

Closing submissions

Council submits that the Settlement Strategy is a significant exercise in strategic planning. The resulting translation of the strategy in to the Municipal Strategic Statement is a complex exercise and inevitably, there will be different views on how that should be done and indeed whether that should be done. We touch on this later however, Council submits that despite the focus of submissions on certain elements, this should not be allowed to derail the implementation of the Settlement Strategy as proposed by C84.

In terms of issues of form, the MSS is guided by the practice note and it is not surprising that the new MSS is not familiar to users of the former MSS.

Much of the discussion on C84 has focussed on the population recommendations. However, the strategy that underpinned the new MSS is not a population strategy. It is a settlement strategy.

In the context of much planning that is undertaken around Melbourne to illustrate, one can see adopting an overall perspective that the settlement strategy outlines a network of towns small and large (see Figure 1 page 6 of the Strategy which is translated into the MSS at clause 21.03 as the Strategic Framework Plan throughout the municipality.

The strategy indicates where growth of population will be accommodated in terms of *encouraged* growth, (Gisborne, Kyneton and Riddells Creek) where population will be accommodated in terms of what one might call *natural* growth (Woodend, Lancefield Romsey*) and where it is not envisaged that there will be any material growth (small towns). This is my formulation for illustration, and was not the basis of the strategy perse.

Putting to one side debates about Woodend, it is submitted that what the Settlement Strategy does is directly consistent with the London-Mallee Southern Region Strategic Plan – a plan which is the outcome of the policy at clause 11.05-4. Specifically it is directly consistent with Objective 1 and the various directions set out in that document.

Apart from the Macedon Ranges Residents Association Inc. (**Association**) which appears to approach whatever Council does with a sceptical perspective, there is a high degree of acceptance of the overall work that Council has done. Council appreciates that visiting drafting details, like the Association has done is a difficult and complex task beyond most. However Council has endeavoured to draft the scheme in the best way taking into account the guidance provided by practice notes, professionals, council officers and in due course this panel's recommendations. Council also took into account many of the submissions that were made. There is a need however for a "gatekeeper" so that not every clause submitters suggest is simply included in the document. Submissions about what should be included need to be filtered for, clarity, value adding and relevance.

Settlement Strategy and Population

Council submits that perhaps because of how the Settlement Strategy has been drafted into the MSS, there has been a heavy focus on the issue of population. It is conceded that the exhibited version of the amendment did not help in the way that it was drafted and how the attention of others was directed.

However, the primary purpose of the settlement strategy is to direct settlement and not to act as a population policy. To some extent it is impossible to have the debate about settlement without drawing in the issue of population. But, nevertheless, the ultimate purpose of the Settlement Strategy is primarily settlement not primarily population. It does not set caps, ceilings or whatever else it might

be called. To the extent that Ms Reiter identified it as such, she was not accurate. The statement in the Settlement Strategy at page 2 which states:

"It is recommended each town does not exceed the recommended population levels since these levels reflect the overall analysis of infrastructure capacity and environmental and other constraints"

is a somewhat clumsy statement. However when the sentence which follows is also read, it starts to add a context and meaning to the real intent of the prior statement:

Important to note is that using this assessment, towns have sufficient zoned land out to 2036 to accommodate the recommended projected population with the exception of Riddells Creek.

The issue of land supply necessarily must be informed by issue of population. Both inform each other. They are not separable. However, as the panel has noted, a planning scheme is concerned ultimately with land and the expectations that a society has of the land resource.

Given that the recommended populations have a close relationship (though are not only derived from) the supply of unconstrained land within the Township Boundary (to a level of 85% development) plainly, the recommended populations as set out for each town will likely be surpassed by a combination of the realisation of the 85% development of the unconstrained land and the additional housing afforded by the development of medium density housing, Residential 1 zoned land < 1 hectare which has conservatively been excluded from the supply side, the development of some element of the constrained land and other one off developments such as retirement villages and the like.

Even though this was all stated in the Settlement Strategy (at appendix 4) Council can see that the implication of that has not been taken into account in the identification of the recommended populations in the Settlement Strategy which have eventually ended up in the planning scheme. However, it is easy to see why. It is frankly so difficult to estimate (per McNeill and Reiter).

The reality is that the recommended populations are an indication of the likely population of the town if 85% of the unconstrained land within the township boundary is developed. This assessment gives the Council confidence that on that basis, there is no need to take the step of significantly extending township boundaries beyond their current alignment over the assessment period. It may well be that how this has been expressed in the MSS (particularly at clause 21.13 in relation to Woodend) is too firm.

No further Greenfield land is required to be rezoned for residential purposes out to 2036.

A more measured restatement of this sentence might be:

It is not anticipated that any broad acre land beyond the current town boundary as identified in the Structure Plan will be required to be rezoned for residential purposes. Within the context of the settlement hierarchy set out at clause 21.03-3, Council will monitor the land supply and demand in Woodend.

Furthermore, it may be preferable to have this statement repeated or restated elsewhere so that it applies to more than Woodend.

So far as the table at Objective 1 of clause 21.04 is concerned, this table requires further explanation in the context of the above. Mr Milner in his peer review suggested that it is unnecessary if the local area provisions in clause 21.13 of the scheme contained the required information. There is some attraction to that. However, Council thinks that having regard to the methodology of the Settlement Strategy, an appropriate reformulation of this table would be to:

- Bullet 1 retain

- Bullet 2 amend to state:
 - Facilitate township development and growth having regard to the place of the township in the settlement hierarchy identified in clause 21.03-3 and the Strategic Framework Plan.
- Bullet 3 amend to state:
 - Provide for appropriate land supply through the use of structure plans, minimum lot sizes and subdivision controls, preferred densities, staging in the release of land and supply and prioritising of delivery of services and infrastructure to areas of planned growth.
- Bullet 4 retain.
- The table should be moved to after clause 21.03-3 but modified as follows:
 - Column 1 No change
 - Column 2 No change
 - Column 3 Amend heading to read: Anticipated population.
- Add a note to the table as follows:

The anticipated populations are based on the methodology undertaken in the Settlement Strategy. Notably, assessments of the extent of lot supply and housing supply have been based on the assumption that ~85% of the unconstrained land supply as explained in the Settlement Strategy will be developed over the period to 2036. The additional redevelopment of existing lots for medium density housing, the re-subdivision of smaller land areas in the residential 1 zone and the development of retirement villages and the like will provide further opportunities for housing which are difficult to estimate and are therefore not included for the purposes of the 2036 anticipated population.

It is also submitted that the reference to the population of Macedon Ranges in 2036 is appropriately qualified by reference to "around" 56,000. The population estimated this far out is not subject to the same level of accuracy as the forecasts in the official Macedon Ranges Population Projections which on the other hand have always been quite accurate.

Planning Policy No. 8

It is difficult to understand what the concern is about given how this planning policy statement is dealt with. The Association's submission states, or overstates:

A critical loss is the existing scheme's requirement for Statement of Planning Policy No. 8 to be implemented in all decision about economic development.

Currently, SPP 8 is dealt with by a clause 22.01 policy. That continues under C84.

In the new MSS, it is also dealt with at clause 21.01. The only change which perhaps should be made to more emphatically say what has been done is to amend page 1 of 4 of clause 21.01 to say:

The Policy has provided the basis of strategic planning in the Macedon Ranges area since 1975. It is reflected in the various objectives and strategies within this MSS and is restated in clause 22.01.

The Association's submission is at odds with C84.

Water Catchments

Council prefers the submission of the water authorities over the submissions of the Association in relation to issues of the northern and southern catchments and water which indicates that those authorities are comfortable with the changes.

Rural Land and Rural Living

The Association's submission seems to be concerned about the removal of the Rural Living policy in its current form. At page 47 of the Association's submission this seems to be based on the assumption that because it currently (as mapped) only applies to the area around Gisborne and Riddells Creek, by deleting that policy and having a general policy on Rural Living, Council is therefore encouraging it.

For example, in clause 22.15 the Policy Basis is in the following terms:

Policy Basis

In the southern part of the Shire, around Gisborne and Riddells Creek, Council will encourage and support rural living development. The vision for this area is a rural area with a range of property sizes offering different lifestyle opportunities and landscapes from low density residential to part time farming. Any development, including housing, subdivision or resubdivision, must be promote the rural character of the area.

Under C84, the new provisions are at clause 21.04-3 and now apply across the municipality. Why? Because there is rural living across the municipality and not just in the former (i.e. current) policy area. So the change is going from a scheme that guides rural living in only part of the shire to a scheme that now guides rural living in the whole of the shire. Rural Living is permissible under certain provisions of the scheme. Where it is permissible it needs to be guided. That is what the new provisions do. The current provisions don't.

Woodend

Woodend is designated as District Town and it should not be redesignated.

The moment one leaves the Calder Highway to the Woodend turnoff, one immediately appreciates that they are in a special place. The character created by a combination of climate and forest is a fitting prologue to the township that opens up upon arrival. It is one of the special places within Macedon Ranges.

In the northwest of the town, there are a combination of manmade and natural features which come together to provide an equally though more formalised entry to the town from the north. This brings together the curvilinear meander of the Avenue of Honour with to the east, a bush garden feel even though it comprises low density development and to the west, the open landscape to the ranges beyond viewed through the Elms. These also provide a foreground to views to the Golf course Hill, a significant iconic landscape form in the town.

That same landscape is also an equally special backdrop to the Golf course Hill coming from the south or viewing to the West.

While we have the highest levels of respect and regard for Mr De Silva's opinions, we simply have a stark point of disagreement on the issue of whether this area should be developed for urban purposes. From Council's perspective and pretty much the whole of the Woodend community, that this area might even be contemplated for residential development is difficult to fathom.

Council's position is that this land should not be developed. If additional broad acre land is needed, then there is land available (and identified) in the north east which can be provided for added supply in a way which does not radically alter the composition of the town. If further land beyond that is required, then in Council's assessment that will be in another generation and that next generation will have the ability to plan its own way forward and determine its future. However, for the current period, Council's assessment is that within the context of its status as a District Town in the hierarchy of settlements, which Council submits should not be modified to a Large District Town as sought by Villawood, there is no need for a great deal of broadacre land let alone land in the North West. If Council is wrong, then, there is capacity in the north east to expand by way of a contiguous expansion to the east on land within the township boundary or beyond if necessary as identified in the current and C84 proposed Woodend Structure Plan.

Romsey

Amendment C84 does not touch the Amendment C66 Romsey provisions except by identifying the recommended population.

Romsey is identified as a Large District Town whereas presently it is identified as a District Town.

According to the provisions to be introduced by Amendment C66, the area to the south of the town, which is what the Romsey Property Group are specifically concerned with states:

Protect areas to the immediate south and east of the town from encroachment by rural residential development, in order to safeguard the possibility of future urban expansion.

The various changes sought by RPG to the MSS through C84 are unnecessary. In terms of the changes sought:

- a) Not agreed. The statement is a general statement not town specific.
- b) Not agreed. VIF 2012 is not a target and should not be used as such. In any event, Council's projections are proving more accurate than VIF.
- c) Not agreed as the changes is unnecessary. The reference notes "generally" and that is sufficient qualification to the statement. What is more, Council thinks that it is also correct. ●
- d) This is not necessary in view of what is contained in the C66 amendment.
- e) Not agreed. The statement is not town specific. The statement is also correct.
- f) **This is agreed** noting the same recommendation appears at page 4 of the Settlement Strategy.
- g) Not agreed
- h) Not agreed. The Settlement Strategy is a key document. The wording may require modification by removing reference to the settlement strategy in the bullet and inserting a new bullet which states for example:

Planning must consider as relevant, the Macedon Range Settlement Strategy.

- i) Council is proposing some changes to the strategies for Objective 1 and relies on those changes.
- j) Ditto
- k) Not agreed. All development must be within the township areas. If the boundary is moved then the clause will be met.
- l) Paragraph 77 of the submission is not agreed.

Riddells Creek

Currently a District Town this town has been now identified as a Large District Town. It is anticipated to grow by about 2600 people. Mr Wright submits that while the anticipated growth is appropriate, the town should not be redesignated as a Large District Town.

Submitter 6 seeks what at first glance is a minor adjustment to the township boundary. However, the site is directly adjacent to forest and Council does have a concern that extending the township boundary in this particular locality sends the wrong signal.

Council submits that in this case, there are site specific issues that do warrant consideration although those considerations seem to be both positive and negative to the proposal. Without wishing to lift expectations, at the least, the proposal to rezone the land should be considered as part of any ODP process.

In relation to the property of submitter number 6, this property is currently outside the township boundary. The question for Riddells Creek is where the Township boundary should ultimately be located as Riddells Creek expands as contemplated under the Settlement Strategy and the MSS provisions. Council is reluctant to make adhoc changes to the township boundary in response to submissions. Council prefers that this matter be dealt with as part of the ODP for Riddells Creek.

However, it seems apparent that the Structure Plan as proposed should include some directional arrows as does the current structure plan pointing to the general direction of future residential. These should be marked with a qualifier such as "subject to investigation". The same applies to the land to the south of the railway line for submitter number 7 although, the Settlement Strategy does identify concerns regarding the commencement of growth in a southerly direction in terms of if the implications for an extension or linking up of development through to or from Sunbury.

Macedon and Mount Macedon

Much if not all of the criticisms made by the Association in relation to these two towns is unfounded.

- To illustrate, Figure 9 of the submission identifying what has been allegedly omitted is not omitted in the new scheme at clause 21.13-6. While the language used might be a little different, Council has endeavoured to capture the essence of the provisions in the Small Towns Study into clause 21.13-6. Some of what has been identified as omitted is just wrong. Figure (or perhaps what should be described as Table) 9 is unreliable.

Kyneton

Submission were made concerning land in the south of Kyneton. It must be noted that these submissions each tend to hang off a submission that has its basis upon the inappropriate low density subdivision to the south which now provides a basis for submitting that the in between land is an anomaly. This highlights how poor planning decisions potentially lead to a momentum which apart from the former decision would not have significant merit.

The Local Areas policy for Kyneton notes that there is potential for growth in Kyneton and it is likely that Kyneton will become a Large District Town with a population of 8600 (from 5700 in 2006) within the township boundary and the surrounding area. The question for the panel is whether the structure plan should specifically identify the southern in between lands as areas for investigation. Council confirms that the Kyneton ODP is likely to look at these areas.

Clarkefield

Council thinks that the inconsistencies referred to in the submission by Mr Wood on behalf of Mr Clarke should be addressed namely that in the recommended population table, the place should be

identified as having a population of a village (not a small town). (i.e. between 200 – 500). The reference to small town in clause 21-13 is correct. However the reference should be to clause 21.04-2. That clause uses the heading Small Towns generically but applies to hamlets and villages too. At the end of the day, it comes down to the identification of the place on the map in clause 21.03.

Council submits that it is not proposed to expand the Township Zone as sought or contemplated by the submission.

Newham

STS

The Newham provisions are at clause 21.13-17 which should also be read with clause 21.04-2. Council submits that the settings are right for Newham. While the plan for village as set out in the Small Towns Study do not contemplate wholesale change for Newham, it does recognise some limited low density development based in the principle of protection of rural and environmental character of the town. Ultimately, this will be a matter for Council as Planning Authority.

Newham is a village in the settlement hierarchy with an indicative population of between 200 – 500. (Clause 21.03-3). There is no reason to change this.

How the small towns are dealt with.

The panel has questioned how the small towns are dealt with in clause 21.04-2 of the C84 MSS. The specific issue is one of form, namely whether it is appropriate to refer to a reference document.

The strict answer is that it is probably not appropriate having regard to the preferred process as per the practice note for reference and incorporated documents. On the other hand, given that these towns are at the lowest end of the hierarchy, an equally valid question is whether a planning scheme should include a structure plan or similar for every town in its municipal area? If the panel were minded to remove that reference, Council would not be perturbed. It is likely to inform itself by reference to the Small Towns Study.

VIF Projections

Council submits that it has taken into account the VIF projections. It has had regard to them, been informed by them but in the end has applied its own independent judgement to matters related to likely population levels.

The document itself indicates that it is not to be used as a target but the relevant witnesses relying on it treated it as if it was a target. The panel will need to consider the proper role of that document. It is noted that while experts firmly put that VIF should be a starting point, Council disagrees. The implications on Macedon Ranges are well illustrated simply by reference to the Balance SLA which adopting VIF 2012 as a target would require Council to find accommodation for a further +6300 residents within Gisborne and Woodend on top of the 7000 it is providing for.

Council also notes that the 2011 census has just been released which now demonstrates the caution that is needed in relying on VIF as a target. This underlines the warning set out in the document. For Macedon Ranges, while VIF 2008 projected a population of 43,200 the Census identifies a population of 41,008 as against Council's projection of 41,003.

Structure or Outline Development Planning

In the course of the hearing, there was a discussion in relation to the role of structure planning or Outline Development Planning as it is currently referred to in Macedon Ranges. Council submits that the role of the ODP is different to the role of the MSS review and Settlement Strategy. The ODP process is generally reserved for the planning of areas that are contemplated or if not yet earmarked,

then at least identified as investigation areas rather than areas that are not identified for urban purposes. The way that Council has used the tool in Gisborne and Romsey is such that the ODP is the basis for a more detailed "structure plan" as per what is currently contained in the Scheme.

Put another way, the Settlement Strategy and this C84 process should determine where growth should be directed and or investigated. The ODP process will determine exactly where, to what extent and how. As Ms Reiter put it, if you leave it to the ODP process you lose confidence in the role and specificity of the Settlement Strategy.

Macedon Ranges Residents Association Inc.

Upon the receipt of the written submissions post exhibition, Council made numerous changes to the exhibited planning scheme. Many of those changes were as a direct result of the submission of the Association. X

Much of the submission dealt with historical matters, prior amendments and the like. A comparison between C84 and C62 is unhelpful and confusing since C84 and C62 are different amendments. C62 was a policy neutral translation. C84 is not. C84 is a standalone amendment and not a rewrite of C62. Notably, the Settlement Strategy has transpired.

In terms of use of language, such as will or must, Council submits that it has followed the appropriate course of choice of language reflecting a contemporary approach to drafting of planning schemes. For instance, it is long recognised that rather than requiring documents in every case, one might say Council may require . . . leaving the ultimate justification to be left to the occasion rather than mandated in advance.

Phrases such as "should be encouraged" have universally replaced phrases such as "Council will support" as a more appropriate form of language of a subordinate instrument. Similarly, the musts contained in policy will have changed to should because of the fact that if in a policy, it can only be should.

Requiring a study to be undertaken on the one hand or requiring that a study demonstrate on the other achieve the same purpose. We prefer our drafting.

Use of the word should is preferable to must in a policy document.

Specifying that a policy applies to an area generally as per an overlay such as ESO 5 is quite ok. It allows for minor discrepancies that may exist in mapping.

In relation to the various towns referred to in the submission, Council has set out its views in relation to towns elsewhere.

The Gisborne and Romsey aspects of C84 are not resolved because these two amendments are awaiting approval and the advice of the DPCD is to not make alterations to provisions until these aspects are dealt with by the Minister.

As a general observation, the submission of the Association in relation to the MSS seems to proceed on the assumption that a wordier document would lead to better provisions. One of the challenges of writing policy is to be succinct.

The submission concerning the transfer of clause 22 policy into overlays and the concern expressed in relation to that is based on a misunderstanding of the role of policy on the one hand and the role of overlays on the other. The latter is stronger than the former. It should also be noted that the drafting of the various overlays as a result of the Expert Planning Report was verbatim as per the recommendations of the Expert Review.

Nevertheless, the submission of the MRRA indicates one end of the spectrum of views that Council has been required to consider in terms of planning for the next generation of this municipality.

Water authorities

Many of the changes sought by the water authorities have been made. Some further changes are sought. Some of those changes are acceptable, others are not. Tourism is an important aspect of the shire. It should not be regarded as always being inconsistent with water catchment management subject to appropriate controls.

Documentation

Council submits that its two rounds of changes to the exhibited documents have made significant improvements to the MSS. However, there may be further changes for example, as illustrated above, which would bring further clarity. Council submits that any changes which are contemplated within the workshop should be based around the framework that has been already established and in the context of the *outcomes* and hierarchy of settlements that Council is proposing.

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For Macedon Ranges Shire Council