



6 March 2018

Ms Mia Davidson and Mr Steven Elliot
Department of Environment, Land, Water and Planning
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Re: Macedon Ranges Localised Planning Statement Consultation Draft

Dear Ms Davidson and Mr Elliot,

The National Trust of Australia (Victoria) appreciates the opportunity to provide feedback on the Macedon Ranges Localised Planning Statement Consultation Draft (LPS Draft). The National Trust is the state's largest community-based heritage advocacy organisation actively working towards conserving and protecting our heritage for future generations to enjoy. We made submissions to the Macedon Ranges Advisory Committee Issues paper, in April 2015, and to the Macedon Ranges Protection Advisory Committee hearing, 4 May 2016.

The National Trust of Australia (Victoria) maintains a Heritage Register of Significant Places, including buildings, landscapes and trees. Within the Macedon Ranges Shire, the National Trust maintains 274 location files including:

- 1 building and 5 gardens classified as of National significance
- 28 buildings, 5 gardens, 51 trees, and 1 landscape classified as of State significance.

Our submission regarding the LPS Draft makes reference to the Macedon Ranges Protection Advisory Committee Final Report (MRPAC Final Report), dated 27 July 2016. We strongly support the need for a robust Macedon Ranges Localised Planning Statement that has the support of the local council, community and the State government. Such a document is important for guiding the future of this municipality which is valued locally and nationally for its natural, cultural, social, scientific and Indigenous values.

In reviewing the LPS Draft it is evident that a large number of recommendations made in the MRPAC Final Report have not been addressed. Our submission will focus on key aspects of the LPS that should be updated to reflect the MRPAC Final Report recommendations, and aspects of the LPS which we would expect to be strengthened with reference to implementation strategies. The National Trust submits that the LPS Draft does not adequately reflect or prioritise the objectives of the municipality by way of implementation strategies. It is essential that the LPS provide clear guidance about future decision making and provide strategies to assess and implement protection of significant places.

The MRPAC Final Report clearly sets out twelve recommendations for the Minister, which were accepted in February 2017. The second recommendation is:

2. Direct Macedon Ranges Shire Council to prepare a new Macedon Ranges Localised Planning Statement that is:

a) 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
b) consistent with Recommendations 3, 4, 5 and 6 in this report
c) prepared in consultation with relevant stakeholders, including the Registered Aboriginal Parties and the Department of Environment, Land, Water and Planning.

We are satisfied that the LPS Draft is consistent with recommendation 3, which makes reference to the LPS defining the geographic extent as within the existing municipality boundaries, without reference to the Range and the Rock as separate policy areas. We are also satisfied that the LPS Draft is consistent with recommendation 4, in that it includes a Framework Plan that shows clearly defined settlement boundaries. These are two approaches that the National Trust supports.

However it is unclear to the National Trust the extent to which the LPS Draft is consistent with Recommendations 5 and 6:

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

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

6. Direct Macedon Ranges Shire Council that the settlement boundaries be informed by existing policy and strategic work including:

- a) the State Planning Policy Framework at Clause 11 (Settlement) and Clause 16 (Housing)*
- b) Clause 21.13 of the Local Planning Policy Framework*
- c) The Macedon Ranges Shire Council Settlement Strategy 2011*
- d) Amendments C98, C99, C100 and C110 to the Macedon Ranges Planning Scheme (if approved).*

We note that the Loddon Mallee South Regional Growth Plan does not contain detailed maps at the same scale as the maps included on pages 25-29, and therefore we were not able to confirm whether the settlement boundaries avoid or minimise areas of preference outlined above. The National Trust expects that sufficient cross checking between these documents has been undertaken to ensure that the settlement boundaries are appropriate with regards to areas of high value terrestrial habitat.

It is also not clear to the National Trust how the existing policy and strategic work has informed the settlement boundaries set out in the Framework Plan of the LPS Draft. We note that this section of the document does not directly reference any of the policies or strategic work outlined above, and it is therefore not evident that future users of the LPS should direct attention to these documents. As with above, we expect that sufficient cross checking and referencing between these documents and the LPS has been undertaken to ensure that the settlement boundaries are appropriate with regard to other planning considerations within the municipality.

Strategies and implementation

With reference to the MRPAC Final Report, the committee made recommendations for a revised LPS to be prepared, outlining a number of principles on pages 51-52 of the report. The National Trust submits that a number of these principles have not been addressed in the revised LPS Draft currently exhibited. As such we make the following submissions.

The National Trust considers that the second principle point on page 51, is crucial for the success of this LPS, and in our view has not been adequately addressed: "It must contain clear strategies that will support the achievement of those objectives, with clear and measurable implementation measures." As the LPS Draft currently stands, strategies are general and aspirational, without timeframes, clear actions or funding considerations. We would expect that these strategies would give clear instructions for actions with measurable implementation measures. It is important that specific timeframes are given within the LPS to assist key stakeholders in its delivery. The Committee recommended that each objective and strategy should have an indicative timeframe of 'Short – 1-2 years', 'Medium – 2-5years' and Ongoing. The National Trust notes that there are no timeframes given in the LPS Draft and we submit that this should be remedied across the document. Consideration should also be given to resourcing required to fund the implementation of identified strategies. Giving an indication of how actions will be funded will assist in the ongoing implementation of these strategies. In many instances there is little resemblance between the draft LPS and the recommended LPS given in the MRPAC Final Report in Appendix B.

Furthermore, the recommended LPS given in the MRPAC Final Report, suggests that this policy should be reviewed by Council every 5 years, whereas the Draft LPS states an intention for review every 10 years. We submit that the Committee's recommendations should be followed, and that a review should occur every 5 years.

Some examples of strategies that require work are outlined below. We note that our submission below regarding possible strategies is not exhaustive, but illustrative of the types of strategies and implementation measures we would expect of such a LPS. As such we recommend a full review of the MRPAC Final Report to ensure that all recommendations contained there are adequately reflected in the LPS.

Heritage

The National Trust acknowledges that work has been undertaken since the first LPS draft in recognising more overtly the contribution of heritage to the municipality. We note that there are now two headings under which heritage is discussed in the LPS Draft: 'Aboriginal cultural heritage' and 'European cultural heritage'. We submit that consideration be given to combining the two headings under one unified heading of 'Cultural heritage'. It is noted that this was the preferred option in the Committee's recommendation in the MRPAC Final Report. As the LPS Draft currently stands, this separation is premising that these two 'types' of heritage should be treated in isolation from each other. In the view of the National Trust, one unified heading of 'Cultural heritage' would be preferable, with reference to both Aboriginal and non-Aboriginal heritage values. This avoids the binary set up currently in the document between Aboriginal and 'European' heritage. The use of terms 'pre-settlement' and 'post-settlement' could be appropriately used to make distinctions between timelines in this instance. In addition to these terms we recommend maintaining reference to ongoing Aboriginal culture in the present tense.

Unifying cultural heritage under one heading would allow for the possibility of recognising places of value to multiple communities, not just one or the other. This would allow for future decision-makers to consider places where Aboriginal and non-Aboriginal heritage values may intersect, for instance in places like Hanging Rock, National Parks or community spaces in townships. We also note that the current use of the heading 'European cultural heritage' excludes heritage places that are non-European, for instance places of significance to non-European communities such as early Chinese settlers.

Furthermore, it is not clear from the outline given under 'European cultural heritage' what is informing the characterisations of the municipality's heritage places and therefore the strategies outlined.

We note in the Committee's recommendations regarding 'Cultural heritage', that reference is made on page 63 to rural areas with early settlement and farming practices, and we submit that a reference the cultural associations of these places and communities should also be included within the description of 'Cultural heritage'.

With regard to the objectives and strategies set out for Cultural heritage, we note that only places recognised at State and National level are mentioned. We submit that places of regional and local significance to the Shire should also be recognised in the strategies and objectives. The recommendations made in the MRPAC Final Report should be reflected. The Committee states on page 43 of the report 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.

The National Trust submits that the LPS still does not provide the guidance that the Committee seeks in the above statement. Under the Cultural heritage heading we would expect strategies for the Council to be able to provide appropriate recognition and protection of cultural heritage (local to national level significance) and provide clear objectives and strategies for managing decisions regarding these places. This could include short-medium term strategies such as:

- Undertake a Heritage Assessment of the Shire, reviewing local policy and the application of the Heritage overlay where appropriate, including built as well as natural heritage elements such as Avenues of Honour and public/private gardens. Consideration should also be given in the above to threats such as 'demolition by neglect'. We note that on page 33 of the MRPAC Final Report the Committee supported the Council's proposal at the hearing to conduct further heritage studies. It would therefore be relevant to include this as a short – medium term strategy in the LPS, as outlined above.
- Review the application of the Heritage Overlay to significant streetscapes including elements such as bluestone kerbing, street trees and signage
- Formulate appropriate policy and controls for the siting and appearances of buildings and other developments in heritage and township precincts and significant landscapes

The National Trust submits that the below implementation strategy, included in the MRPAC Final Report page 70, should be included in the LPS under Landscape:

- *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 (short timeframe)*

The above strategy is a good example of where heritage intersects with other policy areas highlighted in the LPS. It is important when writing the strategies to consider how they intersect or have potential conflict with other strategies. It is suggested to consider a decision making hierarchy in such cases to assist in conflicting planning considerations. There are some examples of this included in the suggestions below as taken from the MRPAC Final Report.

Aboriginal cultural heritage

We note that the LPS Draft does not include reference to the 'Dja Dja Wurrung Recognition and Settlement Agreement' (2013). The MRPAC Final Report states (page 34): "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 LPS to ensure recognition of the Settlement Agreement." The National Trust submits that there is no evidence to suggest that this work has been completed by the State or the Council in preparing the LPS Draft, and the exclusion of the Settlement Agreement in both the main body of the LPS Draft and from the references confirms this. Although reference is given to the Dja Dja Wurrung as joint managers under the Traditional Owner Settlement Act 2010, direct reference should be given specifically to the Settlement Agreement. Given that as part of the above Settlement Agreement, the Dja Dja Wurrung Clans Aboriginal Corporation has developed a 'Country Plan' with key strategic goals set out, and we also submit that due recognition of this plan be made throughout the LPS, particularly with reference to the ongoing management of land and water as well as the development of policies. References to this agreement should therefore not only happen under the 'Aboriginal cultural heritage' heading.

We also submit that provisions should be made in the LPS for recognising similar such Settlement Agreements, or other key strategic work that may be undertaken by the Wurundjeri and Taungurung in the future as the adjoining Registered Aboriginal Parties for the municipality. We note that the Committee's Preferred Localised Planning Statement on page 60 of the MRPAC Final Report provides the following statement, which we recommend for inclusion in the strategies of the LPS:

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).

The National Trust notes that meaningful consultation and ongoing engagement with Traditional Owners and Registered Aboriginal Parties should happen at every stage of key strategic planning and policies for the municipalities, and not only occur when required by legislation. Strategies in the LPS should reflect this.

We note on page 36 of the MRPAC Final Report that direction was given to the Council as a priority to review protections applied to the Mt William Stone Hatchet Quarry to ensure that they align with the objectives of the National Heritage List. As such we would expect that a strategy within the short term would be given that prioritises this action such as:

- Undertake an Aboriginal Cultural Heritage Assessment of the Mt William Stone Hatchet Quarry, reviewing local policy and the application of protection where appropriate, ensuring this aligns with the objectives of the National Heritage List.

Landscape

With regards to significant landscapes, we emphasise that not only State-significant places should be recognised in the LPS, but also local and regionally significant places. We note that on page 34 of the MRPAC Final Report the Committee supported the Council's proposal at the hearing to conduct further landscape assessments of the Shire. Such assessments would assess places of significance at a local or regional level. It would therefore be relevant to include this as a short – medium term strategy in the LPS. This was a suggested short-term strategy included in the MRPAC Final Report, on page 69:

- *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*

The National Trust submits that the below implementation strategies, included in the MRPAC Final Report pages 69-72, should be included in the LPS under Landscape. Many of these strategies usefully intersect with other policy areas, strengthening the unity of the LPS:

- *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 (medium timeframe)*
- *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 (medium timeframe)*
- *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 (medium timeframe)*
- *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 (medium timeframe)*
- *Prioritise the protection of the resources of the area for water supply, tourism and recreation, and nature conservation (ongoing timeframe)*
- *Protect landforms and geological features of special scientific or educational value, including forests and other valued landscapes, from development (ongoing timeframe)*
- *Maintain views across the landscape from public land by minimising development along ridgelines and within prominent view line areas and vantage points (ongoing timeframe)*
- *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 (ongoing timeframe)*
- *Preserve landforms and geological features of special scientific or educational value (ongoing timeframe)*
- *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 (ongoing timeframe)*

Biodiversity and environmental values

The National Trust submits that the below implementation strategies, included in the MRPAC Final Report pages 69-72, should be included in the LPS under Biodiversity and environmental values. As with comments above regarding Landscape and Cultural heritage, these strategies should not only protect State-significant biodiversity:

- *Prepare a system of natural vegetation management that provides adequate variety and extent of habitat to enable the conservation of locally indigenous biodiversity (medium timeframe)*
- *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 (ongoing timeframe)*

Settlements

The National Trust submits that the below implementation strategies, included in the MRPAC Final Report pages 69-72, should be included in the LPS under Tourism and recreation:

- *Protect and maintain the significant heritage characteristics of towns and settlements including street tree plantings (short timeframe)*
- *Avoid further subdivision for outward urban extension of the Mount Macedon settlement or for extension generally northerly of the Macedon township (ongoing timeframe)*
- *Discourage subdivision, urban or rural living development of land outside the Settlement Boundaries (ongoing timeframe)*
- *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 (ongoing timeframe)*
- *Enforce existing restrictions on subdivision in accordance with identified future land use expectations (ongoing timeframe)*
- *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 (ongoing timeframe)*
- *Maintain and protect non-urban breaks between all settlements, including metropolitan Melbourne and the Sunbury and Hume growth corridors (ongoing timeframe)*
- *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 (ongoing timeframe)*

Tourism and recreation

The National Trust submits that the below implementation strategies, included in the MRPAC Final Report pages 69-72, should be included in the LPS under Tourism and recreation:

- *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 (medium timeframe)*
- *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 (ongoing timeframe)*

In conclusion, the National Trust encourages DEWLP and the Macedon Ranges Shire Council to work together on finalising a robust and thorough Localised Planning Statement that reflects the need for strong objectives and strategies to help protect and manage the heritage

places that make this Shire unique. The LPS should provide a clear policy framework to guide planning decisions including implementation measures for statutory protection of significant landscapes, heritage places and Aboriginal cultural heritage. It is important that the LPS takes into account heritage places that are significant at a local level, not only at State level. Complementary strategies should intersect, providing clear guidance for future policy, decision makers and the community. The LPS should also provide opportunities for resolving conflicting planning considerations with priorities set out clearly. The National Trust welcomes any further opportunities to provide feedback on the LPS as it is finalised.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Jessica Hood', written in a cursive style.

Jessica Hood
Community Advocate Environmental Heritage