

STATEMENT OF PLANNING POLICY

CHECK LIST FOR PLANNING APPLICATIONS AND PROPOSALS

Legal status of the Statement of Planning Policy

- It is a legally binding document that is a State level policy backed by PEAct legislation
- RPEs must not act inconsistently with the Statement.
- RPEs should consult, use best practice measures and undertake continuous improvement
- The objectives and strategies are underpinned by the recent legislation 'Distinctive Areas and Landscapes' which made changes to the Planning and Environment Act 1987, the Local Government Act and the Transport Integration Act 2010 (and other acts) in 2017.
- The Statement is expected to be gazetted in early August 2019.

Statutory provision	Key parts worth noting	What is says
Planning and Environment Act 1987	PART 3AAB-- DISTINCTIVE AREAS AND LANDSCAPES	
	CI 46AU	The purpose of a Statement of Planning Policy for a declared area is to create a framework for the future use and development of land in the declared area to ensure the protection and conservation of the distinctive attributes of the declared area
	CI 46AZK	A responsible public entity must not act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area .
	CI 46AZK	If a responsible public entity develops or implements policies or programs or makes decisions in relation to a declared area , the responsible public entity should— <p>(a) consult with all levels of government and government agencies that are relevant to the decision; and</p> <p>(b) use best practice measures to protect and conserve the unique features and special characteristics of the declared area; and</p> <p>(c) undertake continuous improvement to enhance the conservation of the environment in declared areas; and</p> <p>(d) have regard to the principles prescribed to apply—</p> <p>(i) to all declared areas; and</p> <p>(ii) in relation to a particular declared area.</p>
Planning Schemes	CI 11.03-5S	To protect and enhance the valued attributes of identified distinctive areas and landscapes. Once gazetted, it will also refer to the Statement of Planning Policy for Macedon Ranges

https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/3815/6280/9618/Macedon_Ranges_Statement_of_Planning_Policy_2019.pdf

POLICY CONTEXT

Once gazetted, the Statement of Planning Policy will be State policy that will be incorporated into Clause 11.03-5S of the Macedon Ranges Planning Scheme. Accordingly, it will carry considerable weight at Planning Panels and VCAT.

Its directions and key objectives are consistent with the local planning policy context including the Municipal Strategic Statement and other local policies such as the Biodiversity Strategy.

Minor updates to Council's suite of policies and strategies will be required. These include Council Plan 2017-2027.

The Implementation (Ministerial) Guidelines will not be an incorporated document but will be released by the Victorian government for use by the RPEs when considering projects, proposals and approvals.

What is an RPE?

Responsible Public Entities include Council, Regional Roads Victoria, Parks Victoria the Catchment Management Authorities, water authorities such as Western Water, Cemeteries, DELWP and other crown land managers.

All RPEs must work together to consider the objectives and strategies in the Statement. This includes Council.

The RPEs should also¹

- consult with all levels of government and government agencies that are relevant to the decision;
- use best practice measures to protect and conserve the unique features and special characteristics of the declared area; and
- Undertake continuous improvement to enhance the conservation of the environment in the declared area.

Implementation guidelines to be used by the RPEs

The Guidelines will be released by DELWP when the SoPP is gazetted in August 2019.

The guidelines are intended to be used by all RPEs within the Shire. As Macedon Ranges is the first municipality to apply the new legislation, the Guidelines will provide local examples which are relevant to the Shire. (In the future other Victorian municipalities may utilise the Guidelines as more parts of the State become 'declared areas' under Part 3AAB (Distinctive Areas and Landscapes) of the Planning and Environment Act 1987.

The guidelines will also clarify:

- what is a 'declared area', noting that the whole of the Shire of Macedon Ranges is subject to the new legislation;
- what is a 'responsible public entity'? Local examples include Regional Roads Victoria, Council and Parks Victoria;

¹ Clause 46AZL of the PEAct 1987

- that every Objective in the Statement is expressed to be binding. This means that RPEs must not act inconsistently with an Objective;
- that every Strategy in the Statement is in the nature of a recommendation. This means that RPEs must have regard to the Strategies. It does not mean that an RPE must implement each of the Strategies. They must, though, at least consider them.
- the obligation to consult with all levels of government that are relevant to the decision;
- the approach to best practice measures; and
- the principles of continuous improvement.

The Guidelines will also provide a compliance check list for assessing proposals, projects and initiatives to streamline decision making.

In the meantime you may choose to use this one...(next page)

Consistency of the proposal with the Statement of Planning Policy : **Proposed Supermarket, shops and café at Riddells Creek**

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
1	To ensure the declared area's natural and cultural landscapes are conserved and enhanced.		✓	X	N/A	
		Manage land use, development and infrastructure to ensure that significant landscapes, views and vantage points are conserved and enhanced.	✓			The development is sited to the east of Walter J Smith Reserve and to the west of the Riddells Creek train station. The viewline between these two elements will be somewhat compromised however a dip in the land and proposed landscaping will lessen the impact. The development is located in a Commercial 1 Zone and reflective of existing commercial establishments.
		Encourage retention of native vegetation and revegetation that contributes to significant landscapes, particularly on escarpments and ridgelines and along riparian areas.	✓			The development does not include the removal of native vegetation. The development includes revegetation along Murnong Creek and throughout the development.
		Manage development around significant landscapes of visual, scientific or education value, including along ridgelines and at vantage points.			N/A	
		Manage development and infrastructure provision to ensure sequences of views from key road and rail corridors are maintained for current and future users.		X		The development will impact upon views from key roads and rail corridors will be interrupted, however, the land is zoned Commercial 1 Zone and interruption is difficult to avoid.
2	To ensure the significant biodiversity, ecological and environmental values of the declared area are conserved and enhanced					
		Conserve and enhance high-value native vegetation and biodiversity and their ecological integrity by undertaking responsible environmental management, planning, procedures and practices.	✓			Revegetation is occurring along Murnong Creek in accordance with requirements of Melbourne Water.
		Utilise appropriate historical ecological knowledge and practices from Traditional custodians of the land in the management of biodiversity and ecological and environmental values.	✓			CHMP undertaken

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Encourage ecological restoration works in areas of identified state, regional and locally significant biodiversity value	✓			Revegetation occurring along recently named Murnong Creek.
		Establish and improve bio links to connect high-value ecological areas, including areas along waterways and areas within and between towns.	✓			The revegetation along Murnong Creek will enhance the bio links to Walter J Smith Reserve.
		Minimise the effects of weeds and pest animals on biodiversity values by establishing and implementing best practice land management plans.	✓			It is anticipated that weeds will be controlled around the development site.
3.	To prioritise the conservation and use of the declared area's water catchments to ensure a sustainable local, regional and state water supply, and healthy environment.					
		Protect water quality and natural systems by discouraging development that contributes to the degradation of water quality and quantity.	✓			The development was assessed in consultation with Melbourne Water with revegetation works to improve the health of the nearby waterway.
		Manage land use and development, including dams, in Declared Water Supply Catchments to retain and improve water quality and improve yield to support regional water needs and to increase system-wide capacity to Respond to demand.			N/A	Clean up of weeds in creek
		Reinforce the role of waterways as biodiversity Linkages and as corridors for native plants and animals.	✓			Revegetation to occur.
		Ensure water supply and land use planning policies are integrated, to realise efficiencies in regional catchment management and best practice, water-sensitive urban design.	✓			Revegetation and stormwater treatment to occur.
		Address the expected impacts of climate change, including changes in the duration and frequency of rainfall events and changes in the intensity and frequency of bushfire events.	✓			Stormwater treatment to occur. Minimised bushfire threat in urban area.
		Review and improve regulation and monitoring of groundwater licences and surface water diversions.			N/A	

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
4.	To recognise, protect, conserve and enhance the declared area's Aboriginal cultural and spiritual heritage values and work in partnership with Traditional Owners in caring for Country.					
		With Traditional Owners, identify, protect, conserve and enhance sites, landscapes and views of Aboriginal cultural significance, consistent with the Aboriginal Heritage Act 2006 and Cultural Heritage Management Plans.	✓			CHMP undertaken
		With Traditional Owners, acknowledge, protect, promote and interpret tangible and intangible Aboriginal cultural values, heritage and knowledge when planning and managing land use and development, water and other environmental resources.	✓			CHMP undertaken
5.	To recognise, conserve and enhance the declared area's significant post-contact cultural heritage values.					
		Conserve and enhance the character of state and/or nationally significant post-contact cultural heritage values (including aesthetic, historic, scientific, social and spiritual values) in the declared area's heritage places, precincts and landscapes, including sequences of views along main road and rail routes.			N/A	While there are some nearby site affected by the Heritage Overlay, it is not considered that the development will have a negative impact upon these features.
		Acknowledge, promote and interpret significant post-contact cultural heritage values in the planning, design, development and management of land uses, including infrastructure.			N/A	The site is currently vacant and as the land is zone Commercial 1 Zone, future development of the site is likely.
6.	To support and encourage agricultural land uses that strengthen the declared area's economy and contribute to the rural landscape.					
		Encourage the use of rural-zoned land for agricultural purposes and encourage the use of high-quality soils for soil-based agriculture.			N/A	

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
		Encourage and support innovations in agricultural practices (such as sustainable farming, water reuse, technologies to enable farming to adapt and respond to emerging and niche markets).			N/A	
		Support agricultural practices that improve soil health and respond to and encourage adaptation to climate change.			N/A	
		Encourage measures to ensure agricultural practices protect and enhance soil quality, water quality, biodiversity and native plants and animals.			N/A	
		Manage the effects of rural land use and development on important environmental and cultural values.			N/A	
		Restrict the supply of rural-living-zoned land to conserve and protect agricultural practices.			N/A	
		Protect strategic extractive resource areas and existing quarry operations from encroachment from inappropriate development.			N/A	
		Proposals to establish an extractive industry must adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	
7.	To provide for a diverse and sustainable visitor economy compatible with the natural and cultural values of the area.					
		Support and facilitate sustainable and responsible tourism and recreation-related land uses and developments (such as agritourism) in keeping with the declared area's significant landscapes, environmental and cultural values.	✓			While the development does not directly relate to sustainable or responsible tourism, the development will provide facilities that can be utilised by visitors to the shire.
		Facilitate tourism-related land use and development that encourages people to recognise and understand Aboriginal and post-contact cultural heritage.			N/A	
		Ensure the conservation and enhancement of Declared Water Supply Catchment Areas of regional or state significance in the planning of tourism and recreational land uses.			N/A	
		Protect the unique rural character of towns in the declared area.	✓			While the development is a slight removal from the rural character of Riddells Creek, the future growth of the town will require additional

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
						facilities and the subject site is an appropriate location.
8.	To plan and manage growth of settlements in the declared area consistent with protection of the area's significant landscapes, protection of catchments, biodiversity, ecological and environmental values, and consistent with the unique character, role and function of each settlement.					
		Direct urban development to a hierarchy of settlements identified for growth, through clearly defining long-term settlement boundaries.	✓			Riddells Creek is identified as a growing settlement. The development is located within the township boundaries in the central area of the town.
		Direct rural residential development to rural-living-zoned land as provided for in the Macedon Ranges Council's rural living strategy, In the Rural Living Zone – Strategic Direction (2015).			N/A	
		Encourage infill development that respects the townships' character.	✓			The development is located on vacant land with the town centre.
		Limit the expansion of settlements in high risk locations, actively reducing the risks associated with natural hazards.	✓			The development is located on vacant land with the town centre.
		Encourage a range of housing types within settlement boundaries to support a diverse range of housing needs.			N/A	
		Encourage provision of an adequate supply of well-serviced employment land within settlement boundaries to support local and regional jobs and services.	✓			The development will provide opportunities for employment and small business establishment.
		Encourage the use of voluntary Cultural Heritage Management Plans.	✓			CHMP undertaken
9.	To manage the provision of infrastructure consistent with protection of the area's significant landscapes and protection of environmental values to support the social and economic needs of communities and increase					

Objective number	Objective in the SoPP (Direct quote)	Strategies to deliver the objective (Direct quote)	Meets	Does not meet	N/A	Planner's Comment
	resilience to climate change effects.					
		Provide timely infrastructure and services to meet community needs in sequence with development.			N/A	No additional off-site infrastructure required.
		Maintain and enhance transport connections that provide links between and within regional communities and to major cities.	✓			The development will support the Riddells Creek train station.
		Reduce use of fossil fuels and reduce greenhouse gas emissions by prioritising active transport and public transport modes.	✓			The development is in a location that promotes active transport.
		Maintain view lines of state-significant landscape features from the main road and rail transport corridors.			N/A	
		Ensure the future operation and development of major transport linkages and rail corridors and upgrading and improved management of freight routes are considered when managing the growth of settlements.	✓			Supports travellers alighting at Riddells Creek train station.
		Ensure equitable access to community infrastructure.	✓			Includes a village square and connections to Walter J Smith Reserve.
		Encourage the use of active and public transport by planning infrastructure and facilities in accessible locations, and improve walking and cycling routes.	✓			In proximity to train station and centrally located to support active transport.
10.	Respond to the challenges and threats of climate change and natural hazards with careful planning and mitigation strategies.					
		Support community and government planning for disaster preparedness and climate resilience.	✓			Development to provide key supplies.
		Manage bushfire risks while also retaining valued biodiversity and landscape character.			N/A	The development is not located in a high bushfire risk area.
		Plan for more renewable energy generation and distribution.			N/A	Limited opportunity for renewable energy generation for development.
		Ensure proposals to establish renewable energy facilities adhere to best practice measures to avoid and minimise impacts on significant environments and landscapes.			N/A	
		Ensure planning for future use and development of land prone to flooding minimises the consequences of inundation.	✓			Development has been raised to minimise flood risk.

