented by |
| --- | --- |
| Newham & District Landcare Group | Penny and Hillary Roberts |
| Friends of Daly Nature Reserve |  |
| Jacksons Creek EcoNetwork |  |
| Macedon Ranges Wildlife Network | Yvonne Newman and Szumai Anderson |
| Riddell Landcare, Greening of Riddell and Getting Riddell Right | Jenny Grounds |
| Woodend Landcare | Krista Patterson-Majoor |
| Macedon Ranges Shire Council | David Nevin, Stuart Grigg, Rod Clough and Michelle Wyatt |

Appendix D Document List

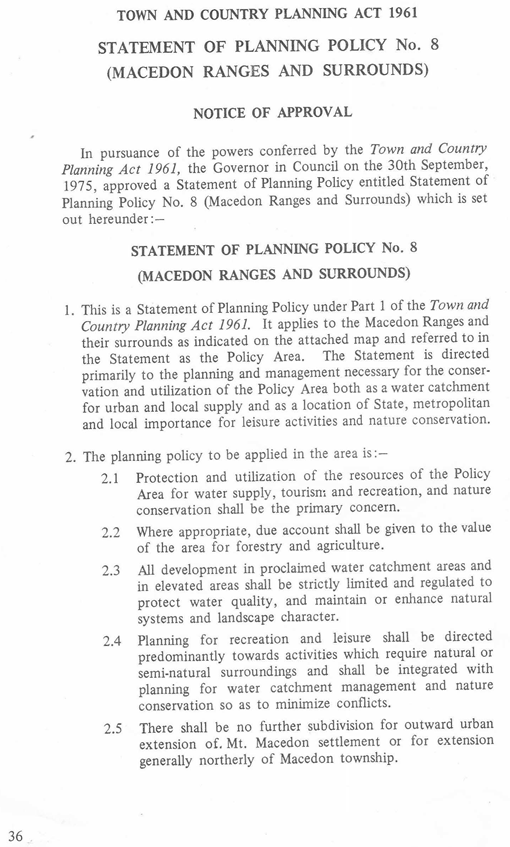
D.1 Document List at Hearing

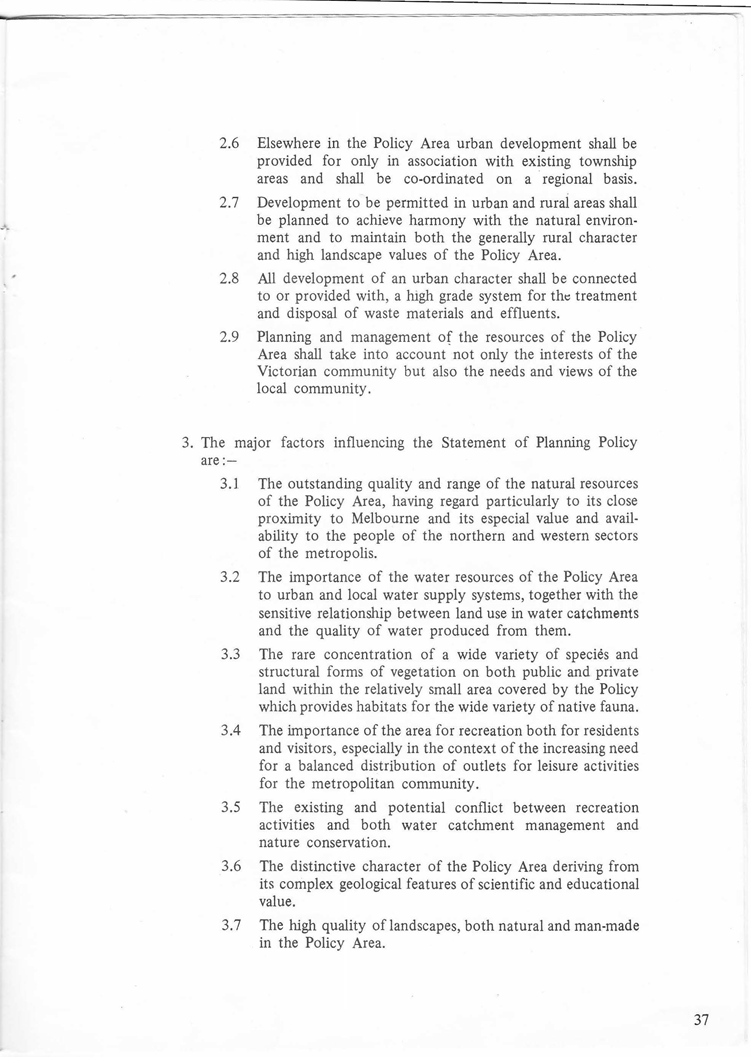
| No. | Date | Description | Presented by |
| --- | --- | --- | --- |
| 1 | 04/05/16 | DELWP presentation | Department of Environment, Land, Water and Planning (DELWP) |
| 2 | 04/05/16 | MRSC submissions | Macedon Ranges Shire Council |
| 3 | 04/05/16 | Regional planning professionals -submissions | Tomkinson Group |
| 4 | 04/05/16 | National Trust of Victoria submissions | National Trust of Victoria |
| 5 | 04/05/16 | Ms Bain submissions | Ms Bain |
| 6 | 04/05/16 | Tourism Macedon Ranges submissions | Tourism Macedon Ranges |
| 7 | 04/05/16 | Federation for Environment and Horticulture in the Macedon Ranges (FEHMR) submissions | Federation for Environment and Horticulture in the Macedon Ranges |
| 8 | 04/05/16 | Ms Radnedge submissions | Ms Radnedge |
| 9 | 04/05/16 | Ms Kalajdzic submissions | Ms Kalajdzic |
| 10 | 04/05/16 | Ms Kalajdzic attachments | Ms Kalajdzic |
| 11 | 04/05/16 | MRS zoning maps | Macedon Ranges Shire Council |
| 12 | 05/05/16 | Mesh submissions | Mesh Consultants |
| 13 | 05/05/16 | Romsey Property Group submissions | Romsey Property Group |
| 14 | 05/05/16 | Ms Kirkegard submissions | Ms Sue Kirkegard |
| 15 | 05/05/16 | Soil maps from 1994 Land Capability Study | Ms Kirkegard |
| 16 | 05/05/16 | Ms Kay and Ms Copland submissions | Ms Esther Kay and Ms Joan Copland submissions |
| 17 | 05/05/16 | Mr Milne’s submissions | Mr Milne |
| 18 | 05/05/16 | Ms Joseph submissions | Ms Joseph |
| 19 | 05/05/16 | CFA submissions | Country Fire Authority |
| 20 | 06/05/16 | Macedon Ranges Residents’ Association Inc. (MRRA) submissions | Macedon Ranges Residents‘ Association Inc |
| 21a | 06/05/16 | MRRA submission to Amendment C98 Woodend Structure Plan | Macedon Ranges Residents’ Association Inc |
| 21b | 06/05/16 | MRRA submission to Amendment C99 Kyneton Structure Plan | Macedon Ranges Residents’ Association Inc |
| 21c | 06/05/16 | MRRA submission to Amendment C100 Riddells Creek Town Structure Plan | Macedon Ranges Residents’ Association Inc |
| 21d | 06/05/16 | MRRA submission to Amendment C105 Special Use Zone 7, Kyneton | Macedon Ranges Residents’ Association Inc |
| 21e | 06/05/16 | MRRA submission to Amendment C110 | Macedon Ranges Residents’ Association Inc |
| 22 | 06/05/16 | Western Region Water Corporation submissions | Glossop Town Planning |
| 23 | 06/05/16 | Australian Drinking Water Guidelines 6, 2011 (version 3.2 updated Feb 2016) | Glossop Town Planning |
| 24 | 06/05/16 | Extract from Amendment C21 Rural Areas Review Panel Report | Glossop Town Planning |
| 25 | 06/05/16 | MRSC Closing submissions | Macedon Ranges Shire Council |
| 25a | 06/05/16 | Amendment C107 Panel Report (Feb 2016) | Macedon Ranges Shire Council |
| 25b | 06/05/16 | Examples of planning officer reports for permit applications within the Shire | Macedon Ranges Shire Council |
| 25c | 06/05/16 | Macedon Ranges Localised Planning Statement (Sept 2014) | Macedon Ranges Shire Council |
| 25d | 06/05/16 | Ordinary Council Meeting 22 Oct 2014, regarding Villawood ‘Davies Hill’ Proposal, Woodend | Macedon Ranges Shire Council |
| 25e | 06/05/16 | Set of planning scheme maps showing SPP8 and LPS areas | Macedon Ranges Shire Council |
| 25f | 06/05/16 | Clause 21.13-3 Woodend | Macedon Ranges Shire Council |
| 25g | 06/05/16 | Appendix B Analysis of Future growth options | Macedon Ranges Shire Council |
| 25h | 06/05/16 | Macedon Ranges Environment Strategy DRAFT for public exhibition (Feb 2016) | Macedon Ranges Shire Council |
| 25i | 06/05/16 | Policy Implementation Team, MRSC | Macedon Ranges Shire Council |
| 25j | 06/05/16 | Environment Activities 2015/16 Mid year update | Macedon Ranges Shire Council |
| 25k | 06/05/16 | Macedon Urban Design Guidelines Draft Report April 2016 | Macedon Ranges Shire Council |
| 25l | 06/05/16 | Mount Macedon Urban Design Guidelines Draft Report April 2016 | Macedon Ranges Shire Council |
| 25m | 06/05/16 | Schedule 1 to the Vegetation Protection Overlay (VPO1) | Macedon Ranges Shire Council |
| 25n | 06/05/16 | Final Report: Environmental Management Plan – Stanley Park Reserve, Mount Macedon (May 2014) | Macedon Ranges Shire Council |
| 25o | 09/05/16 | Further examples of planning officer reports for permit applications with the Shire and VCAT cases (extension of 25b) | Macedon Ranges Shire Council |
| 26 | 09/05/16 | Rural Living Strategy and Background Report referred to in closing submission | Macedon Ranges Shire Council |
| 26 | 13/05/16 | Map of Shire including showing all VPOs including VPO8 | Macedon Ranges Shire Council |
| 27 | 13/05/16 | Additional information from the National Trust of Australia (Victoria) | National Trust Australia (Victoria) |
| 28. | 16/05/16 | Email from including attachments:   * MRPAC Issues Paper “Evolution of Macedon Ranges Policy and Planning Framework” * Macedon Ranges Planning Scheme Amendments and Timelines | Macedon Ranges Residents’ Association Inc |
| 29 | 13/05/16 | Attachments to H Radnedge submission (Document 8) | H. Radnedge |
| 30 | 17/05/16 | Hanging Rock EMP | Macedon Ranges Shire Council |
| 31 | 17/05/16 | Background reports for the New Gisborne Development Plan | Macedon Ranges Shire Council |
| 32 | 30/05/16 | Plenty Investments Pty Ltd v Macedon Ranges SC (VCAT) 26 May 2016 | Macedon Ranges Shire Council |

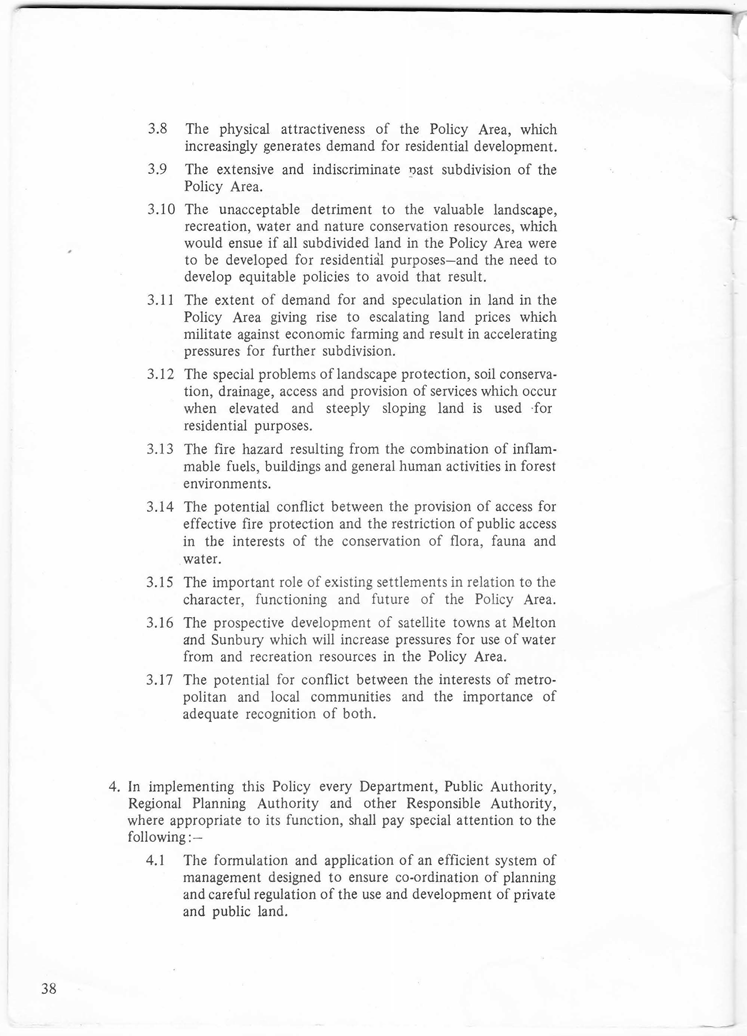
D.1 Document List (Issues Paper & Environment Roundtable)

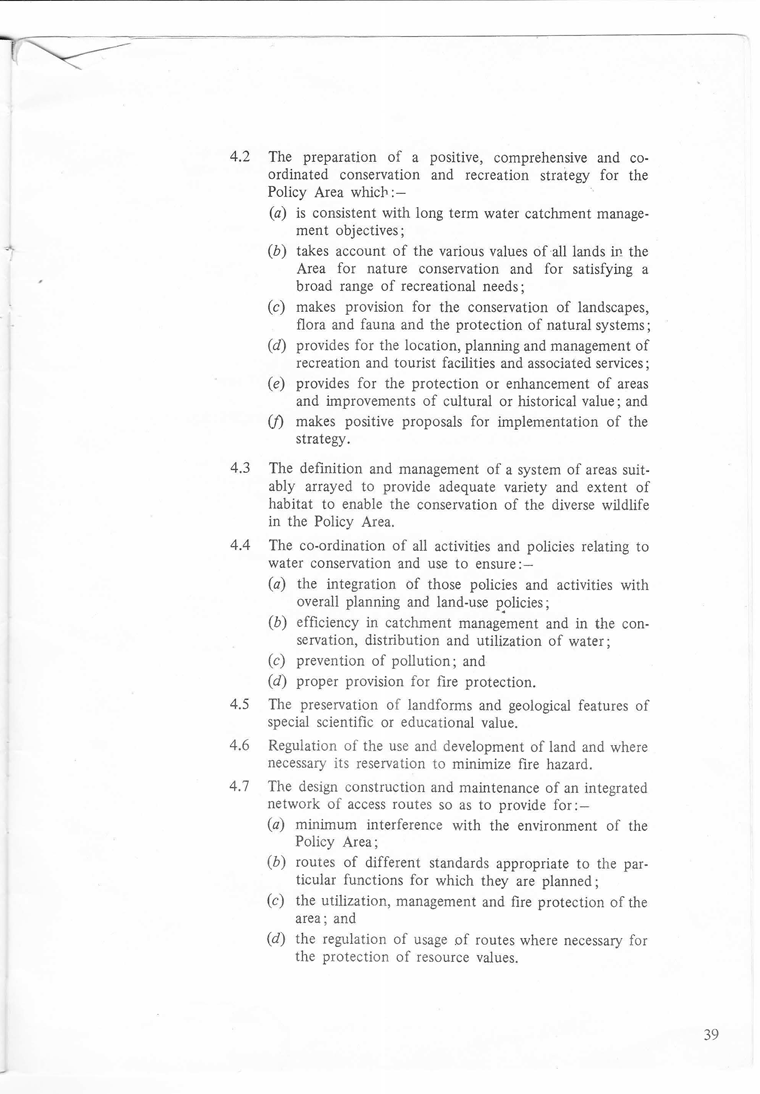
| No. | Date | Description | Presented by |
| --- | --- | --- | --- |
| 1 | 3/02/2016 | Kyneton Industrial Estate Masterplan (Urban Design and Management) 2012 | MRSC |
| 2 | 3/02/2016 | Macedon Ranges Equine Strategy 2012-2016  (Macedon Ranges Shire Council) February 2012 | MRSC |
| 3 | 3/02/2016 | Final Report: Environmental Management Plan – Bald Hill Reserve, Kyneton (Atlas Ecology) July 2012 | MRSC |
| 4 | 3/02/2016 | Final Report: Environmental Management Plan – Barringo Recreation Reserve, New Gisborne (Atlas Ecology) May 2013 | MRSC |
| 5 | 3/02/2016 | Draft Report: Environmental Management Plan – Hobbs Road Bushland Reserve (Atlas Ecology) January 2013 | MRSC |
| 6 | 3/02/2016 | Final Report: Environmental Management Plan – Mount Gisborne Reserve, Gisborne (Atlas Ecology) May 2013 | MRSC |
| 7 | 3/02/2016 | Final Report: Environmental Management Plan – Bushland Reserve, Sandy Creek Road, Riddells Creek (Atlas Ecology) May 2013 | MRSC |
| 8 | 3/02/2016 | Final Report: Environmental Management Plan – Stanley Park Reserve, Mount Macedon (Atlas Ecology) May 2013 | MRSC |
| 9 | 3/02/2016 | UL Daly Nature Reserve  Environmental Management Plan (Macedon Ranges Shire Council) July 2014 | MRSC |
| 10 | 3/02/2016 | Final Report: Environmental Management Plan – Woodend Grassland Reserve, Woodend (Atlas Ecology) July 2012 | MRSC |
| 11 | 3/02/2016 | Macedon Ranges Localised Planning Statement (Macedon Ranges Shire Council/ Strategic Planning & Environment) September 2012 | MRSC |
| 12 | 3/02/2016 | Macedon Ranges Localised Planning Statement (Macedon Ranges Shire Council) September 2014 | MRSC |
| 13 | 3/02/2016 | Localised Planning Statement Fact sheet (Macedon Ranges Shire Council) | MRSC |
| 14 | 3/02/2016 | Summary Report Survey of Community Views Localised Planning Statement (Macedon Ranges Shire Council/Strategic Planning & Environment) July 2014 | MRSC |
| 15 | 3/02/2016 | Macedon Ranges Localised Planning Statement:  Community Engagement Forum, Participants Feedback (Macedon Ranges Shire Council) May 2014 | MRSC |
| 16 | 3/02/2016 | Kyneton Neighbourhood Character Precinct Profiles (Macedon Ranges Shire Council) | MRSC |
| 17 | 3/02/2016 | Kyneton Neighbourhood Character Precinct Profiles (Macedon Ranges Shire Council) July 2012 | MRSC |
| 18 | 3/02/2016 | Managing Residential Character in Rural and Regional Victoria (Municipal Association of Victoria / Planisphere Planning & Design) July 2012 | MRSC |
| 19 | 3/02/2016 | Riddells Creek Neighbourhood Character Precinct Profiles (Macedon Ranges Shire Council) | MRSC |
| 20 | 3/02/2016 | Macedon Ranges Weed & Pest Animal Strategy 2014-2024 (Macedon Ranges Shire Council) October 2014 | MRSC |
| 21 | 3/02/2016 | In the Rural Living Zone Strategic Directions for the  Rural Living Zone(Macedon Ranges Shire Council) September 2015 | MRSC |
| 22 | 3/02/2016 | In the Rural Living Zone Background and Strategic Recommendations Context Report (Macedon Ranges Shire Council) September 2015 | MRSC |
| 23 | 3/02/2016 | Kyneton Structure Plan (AECOM Australia Pty Ltd) June 2014 | MRSC |
| 24 | 3/02/2016 | Macedon Village Centre Study (Hansen Partnership) November 2014 | MRSC |
| 25 | 3/02/2016 | Mt Macedon Village Centre Study (Hansen Partnership) December 2014 | MRSC |
| 26 | 3/02/2016 | Woodend Town Structure Plan & Neighbourhood Character Study (Planisphere Planning & Design) May 2014 | MRSC |
| 27 | 3/02/2016 | Macedon Ranges Heritage Strategy (Macedon Ranges Shire Council) June 2014 | MRSC |
| 28 | 3/02/2016 | Macedon Ranges Shire Migration Summary (Macedon Ranges Shire Council) | MRSC |
| 29 | 3/02/2016 | Macedon Ranges Shire Migration by Location (Macedon Ranges Shire Council) | MRSC |
| 30 | 3/02/2016 | Macedon Ranges Shire Migration by Age (Macedon Ranges Shire Council) | MRSC |
| 31 | 3/02/2016 | Macedon Ranges Shire Migration by Age & Location (Macedon Ranges Shire Council) | MRSC |
| 32 | 3/02/2016 | Macedon Ranges Shire Workers’ Place of Residence (Macedon Ranges Shire Council) | MRSC |
| 33 | 3/02/2016 | Macedon Ranges Shire Residents’ Place of Work (Macedon Ranges Shire Council) | MRSC |
| 34 | 10/02/2016 | Rural retirement migration and community sustainability: exploring the challenges and opportunities for local governments (La Trobe University) August 2014 | MRSC |
| 35 | 10/02/2016 | Diversity in the Macedon Ranges Shire (Macedon Ranges Shire Council) | MRSC |
| 36 | 10/02/2016 | Bushfire Prone Areas (Macedon Ranges Shire Council) | MRSC |
| 37 | 10/02/2016 | New Ratepayer Survey – Key Findings (Macedon Ranges Shire Council) | MRSC |
| 38 | 11/02/2016 | Meeting with Macedon Ranges Protection Advisory Committee (Macedon Ranges Residents’ Association Inc) 10th February 2016 | MRRA |
| 39 | 11/02/2016 | Identification of environmental and cultural values and features outside the Statement of Planning Policy No. 8 policy area (Macedon Ranges Residents’ Association Inc) | MRRA |
| 40 | 11/02/2016 | Statement of Planning Policy No. 8 Macedon Ranges & Surrounds 1975 | MRRA |
| 47 | 14/01/2016 | Macedon Ranges Settlements Strategy, July 2011 | DELWP |
| 48 | 14/01/2016 | Loddon Mallee South Regional Growth Plan, Summary | DELWP |
| 49 | 14/01/2016 | Localised Planning Statements, Presentation to Yarra Ranges Shire Council CRG | DELWP |
| 50 | 14/01/2016 | Statement of Planning Policy | DELWP |
| 51 | 14/01/2016 | Agenda, Macedon Ranges Community Forum | DELWP |
| 52 | 14/01/2016 | Projects in Loddon Campaspe region stated in Victoria’s regional statement | DELWP |
| 53 | 14/01/2016 | Review of ownership and management arrangements of Hanging Rock Reserve and East Paddock, 24 November 2015 | DELWP |
| 54 | 11/02/2016 | Presentation for the MRPAC 9 February 2016 | MRSC |
| 55 | 26/02/2016 | Macedon Ranges Shire - Zones map | DELWP |
| 56 | 26/02/2016 | Macedon Ranges Shire - Overlays map | DELWP |
| 57 | 26/02/2016 | Macedon Ranges Crown Land maps and reserve data | DELWP |
| 58 | 26/02/2016 | Climate change policy information form DELWP's climate change division | DELWP |
| 59 | 26/02/2016 | Victorian Climate Change Leadership Forum | DELWP |
| 60 | 01/03/2016 | Riparian Land and Bushfire Risk Brochure | Melbourne Water |
| 61 | 01/03/2016 | Riparian Land and Bushfire Risk Resource Document 2014 | Melbourne Water |
| 62 | 3/02/2016 | Macedon Ranges Heritage Strategy 2014 - 2018 | MRSC |
| 63 | 13/05/2016 | Documents related to Daly Nature Reserve | Friends of Daly Nature Reserve |
| 64 | 13/05/2016 | Various brochures regarding wildlife etc | Macedon Ranges Wildlife Network |
| 65 | 24/05/2016 | Slogan “It is much easier to protect what is than to replace what was”. | Macedon Ranges Wildlife Network |
| 66 | 24/05/2016 | Macedon Regional Park – Strategic Management Statement 2008, Parks Victoria | Parks Victoria |
| 67 | 24/05/2016 | Macedon Regional Park – Map | Parks Victoria |
| 68 | 24/05/2016 | Macedon Regional Park – Management Effectiveness 2010 Report Card | Parks Victoria |

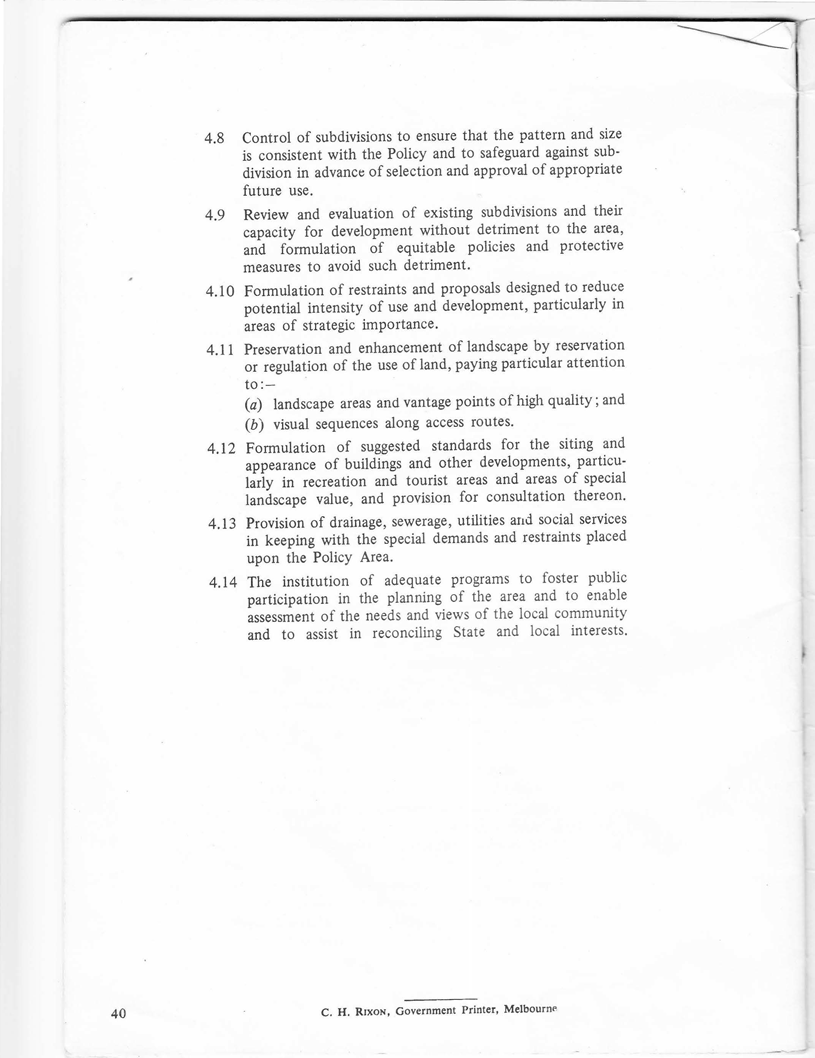
Appendix E Statement of Planning Policy No 8











1. CFA submissions, page 4 (document 19) [↑](#footnote-ref-1)
2. *Environment Protection and Biodiversity Conservation Act 1999* sub-section 3A(b) [↑](#footnote-ref-2)
3. Source: Yarra Ranges Shire Council website. [↑](#footnote-ref-3)
4. Exemptions to the RSP are listed in Schedule 6 to the RSP. Amendments to the RSP are detailed in Schedule 7 to the RSP. [↑](#footnote-ref-4)
5. Hansard, 30 October 2002, p992 (Hon, Member Baillieu). [↑](#footnote-ref-5)