

July 2014

BACKGROUND & ACTION PAPER

Why Statement of Planning Policy No. 8 [SPP8]

must be the Localised Planning Statement [LPS] for Macedon Ranges Shire

If you love Macedon Ranges' environment, landscapes, open spaces and rural character, thank SPP8 for them**Background*****What is Statement of Planning Policy No. 8 [SPP8]?***

Introduced by the then Victorian (Liberal) State government in 1975 (Premier: Rupert Hamer), Statements of Planning Policy were State planning policy, backed by legislation (Town and Country Planning Act 1961), similar to Green Wedge legislation today. Protective Statements of Planning Policy were produced for Dandenong Ranges #3, Mornington Peninsula #1 & #2, and Macedon Ranges #8.

The SPP8 Policy Area included most of the former Shires of Gisborne and Newham/Woodend, about half of the Shire of Romsey and small part of Shire of Kyneton.

Statement of Planning Policy No. 8 is policy specific to the Macedon Ranges and their Surrounds. It says Macedon Ranges' water catchment, environmental, landscape and recreation values are significant to Victoria (of State level significance), and protection of these values must take priority over other matters; and it sets high level policy to achieve that outcome.

1970s First Planning Schemes

Introduction of SPP8 in 1975 corresponded with introduction of the first planning schemes for Shires in the Macedon Ranges and Surrounds area. Shires operated under interim development orders (crude planning schemes) pending introduction of planning schemes.

SPP8 policy was included in, and required to be delivered by, former Shires' first planning schemes. These schemes allowed Councils to create zones and planning rules to fit the land they applied to; included tenement controls (which prevented subdivision and new houses in rural areas); and "prohibited", "must", "must not" language.

Although SPP8 has a defined policy area, former Shires applied its requirements Shire-wide. There weren't SPP8, and non-SPP8, planning controls, and there aren't today.

1987 SPP8 - Loss of State Policy Status and Legislation

In 1987 the Planning & Environment Act replaced the Town and Country Planning Act, but the legislation underpinning Statements of Planning Policy wasn't included in the new Act. This left Statements of Planning Policy without legislation, and no longer State policy.

2000 - Macedon Ranges New Format VPP (Victoria Planning Provisions) Planning Scheme

In 2000, the Shire of Macedon Ranges adopted a new planning scheme based on the Victoria Planning Provisions (VPP). Although SPP8 is included in the current scheme as Local Policy at Clause 22.01, the VPP format does not deliver SPP8's policy requirements as the former planning schemes did. Council hasn't done the work needed to get better results. In the VPP planning scheme:

- State zones are one-size-fit-all zones applied across Victoria;
- "Discretionary", "may" and "should" language replaced "prohibited", "must" and "must not" language;
- Generic State policy prevails over local policy;
- Tenement controls were not included in the new scheme.

MRRA Campaign For State Level Protection

Macedon Ranges Residents' Association [MRRA] has met every Planning Minister, campaigning to get State-level policy protection with SPP8 as State policy, since 1999.

Why Campaign?

In 1999, the independent Planning Panel appointed for the Macedon Ranges' new VPP planning scheme recommended Statement of Planning Policy No. 8 be reinstated as State policy again.

Also in 1999, indications were that the then Macedon Ranges Council wanted to rewrite SPP8. Alarmed, MRRA wrote to then Liberal Planning Minister Maclellan, and lobbied Labor. The Bracks Labor government elected at the end of 1999 promised to protect sensitive areas, including Macedon Ranges.

Although Labor introduced Green Wedge legislation for Yarra Ranges and Mornington Peninsula (both inside the Melbourne metropolitan area), Macedon Ranges did not get Green Wedge (or any other) protection.

2008/9 Attempt To Kill Off SPP8

In 2008 then Macedon Ranges Mayor Noel Harvey wrote to the then Minister for Planning Justin Madden saying Macedon Ranges didn't need SPP8. In response, MRRA launched a petition to State parliament calling for SPP8 to be retained and made State policy; 3,000 signatures were later handed to Matthew Guy.

2010 Liberal Policy

In 2010, the current State government came to power with policy to provide a Localised Planning Statement as State policy for Macedon Ranges (also Yarra Ranges, and Mornington & Bellarine Peninsulas) and, specifically for Macedon Ranges, to also retain Statement of Planning Policy No. 8. **Why is State policy important?** *It prevails over local policy (local policy cannot conflict with State policy), and it is the starting point for local and other policies.*

The Localised Planning Statement [LPS]

Similar to the 1970s Statements of Planning Policy, the Localised Planning Statement's policy will be State policy for what happens and what takes precedence in planning and other decisions in Macedon Ranges. The political promise, and community expectations, are that the LPS **will be** SPP8.

Instead Council has written its own "policy" (strikingly similar to early Municipal Strategic Statement policy in Amendment C84, later toned down by the C84 Planning Panel).

Council's LPS "policy" does not include SPP8 policy (or its priority for protection of the environment). It instead elevates growth, residential and economic development, and farming/equine activities as priorities. If adopted, Council's LPS will lock these priorities in, as *State policy*, for Macedon Ranges Shire.

What Council Has Done

Macedon Ranges Council has a history of ignoring, misrepresenting and making major changes to high level documents without justification or notice. Now it is doing it again with Statement of Planning Policy No. 8. Examples include:

- Vision 2025 – *the community's vision for Macedon Ranges out to 2025 - deleted and replaced without consultation in 2013.*
- Council's enormous economic development proposal at Hanging Rock - *budget position misrepresented, Hanging Rock Management Plan and consultation framework ignored.*
- Amendment C84 – *Council called it policy-neutral but it includes major policy change to existing policy particularly in rural areas. Council says it adopted all of the independent Panel's recommendations, but didn't.*

What Council Is Doing

Council recently ran a survey for the LPS which included leading questions (e.g. how important are jobs and houses in rural areas) – *despite high community support for protecting environment and remaining rural, these responses will be used to justify development, particularly residential and economic development.*

Council ran an information session less than a week after exhibiting its LPS; had the wrong date on its media release (August 14 instead of July 14), and failed to mention the information session in the July Shire Life newsletter article about the LPS that went to all Shire households.

Council is proclaiming its 'no-protection' LPS policy is a 'protection' policy – *Council's policy is written in motherhood terms; it doesn't include SPP8's policy or SPP8's "musts".*

Council wants community support to apply **its** 'no-protection' LPS policy across the whole Shire, beyond the SPP8 policy area, potentially creating divisions and an 'us and them' situation.

The Bottom Line

Other environmentally sensitive areas in Victoria with Statements of Planning Policy have more protection than Macedon Ranges: Yarra Ranges Shire has its Regional Strategy Plan, and Green Wedges (both with their own legislation and State policy); Mornington Peninsula Shire has Green Wedges (legislation and State policy).

Macedon Ranges and Surrounds only has Statement of Planning Policy No. 8 (Local planning policy 22.01).

This policy has been the basis for strategic planning in this area for 40 years. *It must be made State policy again by inclusion of its policy as the Localised Planning Statement's policy.*

When the LPS becomes State policy, it is likely Statement of Planning Policy No. 8 (Clause 22.01) will be deleted from Macedon Ranges' planning scheme. *If Statement of Planning Policy No.8 isn't the Localised Planning Statement, it will be gone forever. Do not allow SPP8 to disappear.*

What You Can Do

If you love Macedon Ranges' environment, landscapes, open spaces and rural character, thank SPP8 for them still being here. If SPP8 is lost, these values will also be lost.

- Read Statement of Planning Policy No. 8 (Clause 22.01) – compare it with Council's LPS "policy" (the difference will be immediately obvious).
- Make a submission to Council by August 8th (copy to all councillors): *(1) rejecting Council's LPS, (2) telling Council to replace its policy with SPP8 policy and (3) supporting application of SPP8 policy (as the LPS) to the whole Shire.*
- Send a copy of your submission to the Minister for Planning Matthew Guy, and Amanda Millar MLC. *Tell them we were promised State policy protection **and** SPP8 - if the LPS isn't SPP8, it's not protection.*
- You can also send a copy of your submission to the Shadow Minister for Planning, Brian Tee, and Joanne Duncan MLA.
- Ask candidates in the upcoming State election where they stand on SPP8 as State policy, and protecting Macedon Ranges.
- Tell your family, friends, neighbours and social media contacts how important this is, and ask them to make a submission.
- Write letters to local and Melbourne media.