

March 2019

# Strathbogie Planning Scheme Review (2019)



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Document review and quality control:

Version	Status	Date	Author	Issued
1.0	Draft	7 August 2018	S Davies	D Wong (Peer Review)
2.0	Draft	31 January 2018	S Davies	E Kubeil (SBSC) D Moleky (SBSC)
3.0	Final	25 March 2019	S Davis and N Eaton	E Kubeil (SBSC) D Moleky (SBSC)

## GLOSSARY OF ACRONYMS AND ABBREVIATIONS

ABS	Australian Bureau of Statistics
CFA	Country Fire Authority
DELWP	Department of Environment, Land, Water and Planning
DOI	The former Department of Infrastructure (now DELWP)
DSE	The former Department of Sustainability and Environment (now
DELWP) DPI	The former Department of Primary Industries (now DELWP)
EPA	Environmental Protection Authority
ESD	Environmentally Sensitive Design
EVC	Ecological Vegetation Class
HRGP	Hume Regional Growth Plan
HRP	Hume Regional Plan
IDM	Infrastructure Design Manual
LPPF	Local Planning Policy Framework
MPA	Melbourne Planning Authority (now VPA)
MPS	Municipal Policy Statement (formally MSS)
MSS	Municipal Strategic Statement
NFPS	New Format Planning Scheme
RA	Responsible Authority
RDA	Regional Development Australia
RDV	Regional Development Victoria
SEIFA	Socio Economic Index for Areas
SPPF	State Planning Policy Framework
VCAT	Victorian Civil and Administrative Tribunal
VIF	Victoria in Future
VIFSA	Victoria in Future Small Areas
VPA	Victorian Planning Authority

## 1. SUMMARY

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This report summarises the findings and recommendations of the Strathbogie Planning Scheme Review 2019 (the Review). A list of key short, medium and long term priorities has been developed to provide a way forward to address matters raised by the review.

The investigations and analysis work which informs the review's findings and recommendations have been included as appendices, as well as summarised in this report.

### 1.1. The Objectives

The purpose of this review is:

- To meet the Requirements of the *Planning and Environment Act* 1987 (Section 12B), which stipulates that a planning scheme must be reviewed within one year of the completion of a new Council Plan; and,
- To review how well the Planning Scheme is aligned with the intent of the Council Plan, Liveability Plan and Annual Budget 2017/18.

### 1.2. The Limitations

This report does not make changes to the Strathbogie Planning Scheme (the Scheme). It does not introduce new policy or provisions. It is an audit of the scheme, which provides recommendations about what actions need to be taken.

However, the review outlines the background work necessary to clearly establish the needs of future projects, by providing strategic justification for future work programs, budget allocations and planning scheme amendments.

### 1.3. The Results

This report provides:

- Recommendations for future strategic work required, as well as a program for action;
- Recommendations for how the local content can be rewritten to improve clarity, performance,

include new local directions and respond to State Government changes; and,

- An overview of how well the local content of the Scheme is aligned with the new Planning Policy Framework (PPF), strategic outcomes of the Council Plan and opportunities to provide further support.

#### 1.4. Consultation

Limited and targeted consultation was undertaken for this review with planning scheme users. The reasons for this approach are as follows:

- Council has recently undertaken extensive consultation through the development of the Council Plan, where the general views of the community regarding a wide range of issues were captured.
- Reviewing the effectiveness of planning policy and provisions is technical in nature.
- The future strategic work that has been identified through this review will become projects and planning scheme amendments, which will include community consultation tailored to the needs of each project or matter.

#### 1.5. Key Findings

Key findings from the planning scheme review are as follows:

- Much of the strategic work identified in the previous planning scheme review (2011) has been completed and implemented into the planning scheme.
- The content of the Municipal Strategic Statement (MSS) has been updated incrementally as part of planning scheme amendments for specific matters. However, as a result of recent changes and structure of the PPF, it is considered that the Strathbogie Planning Scheme should be rewritten to improve clarity and to include policy directions from key Council adopted documents and strategic planning work, as well as to make changes to the structure and introduction of the PPF.
- There are many opportunities to update and improve the overlay schedule local provisions and schedules, such as including permit exemptions and improving decision guidelines.

- There is an opportunity to improve and update rural land use strategies for the municipality, to ensure that use and development is undertaken in an appropriate manner.
- Much of the strategic work which established township plans for Strathbogie are now at least 10 years old. A program of review is required to consider how these plans are progressing and update, where necessary, relevant aspects.

## 2. ACTIONS AND RECOMMENDATIONS:

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### 2.1. Recommended Further Work Program

On that basis it is recommended that Council develop an integrated approach to its strategic planning so as to achieve its overarching Council Plan (2017-2020) ambitions in a coordinated manner. A repeated theme to emerge from the consultation, undertaken for this review, was for Council to accumulate all of its strategic research, identify gaps, consult and then prepare a version of the new PPF.

Based on Council's current work program and on the consultation as part of this project, has identified that there are a number of pieces of Further Strategic Work that need to be undertaken. The types of strategies/ policy reports that should be considered to fill the gaps to achieve the overall policy benefit are prioritised below.

#### 2.1.1.High Priority

- Policy neutral PPF Planning Scheme rewrite and restructure, followed by a Planning Scheme Amendment to implement the rewrite local policy content, to align with the new planning policy framework implemented by new Ministerial Direction, relating to form and content as well as new provisions introduced through VC148 (August 2018).

This project has been scoped out and specific suggestions have been made and documented at Recommendation 1. This project has been committed to by the DELWP and will commence in March 2019.

- Municipal Planning Statement is that Council; draft a strong (clear) land use vision to inform the MPS Section. This land use vision should include engagement with Councilors and reflect the principals of the Council plan (and other documents as appropriate).
- Implement process improvements that undertake the following:
  - Ensure that 70% of proposals have undertaken site inspections before exempting applications



from notification;

- Formulate a standard template form that assists with observations undertaken onsite during site inspections;
- Ensure that delegate reports provide the opportunity for digital imagery to be included within the body of the reports, to demonstrate knowledge of site and site visitation;
- Investigate the better integration of technology and reports including better use of photography within reports.
- That a pre-application form is utilised to record understanding of any prior pre-application meetings.

- Rural Land Use and Rural Living Review

This project will further revisit work undertaken as part of the Strathbogie Shire Rural Residential Strategy in 2004. It will update recommendations in relation to recent changes to definitions by the Intensive Agriculture Advisory Committee, as well as review whether or not rural areas are being adequately protected from fragmentation.

### 2.1.2. Medium Priority

- Undertake a program of reviewing and refining Structure Plans/Framework Plan for main townships;  
many of the Structure Plans and other strategic planning documents, which established settlement boundaries for towns across the municipality, are now more than 5 years old and require updating. The roll-out of this work has been prioritised as follows:
  1. Avenel
  2. Violet Town
  3. Euroa
  4. Nagambie
- Once the state led transition to new PPF has been undertaken, commence a policy based rewrite of the PPF to include specific aspects of the planning that are important to Strathbogie Shire. This project should update in accordance with Recommendation 3 of this report; mostly this work will

be 'filling policy gaps' and working to ensure that the scheme is tailored to Strathbogie Shire's planning requirements.

### 2.1.3.Lower Priority

- Triggers and exemption work should be undertaken to provide additional triggers within the follow Clause 44.01 - Erosion Management Overlay
- The Design and Development Overlay should be introduced to deal with two issues, control of development along Goulburn Valley Hwy (from existing PAO) and also Mangalore airport (from existing ESO) if it is controlling design beyond the provisions set out in Airport Environs Overlay.
- Undertake a Landscape Study to ensure areas of significance are protected through the appropriate planning controls.
- Review the Environmental Significance Overlay Schedule 1 with respect to both wording of the overlay as well as mapping of the areas that should be affected by the ESO buffer. This work will include research into when the mapped area ceased to existing within the Planning Scheme.

# Section A – Strategic Planning Context

### 3. BACKGROUND

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#### 3.1. The Strathbogie Planning Scheme

The Strathbogie Planning Scheme sets out the policies and provisions for the use, development and protection of land within Strathbogie Shire Council. Within this planning framework, standard planning provisions exist which provide broad objectives, standards and policies which apply to all areas of Victoria.

The planning framework also provides opportunities to reflect localised objectives and policies, which Council has the ability to amend and influence through:

- Local planning content within the Planning Policy Framework;
- Schedules to Zones;
- Schedules to Overlays; and,
- Schedules to the Particular Provisions.

#### 3.2. Purpose of the Planning Scheme Review

Strathbogie Shire Council is required by the *Planning and Environment Act 1987* to review the Strathbogie Planning Scheme (the planning scheme) within one year of adopting a new Council Plan. Clause 12B states that:

- (1) *A planning authority which is a municipal council must review its planning scheme –*
- (a) *no later than one year after each date by which it is required to approve a Council Plan under section 125 of the Local Government Act 1989; or*
  - (b) *within such longer period as is determined by the Minister.*

On 27 June 2017, Council adopted *Strathbogie Council Plan 2017 – 2021*. Undertaking a review following completion of a Council Plan allows the opportunity to review how well the planning scheme aligns with the strategic intent of the Council Plan.

The 'Continuous Improvement Review Kit 2006' (DELWP) states that a review must:

- Identify the major planning issues facing the municipality;
- Demonstrate how the Municipal Strategic Statement implements State Planning Policy;

- Assess the strategic performance of the scheme;
- Document the strategic work that has been completed or carried out since the approval of the scheme and any additional work required to strengthen the strategic direction of the planning scheme;
- Articulate the monitoring and review which has been carried out;
- Outline the consultation process and its outcomes; and,
- Make recommendations arising from the review including:
  - Changes to the objectives and strategies of the Local Planning Policy Framework.
  - Changes to the use of Victoria Planning Provisions tools to achieve the strategies and ensure the objectives and desired outcomes are being met;
  - New strategic work necessary to support future policy development or changes to the provisions of the scheme;
  - Changes to improve operational and process practices;
  - Identifying any data on planning permit applications, or other data, that may need to be collected to inform the next review;
  - Audit the application and performance of the zones in the scheme;
  - Audit the application and performance of the overlays in the scheme; and,
  - Investigate whether or not the schedules in the scheme have been appropriately applied.

These matters have been addressed throughout this review report.

## 4. PREVIOUS PLANNING SCHEME REVIEWS

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### 4.1. The initial Strathbogie Planning Scheme Panel Report (1999)

The first 'new format' Strathbogie Planning Scheme was approved in October 1999. A Panel and Advisory Committee considered the strategic justification of the scheme and its overall assessment was that LPPF should be rewritten and reexhibited. At the time the Department of Infrastructure considered that reexhibiting the LPPF, as recommended by the Panel, would cause major delay in the implementation of the new planning scheme in the Shire and delay the finalisation of the planning reform process in Victoria. DOI (former DELWP) also considered that the proposed zones and overlays would not be altered, and the general strategic intent of the scheme would remain.

Consultation on the issues between the planning authority and the DOI resulted in the Strathbogie Shire Council revising the draft Strathbogie Planning Scheme, then rather than reexhibiting the LPPF. An Advisory Committee considered the revised changes. The subsequent Advisory Committee found that the scheme was generally consistent with the Ministerial Directions and requirements of *the Planning and Environment Act 1987* subject to a few changes outlined in its June 1999 report. The Panel stated:

*"On balance, the Committee is of the view that the interests of the Shire and its citizens will be best served by having the planning scheme adopted and in place. Further amendments will be required in all schemes to correct anomalies and respond to more developed understand of the new format planning provisions. The Shire and the Department of Infrastructure should be prepared to give any consideration to any instances of disadvantage and inequity that may subsequently emerge that are not at odds with the strategic intent of the scheme."*

### 4.2. Municipal Strategic Statement Review (2002 and 2006)

Council undertook a limited review of the Municipal Strategic Statement in 2002 and again in 2006. These reviews resulted in the restructuring and rewriting of the Local Planning Policy Framework and the relocation of the town strategies from the Local Planning Policies to the Municipal Strategic Statement.

In 2007 these changes were implemented through Amendment C25. The Panel appointed to consider

the amendment recommended approval, although it outlined a range of opportunities and areas for improvement to provide for a clearer more concise planning scheme.

#### 4.3. Planning Scheme Review and Amendment C50 (2011)

In 2011 Council undertook a comprehensive review of its planning scheme, which represented the first major Local Planning Policy Framework amendment since the new format scheme was introduced in 1999. This was revised in 2012.

The changes recommended by the review were implemented through Amendment C50. An Independent Planning Panel considered Amendment C50 and noted:

*"The Panel supports Amendment C50 to the Strathbogie Planning Scheme and is satisfied that it should be adopted subject to some relatively minor changes."*

##### 4.3.1. Further work outlined in review

There were a number of key recommendations identified in the Strathbogie Municipal Strategic Statement Review Findings Report (2011) for a range of changes to the Strathbogie Municipal Strategic Statement, as well as identifying further strategic planning work and actions.

This planning scheme review was a substantial review of the entire planning scheme. It also investigated the recommendations of previous reviews (described above), including outstanding recommendations for further strategic work.

The review was adopted by Council in November 2011 and incorporated into a Strategic Planning Work Program, which has been reviewed as follows:

	RECOMMENDATIONS FROM 2011 REVIEW	ANALYSIS (AND NOTES)
Clause 21 (MSS)	Update Clause 21 with a focus on sustainable development, renewable industry and the equine industry.	Completed and implemented in C50
	Updated Clause 21 with revised structure plans for Euroa, Violet Town, Avenel and Nagambie based on the strategic reports	Completed and implemented in C50
	Updated Clause 21 with develop new Structure Plans to be created for Longwood, Strathbogie and Ruffy.	Completed and implemented in C50
Clause 22 (LPP)	Revised Housing and House Lot Excision Policy to better deal with the issue of dwellings on small lots in the Farming Zone, including more consistent cohesion with terms and requirements of current zoning.	Completed and implemented in C50
	Deletion of the Natural Landscape Protection Policy. Ridgeline protection requires specific Significant Landscape Overlay due to the current policy's broad dimensions being unsuitable. The use of an Overlay would better deal with this issue.	Completed and implemented in C50
	Further assessment of the Timber Plantations Policy is required due to significant conflicts between local policy and state direction.	Completed and implemented in C50
	Revision of the Intensive Agriculture Development Policy (for Rural Industry) to better deal with modern industries and encourage sustainable industry in suitable locations. Revised Policy title - 'Sustainable Rural Industry and Intensive Agriculture'.	Completed and implemented in C50
	Development of a Sustainable Animal Keeping Policy to better deal with applications for animal keeping.	Outstanding.  Significant changes have occurred in relation to intensive agriculture by State Government.
	Deletion of the Development in Rural Areas Requiring Buffer Distances Policy, due to buffer distances being itemised with Clause 52.10 Uses with Adverse Amenity Impacts. Relevant controls will be located within the revised Sustainable Rural Industry and Intensive Agriculture Policy.	Completed and implemented in C50
	Development of a services policy requiring urban zone proposals to connect to water and sewer services if available.	Outstanding.  However, Council has imbedded the IDM into their planning scheme which should address these issues. As a result, it is considered that this is no longer a key concern or need for SSC to address.  No requirement to complete.
	Development of a Muted Tones Policy, due to the current Council Policy showing suitability for inclusion with the Strathbogie Planning Scheme.	Completed and implemented in C50 was input into Clause 21.
	Development of a Small Crown Allotment Consolidation Policy to deal with inappropriate pressure for development on number of small crown allotments in the Farming Zone throughout the municipality	Completed and implemented in C50 was input into Clause 21.



#### 4.3.2. Key Issues Highlighted by the 2011 Review

The 2011 Planning Scheme Review identified six major planning issues for the Strathbogie Shire, these included:

- Flooding;
- Bushfire;
- Climate Change, Sustainability and Renewable Energy;
- Infrastructure and Facilities;
- Sustainable Development; and,
- Odour.

These issues remain relevant at the time of the current review.

#### Flooding

Euroa, Violet Town, Avenel, Nagambie and much of the low-lying rural areas are affected by varying degrees of flooding. The Strathbogie Planning Scheme currently addresses flooding through the application of zones and overlays, including the Urban Floodway Zone (UFZ), the Floodway Overlay (FO) and Land Subject to Inundation Overlay (LSIO).

The recommendation of the 2011 report was that there is a continual need to monitor and review the application of these tools, as every flood occurrence is different and over time the flood landscape can undergo transformation.

In October 2017, there was another serious flooding event in the shire. This highlighted, once again, the importance of identifying areas with appropriate flooding controls. It is considered that the LSIO, FO and UFZ should again be considered, addressing triggers and extent. Where possible development should be directed to townships that are not affected by flood controls, which reduces risk to Strathbogie Council and the need for development contributions. The Catchment Management Authority is currently reviewing several of their flood studies, it is recommended that these be implemented into the planning scheme once complete.

## Bushfire

As discussed in the 2011 report, the threat from wildfire is a very present issue to much of the municipality, especially in the ranges where the vegetation cover is denser, and the topography is steeper.

Since 2011, there have been significant changes to Clause 13 and the Bushfire Management Overlay (BMO) controls. Whilst this is an ongoing issue no further activity has occurred requiring additional investigation, the state provisions at this time provide adequate direction for Council.

## Climate Change, Sustainability and Renewable Energy

The 2011 report identified that climate change is an emerging threat to residents, infrastructure, industry, and the environment within our municipality and the region. Climate change is widely considered to increase the frequency and severity of weather events. Therefore, there is an increased chance of longer, harsher droughts; longer, drier summers; and more regular bushfires.

It considered that, there may also be an increase in more extensive and more frequent flood events, and, most significant to the region, more regular severe storm events. The report stated that *land-use planning must encourage suitable industry in appropriate locations with high quality infrastructure. This municipality will proceed with a sustainable future through advanced technology, combined with common sense and basic elements. Further to this, renewable energy is one of the most effective ways to plan for a sustainable future and as such should be supported and encouraged.*

These discussions, and the need for corresponding policy directions, are still relevant for the ongoing management of land use in Strathbogie. Providing directions for issues relating to climate change is key to the ongoing improvement for the Strathbogie Planning Scheme. These issues are further explored throughout the review.

## Infrastructure and Facilities

Infrastructure renewal is an important process to enable the Council to move forward and effectively deliver services across the Municipality. Strathbogie Shire Council covers an extensive

area with four large, two smaller and a number of historic settlements; which leaves the Council responsible for a number of recreational facilities that require maintenance and upkeep. Recreational facilities are important to the area as they promote a strong sense of community.

Issues of infrastructure are central to issues of land use and development in all municipalities. Since 2011, Council has included the Infrastructure Design Manual (IDM) into the planning scheme as a background document to assist with guiding planning decisions.

### Sustainable Development

Strathbogie Shire Council has previously focused on attracting rural industries and intense animal husbandry. The previous report noted that:

*"It is important that Council takes the approach that not all industry is good industry. Whilst Council still wishes to support rural industries and intensive animal husbandry, it is important that it occurs in appropriate locations, using advanced technologies to minimise any offsite amenity impacts."*

Since the 2011 report, significant work has been undertaken by the State Government to further explore issues of intensive agriculture. It is considered that these issues are important to Strathbogie Shire and have been considered as part of the review, however, it is noted that there are gaps in strategic work that should be further explored as part of the strategic work program.

### Odour

The previous 2011 Review report noted that:

*"Already established in this region are the following rural industries/intensive animal productions: mushroom compost facility, broiler farms, sewerage farms and chicken rearing facilities. Odour has been a major issue for Council within the Ballantines Road, Nagambie precinct due to rural industries which emit odour."*

Currently other types of industry are looking to establish themselves within this region. Council must ensure that new applications received address the issue of odour, by submitting an Environmental Risk Assessment, a-site specific Environmental Management Plan and a detailed Odour Assessment.

While these issues remain central it is important to note that these requirements may need to be further embedded into the planning scheme controls, however, as a result of Amendment VC148 it is no longer possible to amend planning schemes to include additional permit requirements/application requirements, however balanced with the significant changes to the intensive animal provisions within the scheme there is already opportunity to request information at the time of the planning application.

At this time it is considered that while odour is a concern for Council the planning provisions already contain significant opportunity to request and assess such planning permit applications.

#### 4.4. Observations Regarding Previous Review Recommendations

As highlighted above, the initial introduction of the 'new format' Strathbogie Planning Scheme was considered by an Advisory Committee and Planning Panel in 1998/99. Other updates and 'reviews' have been undertaken in 2002, 2006 and 2011. All of these reviews recommended changes to the Municipal Strategic Statement.

For a range of reasons there has only been a couple of amendments that have introduced significant changes to policies within the Strathbogie Planning Scheme. Amendment C50 was a significant revision of the Municipal Strategic Statement and Local Policies including a number of structural, editorial and new policy initiatives. It was the subject of an independent Planning Panel, who comprehensively considered the amendment and made significant recommendations which resulted in a comprehensive rewrite of the Strathbogie LPPF.

Since 2011, there has been considerable strategic work completed and adopted at the state, regional and local level which is yet to be absorbed into the Strathbogie Planning Scheme. In that context, it is considered prudent to completely restructure the 'front end' of the Strathbogie Planning Scheme so as to make it compliant with the new Planning Policy Framework.

#### 4.5. Key Findings

Much of the strategic work identified in the previous 2011 planning scheme review has been completed and implemented into the planning scheme.

The key outstanding items are:

- Further embedding application requirements for odour emitting applications is considered unnecessary at this time, however, a program to request further information at the time of planning applications could be improved.
- Consideration of the LSIO, FO and UFZ to include revised permit triggers as well as more exemptions from requiring a planning permit.
- Development of a Sustainable Animal Keeping Policy to assist with assessing applications for animal keeping.

#### 4.6. Further Strategic Work

The key outstanding item is undertaking background work to assist with informing the development of a Sustainable Animal Keeping Policy to better deal with related applications. This should consider work undertaken more recently by the State Government and provide additional advice for local application.

## 5. STATE PLANNING POLICY CONTEXT – KEY DOCUMENTS

Plan Melbourne is the metropolitan strategy for Melbourne, which includes some limited policy direction for regional Victoria, whilst the Hume Regional Growth Plan furthers the broader policy objectives.

### 5.1. Plan Melbourne 2017

*Plan Melbourne 2017* sets out the State's strategic vision for population and employment growth in the city of Melbourne and state of Victoria through to 2050. Plan Melbourne was initially prepared in 2013 with the recommendations incorporated into the Planning Scheme in 2014. Since that time, it has been 'refreshed' with the latest version focused on seven policy outcome areas.

Of particular relevance to Strathbogie is Outcome 7 which outlines:

*"Regional Victoria is productive, sustainable and supports jobs and economic growth".*

Plan Melbourne outlines several key concepts for planning the future of Melbourne and recognises the role of regional centres in contributing to Victoria's long-term prosperity. As growing pressure to accommodate an increasing population is placed on Melbourne's limited space and resources, the ability of regional centres that are well-connected and within viable commuting distances of capital cities to offer alternate housing and employment opportunities is recognised.

To achieve this outcome the key directions and policies include:

- *Support planning for growing towns in peri-urban areas*
- *Improve transport and digital connectivity for regional Victoria*
- *Strengthen transport links on national networks for the movement of commodities*

Plan Melbourne notes that the key to attracting growth to the Hume region will be optimising development potential through major infrastructure planning and strategic investment whilst protecting the region's natural assets. Infrastructure that further supports connectivity between regions, key gateways and transport routes will support the development of new and existing industries and



Map 23

Victoria's connected cities and regions

- Capital city
- ★ Regional city
- Regional centre
- ✈ Transport gateway – airport
- ⚓ Transport gateway – seaport
- Primary road
- Secondary road
- +++ Rail network
- 100-km radius from central Melbourne

contribute to employment generation.

The Plan also discusses that some towns and regional communities are actively looking for opportunities to increase population growth to support local businesses, services and community organisations. Commuter towns such as Nagambie, Euroa and Avenel (in particular) are well positioned to take advantage of job opportunities that are expected to be required to meet the needs of Melbourne's population growth through, tourism, new energy, and food and fibre businesses. Similarly, with good access to affordable housing, health care, education and internet technology, it is expected that the Strathbogie municipality could support any population boom generated by a strong metropolitan Melbourne.

The refreshed Plan Melbourne was implemented into all planning schemes across Victoria by the State Government through Amendment VC134 in March 2017.

## 5.2. Hume Regional Growth Plan

The Hume Regional Growth Plan (HRGP) is the regional planning response to the policy directions set out in Plan Melbourne, focusing on six key planning principles that the plan seeks to develop, including:

- *Efficient and sustainable settlements;*
- *Sustainable rural communities;*
- *A healthy environment and a celebrated heritage;*
- *Healthy, vibrant and resilient communities;*
- *A thriving and dynamic economy; and,*
- *A mobile and connected region.*

The *Hume Regional Plan* (HRP) is a long-term strategic plan for improving economic, social and environmental outcomes for the Hume region and its community responding to the most significant challenges and opportunities for the region over the next ten to twenty years.

The development and implementation of the HRP brings together all levels of government and business, as well as a wide range of agencies and community organisations. The HRP provides a framework in which priority projects and initiatives, that will drive improved regional capability, are identified, agreed, and advocated for.

The HRP reinforces the recognition of Strathbogie's main towns, in particular, Euroa and Nagambie as

urban localities that will continue to accommodate growth. It states that these locations offer natural attractions and lifestyle opportunities, such as rural settings and access to significant water bodies. These towns will continue to support surrounding rural communities by providing services and access to services in larger urban localities. Some of these localities offer unique growth opportunities related to natural characteristics, provided growth can be managed to protect environmental assets and values, and limit exposure to natural hazards, especially bushfire and flood.



Figure 1: Future urban growth



## 6. STATE GOVERNMENT INITIATIVES

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Since the preparation of the previous 2011 Review, there has been considerable change to policy at the state level, including the introduction of various planning policies and initiatives. These include the introduction of a new suite of zones, a modified native vegetation framework, a revised State Planning Policy Framework and revised bushfire provisions.

Current Government initiatives that have been developed, or being considered, include:

- Review and inclusion of new zones including revised Rural Zones, Residential Zones, Industrial Zones and Business Zones (now Commercial Zones);
- Melbourne Metropolitan Plan ('Plan Melbourne Refresh');
- Bushfire protection provisions, as well as inclusion of new areas mapped to be contained within the Bushfire Management Overlay (BMO);
- Review of the State Planning Policy Framework and Local Planning Policy Framework (the new Planning Policy Framework structure);
- The review of the local development contributions system;
- Intensive Agriculture Advisory Committee;
- Introduction of a revised Native Vegetation Framework – VC138;
- Modifications to the Planning and Environment Act (2013);
- VAGO Report (2016);
- The review of the development contributions system;
- Recommended separation distances for industrial residual air emissions (EPA March 2013);
- Regional Growth Plans (including the Hume Regional Growth Plan);
- New time frames (Ministerial Direction 15) for the Planning Scheme Amendment Process;
- 'VicSmart' system which introduces standard State-wide requirements for low impact planning permit applications; and,
- New requirements under the Ministerial Direction on the Form and Content of Planning Schemes.

Appendix A contains a consolidated list of relevant amendments since 2014, over 40 amendments

have occurred that have had an impact on the Scheme. The most recent and most relevant initiatives, the implications for the planning scheme are discussed in this report.

## 6.1. Smart Planning

The *Smart Planning Rules and Policy Program* seeks to reform Victoria's planning system and change the Victorian Planning Provisions (VPPs) to make planning schemes more efficient, accessible and transparent.

The State Government has initiated the Smart Planning program to reform and modernise the Victorian planning system, and to increase the effectiveness and efficiency of the operation of planning schemes. Amendment VC148 made a number of changes to planning controls across all planning schemes in Victoria, in an effort to improve the overall clarity and consistency of controls and policy. It also removed matters deemed to be low impact and low risk from the planning system, which is anticipated to reduce delays and allow Council resources to be redirected to more significant applications.

A range of changes as a result of the Smart Planning project have been undertaken including changes to definitions, in particular Home Based Businesses. Other changes are proposed to be updated in June 2019 including systems to improve digitalisation of the planning scheme and systems for amendment approvals.

## 6.2. New structure of the Planning Policy Framework (VC148)

In a discussion paper released in late 2017, the Smart Planning Rules and Policy Program discussed the need to transform the structure of the planning scheme into a Planning Policy Framework (PPF); the structure will include state, regional and local policy within an integrated structure. These changes will require Councils to review and update their Local Planning Policy Framework, in particular Clause 22. Other changes are anticipated including variations to some zones and overlays where localised information will be able to be updated as part of the transition to an integrated PPF.

On the 31 July 2018 the State Government approved and gazetted Amendment VC148 which updated the planning schemes to facilitate the new PPF Structure.

### 6.3. Amendment VC148 Smart Planning

Amendment VC148 was the third amendment made to the Victorian Planning system as part of the reforms proposed by Smart Planning project. The changes to the structure of the new PPF have already been discussed in Section 6.2.

Amendment VC148 also made a number of other significant changes including:

- New Permit exemptions

Changes introduced by the amendment also sought to remove the need for a planning permit for the following land uses: *Convenience shop* in an Industrial 1 Zone, *Take away food premises* in an Industrial 1 or Industrial 3 Zone and, *Service industry* in an Industrial 3 Zone (subject to conditions). And in circumstances where the number of parking spaces required to be waived is less than 10 spaces, no permit is required.

- Changes to VPP tools

Amendment VC148 made a range of changes to the VPP tools, which can be summarised as:

- Amendments to specific zones, overlays and particular provisions.
- Introduction of a specific controls Overlay to replace Clause 52.03 - Specific sites and exclusions. This will require specific sites to be mapped to increase transparency.
- Deletion of particular provisions, including, for a Service Station, Car Wash and Motor Vehicle, Boat and Caravan Sales.
- Changes to Clause 43.01 - Heritage Overlay to mandate a statement of significance for any new heritage place (transitional provisions apply).
- Exemptions for applications that are triggered by Clause 52.29 – Land Adjacent to a Road Zone.
- Alterations to Clause 52.05 – Signs to provide clarification and more guidance for planning permit applications.

These changes have a significant impact on the Strathbogie Planning Scheme. The amendment has resulted in the requirement to make changes to the overlays, local provisions and particular provisions.

The changes to the car parking provisions may have an impact on Council given that most new businesses will no longer require a planning permit for car parking waivers; this will assist by

facilitating and reducing red tape for new business. However, it may have an effect on the perception of the community regarding limited car parking opportunities within townships. These matters will need to be addressed in any township/urban design strategy undertaken by the Council or in policing any parking restrictions to encourage the turnover of car spaces.

Following on from the VC148 a new *Practitioners Guide to Victorian Planning Schemes* (October 2018) has been produced which articulates the principles in the day to day formulation and drafting of planning scheme provisions. Importantly, the guide sets out key rules for practitioners when preparing planning scheme provisions.

#### 6.4. Land Use Terms Advisory Committee

In October 2017 the *Reforming the Victoria Planning Provisions: A discussion paper* was released which sought comment on a range of proposals to improve the system. In order to respond to the submissions received an Advisory Committee was established, and recently a *Discussion Paper of the Land Use Terms Advisory Committee* has been released for targeted consultation during March and April 2018. Although this process has not yet been completed and finalised, it is anticipated that once this has occurred the Strathbogie local policies will need to be reviewed having regard to the new terms that are introduced to ensure that its policies are robust and up-to-date.

#### 6.5. Intensive Agricultural Industry Advisory Committee

Food and fibre production is a significant local industry in Strathbogie, and an important contributor to the Victorian economy. There have been substantial changes in livestock production practices over the past years and the planning system has largely been reactive in this space. The potential off-farm impacts for intensive animal operations need to be managed to protect the environment, as well as those farming and those neighbouring the facilities. Potential land use conflicts are particularly notable when they concern tourism-based agricultural enterprises or urban-agriculture interfaces.

Potential impacts from intensive animal farming operations include:

- animal welfare and biosecurity;
- environmental;
- residential amenity;

- rural economic development; and,
- infrastructure.

In December 2015 a *Discussion Paper: Animal Industries Advisory Committee* was released which sought to consider community concerns in regard to the regulation of animal industries and changing industry practices, and provide advice to the Minister for Planning and the Minister for Agriculture. In particular, advising the Ministers about *how the planning system can support the establishment and expansion of productive, competitive and market-responsive animal industries in Victoria, balancing environmental outcomes and community expectations*. The role of the Advisory Committee was to provide advice regarding the purpose and function of the planning system to support animal industries with consideration of changing industry practices, increasing production, and market changes; and the suitability of the current planning definition of 'intensive animal husbandry' in Clause 74. A total of 146 submission were received. Hearings were held to consider submissions between 22-26 February 2016.

In late April 2016 the *Final Report* found that:

- The planning controls currently applied were insufficient and have negatively affected rural communities, including producers and investors, and those neighbouring intensive agriculture operations. It was determined that a well-run operation would be suitable in most rural areas; however, that those poorly-run or poorly-sited operations can cause significant environmental and amenity impacts.
- The rural zone provisions, including the Farming Zone, do not adequately manage competing land uses in Victoria's rural communities.
- The planning controls were out-of-date, and did not deliver suitable outcomes and hindered investment and innovation.
- There was uncertainty within the industry, planners and the wider community regarding when planning permits were necessary. This was especially the case when facilities transitioned from extensive to intensive agricultural operations.
- The Codes of Practice incorporated into the planning system were either out-of-date or non-existent.

It is worth noting that the Committee found that many submissions regarding intensive animal farming concerns came from other farmers, and that reducing the number of dwellings in farming

areas reduces the scope for conflict. It is not simply that tree-changers and sea-changers have a different view of the appropriate amenity of farmers; farmers also disagree amongst themselves.

The report concludes that *the regulation of animal industries is complex, uncertain and does not adequately respond to, or support, changing animal industry practices or community expectations.*

## 6.6. Bushfire Protection Provisions and the Bushfire Management Overlay (BMO) – Amendment GC13 and Amendment VC140

In accordance with the recommendations of the *2009 Victorian Bushfires Royal Commission*, mapping of the Bushfire Management Overlay (BMO) was updated via Amendment GC13 in October 2017. The purpose of this update was to ensure that bushfire hazards were accurately mapped using a consistent set of criterion and that risk was adequately captured in the planning system.

Amendment GC13 updated BMO mapping in 64 planning schemes in Victoria (including the Strathbogie Planning Scheme). It also introduced two new BMO Schedules (and associated mapping) to 47 planning schemes in Victoria (including the Strathbogie Planning Scheme), deleted redundant information, and deleted the BMO in areas no longer considered to be at risk.

Changes to the provisions at Clause 52.47 (now 53.02) *Planning for Bushfire* now allow for a streamlined planning permit application process. Pre-set bushfire protection measures now included in the provisions eliminate the need for referral to the Country Fire Authority for single dwellings on land affected by BMO Schedules, provided certain requirements are met. These include predetermined B.A.L ratings for buildings, defensible space, water supply and access.

Amendment VC140 made changes to bushfire provisions, together with consequential changes to other provisions. The amendment inserted an updated State Planning Policy Framework at what was then Clause 10 (Operation of the State Planning Policy Framework) and inserts an updated State Planning Policy Framework at Clause 13 (Environmental Risks). In summary, the changes require Planning and Responsible Authorities to:

- *Prioritise the protection of human life and the management of bushfire impact.*
- *Avoid any increase in the risk of bushfire to people, property and community infrastructure.*

- *Direct population growth and development to low risk locations and also to ensure safe access to areas where human life can be better protected.*
- *At a settlement level, achieve no net increase in bushfire risk, and where possible reduce bushfire risk overall.*
- *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.*
- *Ensure that development has addressed relevant policies, satisfied performance measures or implemented bushfire protection measures.*
- *Consider bushfire risk in bushfire prone areas when assessing a planning permit application for specified uses and development such as accommodation, childcare and hospitals, etc.*

The following new provision was introduced into the Strathbogie Planning Scheme and is of particular importance to settlement planning:

#### *Settlement planning*

*Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:*

*“Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009.*

This change will need to be considered as part of a number of current planning scheme amendments, as well as for land included in settlement boundaries which could have a higher B.A.L rating.

## **6.7. Introduction of a revised Native Vegetation Framework – Amendment VC138**

The Native Vegetation Provisions seek to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. Amendment VC138 seeks to implement the outcomes of the Victorian Government’s 2015 review into the operation of native vegetation clearing provisions in the Victorian Planning Provisions which found the need to:

- Streamline the processes and procedures for the preparation and assessment of an application to remove, destroy or lop native vegetation;
- Strengthen the provisions by enabling a broader range of native ecological values and for site specific assessment information to be considered in planning and decision making;
- Better account for the environmental value of large scattered trees, endangered vegetation types and sensitive wetlands and coastal areas in decision making;
- Make the system fairer, by allowing some site based information to supplement mapped information, and ensuring the information used in the regulations better reflects the vegetation on the ground; and,
- Improve monitoring and reporting on the implementation of the regulations.

## 6.8. VicSmart

The VicSmart planning provisions were introduced into the Victoria Planning Provisions and all planning schemes on 19 September 2014 by Amendment VC114, and were then extended in March 2017 by Amendment VC135, and again in July 2017 by Amendment VC137. Amendment VC142 made further minor modifications in January 2018 and Amendment VC148 deleted VicSmart Clause 90 to Clause 95 and incorporated the table of classes to each particular zone. Changes to *the Planning and Environment Regulations* to implement VicSmart were also made on 19 September 2014. *The Planning and Environment Regulations* were amended to:

- prescribe a time of 10 business days after which an application for review of a failure to grant a permit for a VicSmart application may be made;
- prescribe a time of five business days within which the responsible authority may require further information and stop the statutory clock;
- insert a definition of a VicSmart application; and,
- require the responsible authority to specify in the planning register whether an application is a VicSmart application.



## 6.9. Ministerial Direction on the Form and Content of Planning Schemes (April 2017)

New requirements for the form and content of planning scheme content have been introduced as a Ministerial Direction, which set out the exact style, headings and content that all content of planning schemes need to adhere to.

The updated Ministerial Direction on the Form and Content of Planning Schemes aims to ensure a smooth transition to the online Amendment Tracking System (ATS), which will have structured formatting and content allocations. ATS is a new tool, produced by State Government, to allow planning authorities to lodge, track and pay for planning scheme requests online. All planning schemes within Victoria will be migrated to the system by July 2019.

## 6.10. Key Findings

- There have been significant changes to bushfire matters, with improvements to the planning process and statewide consistency in BMO mapping.
- There have been a number of state initiatives and planning scheme amendments which have provided administrative improvements and clearer policy directions including through Amendment VC148 which introduced the PPF.
- There have been new exemptions from the need for planning permits in commercial and industrial areas, as well as the reduction carparking requirements in commercial areas, which will have an impact on township areas.
- There have been a number of State led planning scheme amendments that have reformed the provisions for development of wind farms, in particular Amendment VC124, which reduced the allowable distance of a turbine to a dwelling from 2km to 1km.

### 6.10.1. Matters that could be addressed by a planning scheme rewrite

- Update local content of the planning scheme to comply with new form and content requirements introduced by the new PPF.

## 7. LOCAL POLICY CONTEXT – KEY DOCUMENTS

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### 7.1. Overview

This section of the report identifies key land use strategic directions, initiatives and actions that are contained in strategic and governance documents of Council that have been prepared since the last planning scheme review.

In 2012 State Government changes require that Councils' three main statutory documents (Health & Wellbeing Plans, Council Plans, and the Planning Scheme) are brought into line with the council election cycle. These changes also seek to enhance linkages between the three Plans. The relationship between these three key statutory documents can be explained diagrammatically as follows:



In undertaking this Planning Scheme Review, the Council Plan (2017 – 2021), and the Liveability Plan (2017 – 2021) were reviewed.

### 7.2. Strathbogie Council Plan

*Strathbogie Council Plan 2017-2021* (the Council Plan) was adopted in June 2017. The themes of the Council Plan are as follows:

- Communities – ‘*Our plan to build flourishing communities*’

The Council Plan was developed using direct community engagement. Community engagement activities included:

- Adverts in local newspapers;
- Emails;
- Online and printed surveys;
- Radio shows;
- Council's website; and,
- Extensive social media.

Section 12A of the *Planning and Environment Act, 1987* requires that:

*“(4) A municipal strategic statement must be consistent with the current Council Plan for the municipal council approved under section 125 of the Local Government Act 1989.”*

Strategic outcomes and actions of the Council Plan which are relevant to land use planning are identified below. The table also provides a discussion of how they have been considered as part of this review:

Theme	Goals/Action from the Council Plan	Status
<b>Community Health and Wellbeing</b>	Goal: <i>To enhance community health and wellbeing</i>	Currently being implemented through a number of projects including: <ul style="list-style-type: none"> <li>• Focus on community within Planning Scheme.</li> <li>• Township strategies being developed with community health and wellbeing in mind.</li> </ul>
<b>Environment</b>	Goal: <i>To manage our natural and built environment</i> <ul style="list-style-type: none"> <li>- <i>As part of Municipal Strategic Statement review, explore opportunities for native vegetation protection overlays on roadsides.</i></li> <li>- <i>Support regional flood mitigation strategies to achieve flood mapping for townships.</i></li> </ul>	Revised MSS and LPPF documents should be updated to provide guidance with respect to environmental policies. Currently there are environmental initiatives being implemented through a number of projects including: <ul style="list-style-type: none"> <li>• Focus on community within planning scheme</li> <li>• Township strategies being developed with community health and wellbeing in mind.</li> <li>• Changes to various strategies in Clause 21.02-1, Clause 21.02-3, and more generally throughout</li> </ul>

the LPPF.		
<b>Infrastructure</b>	<p>Goal: <i>To provide quality infrastructure</i></p> <ul style="list-style-type: none"> <li>- <i>Ensure parking precinct plans for Euroa and Nagambie are included in urban design frameworks.</i></li> </ul>	<p>Currently the planning scheme provides significant direction regarding infrastructure.</p> <p>Since 2011 the IDM has been included into the planning scheme as a reference tool. There is another project being undertaken by Keaney Planning to investigate further imbedding the document into the planning scheme.</p> <p>Car parking is being considered as part of the strategic township documents.</p>
<b>Economic Development</b>	<p>Goal: <i>To support and drive economic development</i></p> <ul style="list-style-type: none"> <li>- <i>Ensure parking precinct plans for Euroa and Nagambie are included in urban design frameworks.</i></li> <li>- <i>Review rural land strategy and have these outcomes included into the MSS.</i></li> <li>- <i>Prepare an amendment to include the Gaming Policy Statement.</i></li> </ul>	<p>Continued improvements are being made to the planning scheme to include economic development policies.</p> <p>An amendment has been prepared and is currently being prepared regarding Gaming Strategy.</p>
<b>Governance</b>	<p>Goal: <i>To be a high performing Shire</i></p>	<p>Through reviewing the planning scheme Strathbogie Shire is undertaking a best practice review in accordance with the requirements of the <i>Planning and Environment Act 1987</i>.</p>

### 7.3. Liveability Plan

In 2017 Council adopted its Liveability Plan (2017-2021) in accordance with the requirements of the *Public Health and Wellbeing Act 2008*.

The purpose of a Municipal Public Health Plan is to provide strategic direction to Council by identifying the priority issues and health and wellbeing needs of the Strathbogie community. It also outlines Council's plan of action for the next four years in response to these needs and actions, and in doing so it provides an opportunity to improve community health and wellbeing through the enhanced integration of Council's leadership and service provision role.

The following objectives and themes, relevant to land use planning, have been drawn out from the Liveability Strategy.

Theme	Strategic Objectives from the Plan	Status
<b>Healthy Lifestyle</b>	Strategic Objectives: <i>Encourage our community to engage in healthy lifestyle habits across the life course.</i>	Revised MSS and LPPF documents should be updated to provide guidance with respect to these objectives. However, it is noted that currently the planning scheme already encourages footpaths and walkable environments.
<b>Rural Lifestyle</b>	Strategic Objectives: <i>Ensure that infrastructure and transport supports connection and active living.</i>  <ul style="list-style-type: none"> <li>• <i>Maximise the use of public spaces by ensuring their accessibility and safety.</i></li> </ul>	Revised MSS and LPPF documents should be updated to provide guidance with respect to these objectives. However, it is noted that the planning scheme already encourages passive surveillance and encouraging active spaces.

As identified above, the Health and Wellbeing Plan identifies Urban Planning, Transport Accessibility and Environmental Sustainability as priority issues.

#### 7.4. Audit of Council adopted documents

As part of this review twelve Council adopted documents have been considered:

- Marketing Strategy (under development);
- Gaming Policy (currently subject of Amendment);
- Economic Development Masterplan (under review);
- Tracks and Trails Plan;
- Active Spaces Plan;
- Roadside Conservation Plan;
- Sustainable Strathbogie;
- Recreation Masterplans;
- Waste Management Strategy;
- Liveability Plan;
- Community Facilities Plan; and,
- Township Fire Protection Plans.

In reviewing these documents, it has been considered:

- Whether they should be included as a background document;
- Whether they include information that should be included in the planning scheme;
- Whether this could be addressed through a planning rewrite; and/or,
- Whether they identify the need for further strategic work.

Also, as part of this review, Clause 21.08 Reference Documents was also revised, with many of the listed documents identified as no longer relevant. Since the introduction of VC148 'reference documents' no longer exist and are now referred to as 'background documents'. Incorporated and background documents can be referenced in the text of the MPS where a document has directly informed the creation of a provision but will not be listed in the MPS. The schedules to Clauses 72.04 and Clause 72.08 allow local incorporated and background documents to be listed in the planning scheme.

The findings are included in the Key Findings below.

## 7.5. Council led Planning Scheme Amendments since the 2011 Review

Since adoption of the previous planning scheme review in November 2011; twenty local planning scheme amendments have been completed. Of these, four have been proponent led planning scheme amendments. The remainder have been Council initiatives to improve the planning scheme or implement strategic planning work. In addition to the completed amendments, Council has been working with proponents on a number of other requests which have not proceeded for various reasons.

Amendment no.	Name	Completed
C39	Rezone Lot 1, TP139696, Racecourse Street Euroa (16 hectares) from Farming Zone to the Residential 1 Zone and introduce a Development Plan Overlay	25/01/2012
C44	The amendment applies the Road Zone Category 1 to parts of Avenel-Nagambie Road, Tabilk and Goulbourn Weir, Mangalore, Moorilim, Tabilk and Wahrung	02/02/2012
C61	Amends the schedule to Clause 52.17 to insert the Goulburn-Murray Water Code of Practice, February 2011 as a Utility installation code of practice.	29/03/2012
C58	Rezones 347 Zanelli Road Nagambie from Farming Zone to Special Use Zone schedule 3, makes the Minister for Planning the responsible authority for approving master plans pursuant to the zone schedule	04/10/2012
C66	Rezones 347 Zanelli Road Nagambie from Farming Zone to Special Use Zone schedule 3, makes the Minister for Planning the responsible authority for approving master plans pursuant to the zone schedule.	20/12/2012
C67	Inserts new incorporated document 'Underwater Testing Facility, Nagambie 2013' in the Schedule to Clause 52.03 and the Schedule to Clause 81.01.	5/12/2013
C65	Rezones Lot 1 TP139696 from the Farming Zone to the Rural Living Zone, remove the Public Acquisition Overlay and apply Schedule to the Rural Living Zone.	5/12/2013
C62	Applies the Road Zone - Category 1 to parts of Goulburn Valley Freeway and part of Hume Freeway, declared as freeways, removes redundant Public Acquisition Overlays (PAO1) and rezones land where the Road Zone is required.	6/06/2013
C59	Applies Heritage Overlay (HO30) to the former Soldiers Memorial Hall, 71 Railway Street, Euroa.	30/05/2013
C50	Replaces the Municipal Strategic Statement (MSS) at Clause 21 and local policies at Clause 22 of the Strathbogie Planning Scheme to implement the recommendations of the Strathbogie Planning Scheme Review.	5/12/2013
C41	s20(4) Ministerial amendment requested by Goulburn Valley Region Water Corporation and supported by	18/07/2013

	Council. Applies a Public Acquisition Overlay (PAO2) over part of land at 142 Longwood-Gobur Road.	
C69	Rezone site at Lobbs Lane from Farming Zone to Low Density Residential Zone and apply a Development Plan Overlay Schedule 3. the Floodway Overlay is to be retained.	11/12/2014
C42	Rezones part of land at Murray Street Nagambie from Farming Zone to General Residential Zone.	16/04/2015
C32	The amendment seeks to rezone land within the Farming Zone to Low Density Residential Zone and apply Development Plan Overlay.	12/11/2015
C74	The Amendment amends the MSS to reflect the vision and mission of the 2013-2017 Strathbogie Shire Council Plan (2015-2016 Review) and delete content of Clause 21.	4/08/2016
C70	The amendment rezones the subject land from Farming Zone to General Residential Zone (amends Planning Scheme Map No. 7) and includes the subject land within the Township Boundary on the Violet Town Strategy Plan.	25/02/2016
C4 Split Amendment (3 Part)	The amendment implements the recommendations of the Strathbogie Shire Heritage Study Stage 2: Volume 1,2,3 Part 1 and 2, 2013 into the Strathbogie Planning Scheme.	28/06/2016 03/08/2017 20/03/2018
C68	Amends Environmental Significance Overlay Schedule 1 to land within 1 km of Costa Exchange Mushroom Facility	21/03/2018
C49	Rezones the land at the north-eastern corner of Lot 2, Plan No LP121084 Plain Road, Nagambie from the Farming Zone to the Industrial 1 Zone.	21/03/2018
C48	The amendment applies to Allotment 20B Section D (CA20B) in the Parish of Strathbogie and proposes to rezone the land from Public Conservation and Resource	21/03/2018

## 7.6. Key Findings

Given that there has been a significant shift by DELWP on the focus of reference documents (during the course of this project), it is not recommended that any documents be included as background documents. Many of the documents identified were found to not have content that was relevant to, or should be included in the planning scheme, but should be addressed in other ways, such as implementation through funding and project delivery. These documents do provide good guidance that could be used to inform the Municipal Planning Strategy although would not be formal 'reference/background documents' at this time.



## 7.7. Matters that can be addressed by a Planning Scheme Rewrite

- Update the vision and strategic outcomes as identified in *Strathbogie Council Plan 2017 - 2021 and Liveability Plan 2017 - 2021*.
- Rewrite the content of the Economic Development clause of the PPF to include specific policy directions from the *Strathbogie Economic Development Masterplan*.
- Rewrite the content of the Environment clause of the MSS to include policy directions of the *Sustainable Strathbogie*. Include as relevant the Strathbogie Economic Development Masterplan at clause 72.08.
- Completely revise existing Clause 21.10 *Reference Documents* to delete the Reference Documents, which are no longer relevant and seek to include any appropriate strategies into Background Documents at Clause 72.08

## 8. OTHER INFLUENCES AND CHANGES

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As part of the review an investigation has been undertaken into the broad shifts that have had a considerable impact on the economies of the four major townships since the completion of the strategy plans.

### 8.1. Population and Demographics

In the past 10 years the population growth rate has been 6.66 per cent from approximately 9,600 to 10,330 people in 2016 (increase of approximately 730 people). The growth rate is slightly higher than previous estimations, however, the 2031 population forecast is for continued growth.

Demographic forecasts suggest a continuing trend towards an ageing population. It is important to recognise this trend as it raises a variety of questions, such as changes in the types of housing needed, workforce employment opportunities/constraints, and responding to servicing this changing demographic.

Local and regional policy encourages urban growth within the key urban centres which make up Strathbogie Shire – Nagambie, Violet Town and Euroa. At this time there is not a clear vision by Strathbogie Shire as to which of the townships growth is to be directed, however, by virtue of its proximity to Melbourne, in recent years Nagambie has had the quickest growth rate in the Shire, albeit slightly. Avenel, also closer to Melbourne, has also experienced a proportional increase in residents (approximately 170) and an increase in 100 dwellings which for the size of the township has been a large increase. Euroa and Violet Town are also well positioned to accommodate moderate growth, although some physical constraints (i.e flooding) exist in all townships.

### 8.2. Technology changes

Technology has changed significantly since 2011 when the first plan was completed. Increasingly the rapid development of new technology and access to transportable devices, including smart phones, has transformed the way that people interact with all aspects of their life. Although in the past this has not meant a huge impact on the urban form or land use of towns, it is becoming an important consideration in understanding if any changes are required to accommodate or respond to planning

for towns. This is especially the case with the potential of technological advances changing the way we experience and move through spaces (i.e. personal and public transport).

#### Technology and influences on retail

The rollout of better internet systems, including the National Broadband Network (NBN), provides local retailers the opportunity to embrace the online space as another platform to reach the local community, which they have previously only served through traditional 'bricks and mortar' retail. It also widens their market reach to customers living outside of their local area, as well as the opportunity for rural retailers to utilise or grow the way they communicate with their communities online. There is also the chance to work collaboratively with other retailers, their local council, chambers of commerce, customers, landlords and other interested stakeholders, to recreate what the rural main street once was – the cornerstone of the local community.

Notwithstanding opportunities for rural retailers to embrace the online space, there are also significant opportunities for new retail developments in Strathbogie's immediate future as a result of the following factors:

- Population growth - the population forecasts for the period to 2026 represent an average annual growth rate of 1.4 per cent.
- Low cost rent and, in some cases, operating costs for businesses relocating from metropolitan Melbourne or similar locations.
- Real growth in per capita retail spending is ongoing in an environment of economic growth, which generates an increase in retail demand from existing and future residents.
- Opportunities to increase the share of resident spending captured by local retail facilities in rural Victoria (i.e. a reduction in escape spending to larger centres, including Melbourne).
- Opportunities for additional 'captured' spending from tourists and other visitors. Looking forward, online retailing turnover is expected to grow.
- The shift in popularity towards online shopping has had a considerable impact on rural retailers, as residents look for products and brands they cannot find locally. However, current data indicates that 29.7 per cent of businesses located outside of capital cities have a web presence compared with 39.5 per cent of businesses located in capital cities. (National Digital Economy Strategy, DBCDE, 2011).

Major towns within Strathbogie are constrained by competition from other regions, in particular the larger towns of Seymour, Shepparton, Wangaratta and Albury/Wodonga. It is important for rural retailers and policy makers to work together to resolve issues including declining and no growth population, competition from larger regional centres and online retailers to allow retailers in small centres to continue to provide local jobs, incomes and economic development. While issues of technology and retail have been explored at this time, no land use related responses are required to be undertaken at this time. However, there is potential opportunity to encourage warehouses for online retailing in suitable locations. This should align with the direction for industrial expansion in the Industrial Land Study.

#### Technology and influences on location

There are opportunities for businesses, who can work from anywhere, to relocate to the rural areas where there is more affordable housing, a more relaxed lifestyle and access to warehousing on major transit routes.

Access to better internet speeds will have a direct impact on the accessibility to more flexible working arrangements. The increase in flexible work hours and locations has the potential for increased tree-changer interest in Strathbogie. Anecdotally, there is evidence that there has been an increase in time (days per year) spent in rural and regional holiday properties suggesting that weekenders are being used for increased periods through the year.

As more people embrace the online space, as another platform to reach new customers, this provides an opportunity for rural residents to start or grow the way they communicate with their communities online. The recent increase in flexible work hours and locations diversifies communities and the services they can provide. These changes in modern business practices are not considered to affect the ongoing land use of the Strathbogie at this time, although has been considered in terms of understanding additional workers and opportunities to attract new residents into the townships.

### **8.3. Changes to local economy due to growth of solar industry**

Globally, solar photovoltaic (PV) power production is increasing due to the scaled-up production and continually falling costs, and adaptation of power systems for storage and to cope with increased input. Over the past ten years significant changes have occurred to shift the focus onto increased planning approvals being sought for alternate energy projects. It is estimated that over 8,000

Australians are now employed in the solar energy industry, which has the potential to create thousands more jobs as it grows.

Increased pressures to allow for and approve solar farms is becoming an issue for local governments, in the past 12 months (2017-2018) there has been increased interest in possible new applications and businesses seeking to identify opportunities for large scale solar projects within the municipality (and neighbouring municipalities).

From a planning scheme perspective, it has been identified that there are some policy gaps within the Strathbogie Planning Scheme, addressing these gaps would better articulate appropriate locations for solar farms. Identification of appropriate locations for solar farms is becoming increasingly important to assist decision making and direct industry in the future, and is an apparent gap in the current Planning Policy Framework.

Solar farms have the potential to have a significant impact on the municipality which should be mitigated through appropriate location development. It is acknowledged that they could provide significant benefit to the economy and provide an opportunity for Strathbogie Shire Council to attract associated businesses.

#### 8.4. Infrastructure of major towns

Infrastructure includes basic physical and organisational services and facilities to support populations in their everyday living and industries in their operations. It includes transport infrastructure such as roads, rail and airports; civil infrastructure such as electricity, water, sewer and communications; and community infrastructure such as parks, playgrounds, community and education centres, and sports and recreation places and spaces. All of these types of infrastructure require consideration when planning for communities, however, many of these infrastructure elements sit outside the direct responsibility of local government.

The types of infrastructure available to communities influences the way in which they can operate. For example, dwellings without access to sewer infrastructure need to manage waste water onsite, generally meaning they require larger lot sizes, and some types of industry require access to particular types of infrastructure services in order to operate effectively. It is well recognised that strong community facilities and services provide a sense of place and wellbeing for communities. Accessibility and connectivity to these services and facilities is important to ensure all people can participate in, and

actively contribute to, their community.

The Hume Regional Growth Plan acknowledges that *'historically, growth has occurred without adequate consideration of infrastructure needs which can frequently result in existing infrastructure being inadequate or undersized'*. It further notes, *'the major constraints that appear common across most local government areas is the availability of funding for existing and new infrastructure'*. As articulated in the current Infrastructure Victoria 30 year plan, there is a well-defined nexus between land use planning and the provision of infrastructure. A clearer understanding of what Strathbogie Shire's role at the Victorian, regional and local level will assist both infrastructure provisions and land use planning for the municipality.

Access to V/Line bus services are a key element of the public transport mix for Strathbogie townships. These services are important for the community particularly, with a high proportion of the community (28 per cent), being over 65 years old. This is further exacerbated with increasing fuel prices and the number of people living outside existing urban areas which will increase the demand for both public and community transport services. Limited public transport options can lead to dependency on car based transit and increase risk of social isolation for non-car owners, such as the elderly, the young or low income earners.

# Section B: Planning Permit Audit and VCAT Findings

## 9. INDEPENDENT PLANNING PERMIT AUDIT

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In undertaking the audit, our objective was to assess whether planners are effectively managing planning files and undertaking adequate planning assessments in accordance with the objectives of the Act and whether this has achieved the intended outcomes of state and local planning policy.

In this audit, utilising a modified audit tool from the Department of Planning and Community Development (DPCD) toolkit, SD Planning focused more on how effectively the land use planning system delivers sustainable outcomes that are within its influence. To do this, we examined a selection of 20 planning assessments (5 per year) of land use and development proposals and statutory planning files.

The audit report also provides a break down and analysis against PPARS data that is publicly available.

A copy of the full report forms Appendix B.

### 9.1. Findings and summary

The auditors conclude that:

*'As an overall observation, we are satisfied that Council has achieved a high level of statutory compliance in its processing of planning permits. In particular delegate, assessments demonstrated high competency and understanding of key issues associated with the application.*

*The statistics and processing times should be commended. In the most part applications were processed swiftly and appropriately. However, there are a few areas for improvement that could further enhance the process and provide for good decision making, particularly concerning documenting pre-application meetings and onsite inspections;*

Key recommendations of the report included;

1. Ensure that 70% of proposals have undertaken site inspections before exempting applications from notification;
2. Formulate a standard template form that assists with observations undertaken onsite during site inspections;
3. Ensure that delegate reports provide the opportunity for digital imagery to be included within the body of the reports, to demonstrate knowledge of site and site visitation;
4. Investigate the better integration of technology and reports including better use of photography within reports.



5. That a pre-application form is utilised to record understanding of any prior pre-application meetings.

## 10. REVIEW OF KEY VCAT CASES

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Applications can be made to the Victorian Civil and Administrative Tribunal (VCAT) to review different types of planning decisions made by a responsible authority.

The right to an independent review of specified decisions is set down in the Planning and Environment Act 1987 (the Act). One of the objectives of the Act is '*to provide an accessible process for just and timely review of decisions without unnecessary formality*'.

The Act establishes opportunities for VCAT to independently review decisions about planning permits made by the responsible authority administering the planning scheme. In terms of this review Strathbogie Shire Council are the 'responsible authority'.

VCAT makes an independent assessment of the relevant issues. Most of the applications for review involve decisions about planning permits for the use and development of land. VCAT also has other decision-making powers in circumstances where no review of an earlier decision is made because the application is made direct to the Tribunal. For example, applications to cancel permits, and applications for enforcement orders.

In undertaking the review of the Strathbogie Planning Scheme and audit and analysis of all VCAT decisions during this period has been considered. During the review period there were a total of eight (8) cases heard. In terms of the cases it was a 50/50 split in terms of decisions, that meaning;

- VCAT supported Councils decision (affirmed or varied) in four cases and
- VCAT did not support Councils decision (set aside) in four cases

A copy of the full report forms Appendix B.

### 10.1. Findings and summary

Over the four-year period, the 1% rate of appeal to VCAT is considered to be a very low rate of review. In total there were 8 decisions heard against a total number of 786 decisions for the same period (2014 – 2018).

Across the eight VCAT appeals there were not many similarities or consistencies and all decisions were very much on a case by case basis. This indicates that there are not necessarily any fundamental concerns with the Strathbogie Planning Scheme that have seen repeated appeal or review to VCAT.

Only one internal process improvement can be suggested on the basis of the VCAT review and that was in an instance where not sufficient information had been considered in making a decision within the Rural Zone. In this instance (and balanced with the permit audit) it is considered that this is likely an isolated case, however it does highlight the robustness of Councils LPP's application requirements and decision guidelines.

It is also noted that currently Council are in the process of seeking to implement a Gaming Strategy and clause that additional guidance for future gaming applications through Amendment C78. It is understood that the development of this policy is partially in response to the case that was considered by VCAT in *Alston v Strathbogie SC* [2014] VCAT 760 (26 June 2014).

## Section C: Consultation of Review

## 11. CONSULTATION

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### 11.1. Purpose of Consultation

There is no prescribed formal consultation process associated with the performance review of the Municipal Strategic Statement (MSS) under the provisions of the *Planning and Environment Act 1987*.

However, given the relative age of the MSS, and the strategic intent within it, Council considers that consultation is an important part of the monitoring and review process. Reviewing existing documentation was not considered to be enough to measure the performance of the planning scheme and planning processes.

The purpose of the consultation was to identify issues relating to the performance of the Strathbogie Planning Scheme. As well as to understand stakeholder's expectations, how they understand the planning scheme and its processes, and how they think it can be improved.

This document outlines the consultation methodology, and the detailed recommendations that were identified through the process.

### 11.2. Method of Consultation

General and targeted consultation has taken place with the following stakeholders:

- Councillors & Executive Management Team
- Council Officers including:
  - Community Development Officers
  - Infrastructure
  - Strategic Planners & Statutory Planners
  - Environment
- Agencies:
  - DELWP
  - CMA

- Other Stakeholders

The consultation was undertaken as follows:

- Two workshops were held. The first was held on 15 May 2018 with Councillors and another on 18 June 2018 with council officers.
- Three one-on-one meetings with Agencies and stakeholders.
- Internet survey was sent to a range of stakeholders and agencies for completion.
- Emails and telephone calls were also made to a range of stakeholders.

### 11.3. Workshop One

Workshop One was held with Councillors and Executive Team on 15 May 2018. During the session Councillors were given a list of five land use planning strategies already identified within the 2017-2021 Council Plan. Discussion was held in relation to the reasons for the priorities of the plans/pieces of work and Councillors were asked to order the work to reflect their highest priority. As such, the work has been prioritised as follows:

1. Flood Mitigation and Flood Mapping – Flood Overlay and LSIO
1. Update Urban Design Frameworks for townships.
2. Landscape Preservation Controls
3. Update Rural Land Use Strategy
4. Managing Native Vegetation or utilising a VPO for roadside vegetation.

A second activity was undertaken to determine the important considerations of Councillors in terms of land use issues. Appendix C outlines verbatim the responses from both activities.

The key issues and concerns have been themed into four separate land use/planning related issues.

#### **Rural Land Use**

A series of issues were raised with respect to rural land uses and the balancing of rural land for agriculture and dwellings (usually on small lots). In particular, Councillors raised concern about:

- Fragmentation of agricultural land;
- The conflict between the development of dwellings and ongoing agricultural uses;
- Locking up of prime agriculture land in developments;
- Balance between intensive and environmental management;
- Land locked areas under the required size – have set a precedent over time as long as it has an agriculture pursuit. Council has supported most cases;
- Conflict between residents and farmers in the farming zone – small lot development in the farm zone – demand for residential living causes exceptions to planning scheme;
- Small lot applications for houses in farming zone – normally 40ha;
- The challenges of right to farms in the farming zone with tree changers – ideology versus reality;
- Not enough provisions for residential living in rural areas; and,
- Planning for sustainable animal industries.

### **Built Form and Residential Structure**

Issues that were raised with respect to built form and residential subdivision, included concern about:

- Increase in applications for poorly designed lifestyle villages; and,
- Decrease in lot sizes within township areas.

### **Commercial and Community Facilities**

Issues were raised with respect to the design of commercial areas and need to better incorporate community facilities and community deliberations into overall urban development designs. In particular, Councillors raised concern about:

- Making plans for high schools and more recreation space;
- Community planning within urban developments; and,
- Issues associated with a perceived lack of car parking.

### **Procedural Issues**

Councillor concerns focussed not only on land use issues, but also other aspects of planning from an administrative perspective. Concern was raised with respect to:

- Planning compliance;
- Getting planners in regional areas – bring back flying squads or regional planners support;
- The time that outside authorities take to deal with planning applications – referral authorities;
- Planning compliance and resourcing; and,
- Engaging people in the planning process.

### **11.4. Workshop Two**

Workshop two was held with a range of internal stakeholders from Council on 20 June 2018. During the session officers attended who represented the following disciplines;

- Planning
- Engineering
- Community Services
- Economic Development
- Environment
- Parks and Gardens

Discussion was held in relation to the reasons for the priorities of teams in terms of work being completed in the past four years. The results and discussions have been input and themed into the overall discussion (11.6) of the consultation.



### 11.5. Online Survey - Discussion

An online survey was prepared by Strathbogie City Council and was accessible from Council's website from 6 July to 20 July 2018. The survey invited Agencies and key stakeholders to provide feedback on the Strathbogie Planning Scheme.

Survey questions were designed to enable respondents to identify key trends and planning issues affecting the municipality and provide comments on the performance of the planning scheme.

Questions included in the survey addressed such topics as:

- Have there been any changes in the last four years that may affect how you, or your organisation, use the Strathbogie Planning Scheme?
- Has your organisation completed, or are currently completing, any work that may need to be reflected in the Strathbogie Planning Scheme?
- Does the Strathbogie Planning Scheme provide the overall strategic direction that you require for your role?
- What aspects of the Strathbogie Planning Scheme could be improved? Please specify why and how.

The survey questions and results are provided in Appendix D of this report.

There was a low number of responses, with three (3) completing the survey. The responses that were received were extremely helpful in providing feedback on the planning scheme. The low number of responses from an extensive invitation list may also reflect that there are no critical issues that require significant commentary by external agencies or stakeholders.

An overview of the makeup of the survey respondents and the views they expressed in the online survey is provided below. A discussion of the specific issues identified, including recommendations on how to respond to these issues through the planning scheme, is provided in Section 3 of this report.

### 11.6. Results of Consultation – Key Issues

A range of issues that should be addressed in the current review of the Strathbogie Planning Scheme were identified during the consultation. These key issues are discussed in this section of the report. The issues are categorised into five themes:

- Rural Land Use;
- Environment, including environmental management, sustainability and climate change;
- Built Environment and Residential Development;
- Economic; and
- Managing Growth and Infrastructure.

#### 11.6.1. Rural Land Use

Rural land use, and issues relating to it, was a strong theme throughout the consultation process. The development of dwellings creates controversial issues for the management of small rural lots as they can introduce residential uses into areas where farming is the main activity, and with the residential use, new amenity and service expectations. When not properly managed or located, the introduction of dwellings can bring land use conflicts and detrimentally impact both the nearby agricultural activity and the dwelling itself.

Dispersed rural dwellings can also be an unnecessary burden on Council resources due to the increased cost of servicing them. This also inflates the value of rural land, resulting in higher Council rates, making it more difficult for agricultural activities to expand or remain. Some councils have recently reviewed council land valuations to ensure they accurately reflects the value of land in light of changed likelihood of what can and cannot occur on this land.

One example suggested through the consultation was the ongoing conflict between residents and farmers in the Farming Zone – use of land by residential lots – motorbikes and cars impacting livestock – parties (all weekend) – complaints by residents about the impacts of farming practices.

#### 11.6.2. Environment including environmental management, sustainability and climate change

Issues relating to sustainability are increasingly important in the community and were highlighted throughout the consultation process.

Matters raised included:

- Concern regarding conflicts between the requirements within the State provision in relation to bushfire protections and vegetation retention;
- Focus on requirements to encourage native vegetation and roadside vegetation;
- Climate Change, in particular future planning for settlements that may be affected by increased pressures of flooding or other threats;
- Renewable energy; and,
- Environmentally Sustainable Design (ESD) and higher standards for sustainable housing and development.

The issue of native vegetation protection within the municipality was also raised. It was suggested that the Municipal Strategic Statement should recognise the importance of promoting land use and development that encourages and protects native vegetation (particularly in areas along roadsides), for example, by encouraging design solutions that minimise the removal of native vegetation.

Many of these issues will require investigation regarding the ongoing design and management in areas where these threats and development converge. In some cases, it was identified that there may be a need to commence an advocacy role to approach the State Government with respect to existing bushfire controls. However, such an advocacy role does not need to be included in the planning scheme.

Participants suggested a range of changes to the planning scheme, including a review of the Environmental Significance Overlays (ESO) and Vegetation Protection Overlays (VPO) across the municipality, changes to the schedules of the ESOs and the development of a local planning policy that reinforces the protection of native vegetation.

### **11.6.3. Built Environment and Residential Development**

Aspects of the built environment were raised, particularly in the Workshop 1. It was indicated that built environments need to be walkable, have a high level of amenity, with surveillance for improved safety and active street frontages. The attributes of a pleasant and walkable built environment were discussed and were primarily focused around urban design issues. The built environment should

enable active transport opportunities, encouraging residents to walk or ride bicycles in place of automotive modes. Identity and neighbourhood character were discussed as being important with the need for better design outcomes and respect of existing attributes of areas, including heritage controls.

One suggestion was that the Strathbogie Planning Scheme should be strengthened to ensure that there is a design framework that drives and protects preferred character and built form. Similarly, it was suggested that there is a need to better define townships and villages and identify key landscapes that need to be protected. During the workshops a key issue that was raised was that the existing scheme lacked policies that seek to protect the scenic amenity of the rural area and that there are existing framework plans that give clear guidance for decision making.

#### 11.6.4. Economic Development

Respondents identified the need for the drivers of Strathbogie Shire's economy to be clearly reinforced and supported in the Municipal Strategic Statement. These drivers include tourism, retail, industry and agriculture.

There was support for implementation of the recent *Economic Development Masterplan (review)* to be implemented into the planning scheme to reflect its policies, strategies and objectives in relation to land use and development. There was also support for the implementation of the township Structure Plans including, the *Euroa Structure Plan* to assist with activation of streetscapes and to make town centres interesting and dynamic.

During discussions in Workshop 1 it was raised that in some cases limited access to car parking poses a threat and weakness of the planning scheme, with respondents discussing that this was causing tension in retail spaces and town centres was resulting in traffic congestion affecting users of the towns.

#### 11.6.5. Managing Growth and Infrastructure

In other policy areas it is acknowledged that additional research is needed for Council to be able to provide a sound basis for a policy position. Climate change was once again raised as a key issue for managing future settlements and population locations.

The infrastructure needs of the municipality, including timing, responsibility and funding sources were also raised during the consultation. It was suggested that a key priority was further embedding the Infrastructure Design Manual (IDM) into the planning scheme to ensure certainly for decision makers and the development industry. The age and quality of infrastructure was also raised as a threat and weakness that should be considered in planning decision making, especially in regard to the risks of climate change.

During the consultation, particularly in Workshop 2, transportation was identified as a matter that may need to be addressed more effectively in the planning scheme. Transportation is recognised as an important aspect that contributes to the economic, social and environmental sustainability of the municipality.

This was seen as an issue of increasing importance with the demographic trends seeing a significant number of aged community members. Different modes of transport and alternatives to the car need to be encouraged to increase the equity of access to all members of the community. As well, this promotes better health and well-being outcomes. These alternatives include public transport, and active transport such as walking and cycling.

## Section D: Effectiveness of the Local planning content, Zones, Overlays and Other Provisions

## 12. EFFECTIVENESS OF LOCAL PLANNING CONTENT

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The existing Local Planning Policy Framework (LPPF) is made up ten clauses which are intended to provide further, localised policy directions. It is clear that there is a very strong correlation between some state and local issues, such as settlement, environment and economic development.

It is noted that the LPPF has been revised as a result of VC148 however, for the time being we have broken the clauses down into the existing parts. Local Planning Policies which previously sat at Clause 22 are being removed in the new format, with the revised policies being reworked to be included within the PPF structure. There will need to be significant structural change to the policies in order to integrate them into the new format, as there is no longer the ability to request *application requirements* or provide *decision guidelines*.

The structure of the new Planning Policy Framework (PPF) will replace the existing structure of the scheme and will include in one single section local, regional and state content which will be grouped by theme with directly relevant regional and local policies 'nested' under the corresponding state planning policy.

The new PPF comprises two sections:

- the Municipal Planning Strategy (MPS) - contained at Clause 10
- the state, regional and local planning policies - contained at Clause 11- Clause 19

The operation of the PPF is set out in Clause 71.02. Responsible authorities are required to take into account and give effect to all planning policies in the PPF. This operation will also be applied to local planning policies when they are included in the PPF in the future.

One of the key recommendations of this review is the rewriting of the local planning provisions to reflect the changes introduced by Amendment VC148. It is anticipated as a result the future PPF will, in conjunction with the new Municipal Planning Strategy (MPS), also replace the Local Planning Policy Framework (LPPF) in each planning scheme. The PPF enables all policy content in planning schemes to be merged into a single policy source.

### 12.1. Municipal Strategic Statement and Municipal Policy Statement

The Municipal Strategic Statement (MSS), establishes the strategic framework for the municipality and

needs to support the future Planning Policy Framework (PPF).

When a planning authority transitions its LPPF to the new PPF, it will also be required to introduce a Municipal Planning Strategy (MPS) at Clause 2 of the planning scheme. The MPS will be a concise description of the municipality and an overview of council's strategic planning direction. The MPS is comprised of three sections:

- the Municipal context;
- the Vision;
- strategic directions; and,
- Strategic Framework Plan.

The MPS provides a simple overview of the regional and local context for land use and development and then goes on to describe the type of municipality a council seeks to create. The general structure and content of the MPS (including page limits) forms part of the *Ministerial Direction - The Form and Content of Planning Schemes*.

The MPS will be a succinct expression of the overarching strategic policy directions of a municipality. It will provide for the planning scheme's policy foundation, based on the municipality's location and regional context, history, assets, strengths, key attributes and influences. Planning schemes already have similar clauses in the MSS, however the new concise format will ensure a more focused and direct message about a council's planning aspirations. The form and content of the MPS is set out in the *Ministerial Direction - The Form and Content of Planning Schemes*.

The MPS supports but does not form part of the PPF. The PPF and MPS will work together to form the strategic basis of a planning scheme.

In Clauses 11 – 19 the state, regional and local levels of policy are grouped by theme, with directly relevant regional and local policies 'nested' under the corresponding state planning policy if more specific policy is required for that subject matter (see Figure 2).

Every theme has a state policy and where that policy is sufficient there is no need to add regional or local planning policy. In order to be included in the PPF local policies must meet rules of entry relating





to content and drafting. These rules are outlined in Section 3.1 of this document and form a new Ministerial Direction. The compositional rules of policy are outlined in Section 3.2 of this document and also form part of the *Ministerial Direction - The Form and Content of Planning Schemes*.

As part of the review of the Strathbogie Planning Scheme we have identified the opportunities and gaps in policy and provide the following commentary. As a result of these significant changes, a complete rewrite of the Strathbogie Planning Scheme will be necessary.

## 12.2. Municipal Profile (Clause 21.01)

The Municipal Profile (at Clause 21.01), includes general information about Strathbogie Shire Council, as well as Council's vision and themes of the (now superseded) 2013-2017 Council Plan. The clause was recently updated through an administrative amendment which removed outdated information, however the Council Plan has been replaced and the content requires updating to include the themes of the current 2017-2021 Council Plan. The current themes are:

- *Quality strategic planning for our community's future*
- *Enhancing our lifestyle and strengthening our community*
- *Engaging our community to develop a shared vision for the future*
- *Driving our economic development*
- *Planning and delivering our infrastructure services*
- *Planning for long term sustainability*
- *Striving for excellence in our organisation*
- *Our Character – celebrating the uniqueness of our townships*

This section needs to be updated and revised into the MPS structure. As part of the revising the policies it will be important to ensure the strategic vision for Strathbogie Shire remains clearly articulated. This should be done utilising much of the information already contained in Clause 21.01 as well as drawing on the objectives and strategies currently outlined within the existing Clause 21.01, Liveability Strategy and Council Plan.

## 12.3. Sustainable Settlement (Clause 21.02)

The Settlement clause of the MSS (at Clause 21.02) seeks to implement the policy directions of *Clause*

11 – *Settlement* of the PPF. State policy seeks to ensure that there is a sufficient supply of land available for residential (and other) uses. In particular, *Clause 11.02-1 – Supply of urban land* of the PPF has the objective which states that this clause is intended “to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.”

The objectives of Clause 21.02 seek:

- *To have consistent planning across the Municipality that individually represents and respects the natural and built environment.*
- *To preserve and protect appropriate small community settlements.*
- *To promote the Strathbogie Shire as a sustainable rural living destination whilst minimising impact on productive agricultural land and/or the natural environment.*
- *To protect and maintain established farming areas.*
- *To ensure suitable land is available to provide for emerging rural enterprises, e.g. intensive animal husbandry, horticulture and equine industry.*
- *To prevent the further proliferation of dwellings on small crown allotments in the Farming Zone.*
- *To ensure that all structures blend in with the surrounding environment and that the aesthetic amenity of the area is preserved and/or enhanced.*

#### 12.4. Local Area Plans (Clause 21.03)

The Local Area Plans and township hierarchy (at Clause 21.03-1) set out a series of objectives and strategies for each township/local area. The categories include:

- Avenel
- Euroa
- Longwood
- Nagambie
- Ruffy
- Strathbogie
- Violet Town

This information will be important to retain with respect to guiding development for the future of Strathbogie Planning Scheme. The objectives and strategies will need to be carried over into the new policies to ensure that specific types of growth and areas for such growth are identified and directed appropriately. This is particularly important with meeting future population projections and attracting new industries and investment.

It is noted that updates to the townships will also be necessitated by the review of the Structure Plans currently being undertaken.

## 12.5. Sustainable Environment (Clause 21.04)

The Environment clause of the MSS (at Clause 21.04) seeks to implement various policy directions of *Clause 12 – Environmental and Landscape Values*, *Clause 13 – Environmental Risks and Amenity* and *Clause 14 – Natural Resource Management* of the PPF.

The objectives of Clause 21.04 seek:

- *To anticipate and adapt to the effects of climate change.*
- *To manage our water resources.*
- *To protect and enhance the natural environment.*
- *To encourage renewable energy sources, the reduction of greenhouse gas emissions and innovative waste management practices.*
- *To protect and manage floodplains.*
- *To minimise the risk to life, property and the environment from bushfire.*
- *To recognise and protect places of heritage, cultural and social significance.*

The *Sustainable Strathbogie Strategy* identifies the biggest environmental challenges for Council and could be used to inform any update to the planning scheme.

In terms of updating the policies and rewriting them for the PPF, it is considered that these issues can be translated into the new provisions. The key will be to ensure that the policies are specific in their direction of how the key issues- flooding, climate change, water resources, natural environment, renewable energy and how they should be dealt with within Strathbogie.

## 12.6. Sustainable Communities (Clause 21.05)

The Sustainable Communities clause of the MSS (at Clause 21.05) seeks to implement various policy directions of *Clause 19 - Community Infrastructure*.

The objectives of this Clause seek:

- *To provide places for people of all ages to engage in learning.*
- *To provide networked communities*

The policies in this section of the MSS lack clarity or direction in terms of policy support to guide day-to-day planning decision making. It is considered that this section should be significantly updated in the revised planning scheme.

## 12.7. Sustainable Infrastructure (Clause 21.07)

The Sustainable Infrastructure clause of the MSS (at Clause 21.07) seeks to implement the policy directions of *Clause 19 - Community Infrastructure* of the PPF. This clause of the PPF seeks to ensure that planning seeks to *“facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contribution plans.”*

This clause implements the state planning policy direction by providing localised policy regarding: renewable energy, community infrastructure and development infrastructure.

Infrastructure is a very difficult area to provide much guidance beyond the specifics of the state planning policy directions. However, it is important for Strathbogie to craft their policy directions carefully to ensure that their key issues of: aging infrastructure, insufficient drainage network, lack of walking/bicycle tracks and limited public transport, are captured in a manner that reflects and assists decision making.

It is also noted that currently there is a project being undertaken by the IDM Councils to investigate further integrating the policy directions into the planning scheme. This should be taken into consideration in the redrafting of the policy directions into the PPF.

## 12.8. Reference Documents (Clause 21.08)

Reference documents have been considered and discussed as part of this review, which is incorporated at **Appendix E**. As a result of the review a number of reference documents need to be removed due to their inability to be located or due to their relevance. There are also a number of documents that need to be updated to reflect more recent work completed by Council.

Since the introduction of Amendment VC148 *reference documents* no longer exist and are now referred to as *background documents*. *Incorporated documents* and *background documents* can be referenced in the text of the MPS, where a document has directly informed the creation of a provision but will not be listed in the MPS. The schedules to Clause 72.04 and Clause 72.08 allow local incorporated and background documents to be listed in the planning.

Any *background documents* should be published on Council's website so that external agencies and stakeholders can readily locate and access them.

## 12.9. Housing and House Lot Excisions in Farming Zone (Clause 22.01)

*Clause 22.01 – Housing and House Lot Excisions* policy applies to all land in the Farming Zone and assists with consideration of dwellings or house lot excisions. The policy basis for the clause is that inappropriate development of dwellings within the Farming Zone can lead to:

- Residential dwellings in isolation;
- Inappropriate rural residential development; and,
- Potential conflicts with farming practices.

The policy provides considerable guidance on directing Council's decision making, as well as providing clear guidance on the application requirements. In general, from a review of VCAT as well as Audit of planning files, it is effective at guiding decision making and providing adequate assistance to applicants. The rewording and revision of this policy into the PPF will need to be managed to ensure that the policy intent carries forward.

## 12.10. Sustainable Intensive Agriculture (Clause 22.02)

*Clause 22.02 – Sustainable Intensive Agriculture* applies to all land in the Farming Zone which provides guidance for the establishment of intensive agriculture in Strathbogie.

The policy basis for the clause is that it recognises that there is a need to:

- support existing intensive agriculture businesses;
- protect and balance decisions where it might impact the amenity of urban development; and,
- provide guidelines for growing sustainable intensive agricultural use and development.

The policy provides quite a lot of guidance on directing Council's decision making, as well as providing clear guidance on the application requirements. Given that the State Government has undertaken so much work, in terms of intensive agriculture, it is important to readdress the policy and reduce repetition and provide further guidance to the new policy directions. As a general policy it does not have any major issues however, from the review it is noted that much of the policy is outdated and could be better aligned for decision making purposes.

This policy will require significant rework given the changes through Amendment VC148 and the work undertaken by the State Government on animal industries.

## 12.11. Hume Freeway, Goulburn Valley Highway Environs (Clause 22.03)

*Clause 22.03 – Hume Freeway, Goulburn Valley Highway Environs* policy applies to the use and development of land within 100 metres of the Hume Freeway, Goulburn Valley Highway, and any Public Acquisition Overlay identified in planning scheme amendments reserving land for a new alignment of the Goulburn Valley Highway and associated access restoration purposes.

It provides policy guidance regarding noise attenuation of dwellings within this area, access to the freeway/highway and setback requirements.

This clause would be better represented as a DDO should there be any ongoing requirement for these policies to be in place, although it should be noted that in this instance consideration would only apply where a permit is triggered. As part of any review an audit of the areas that still require these policy directions should be undertaken and mapped and the content, requirements and design aspects articulated as an overlay.

## 12.12. Guidance for rewrite

When writing a local policy for the PPF, an assessment of policy themes is required to understand how best to prepare a policy. A local policy needs to contain one overarching theme. That theme needs to correspond with the relevant state theme. It is important to identify the main objective(s) of the policy in order to determine where to place it in the PPF. Figures 2 and Figure 3 show the relationship between the Strathbogie policy and the state policy.

An example might be heritage. The state provisions have a number of key aspects that are relevant about heritage, but the local provisions may provide more tailored responses for the local aspects. Another theme that is particularly relevant for Strathbogie is the rural provisions and providing localised guidance about rural housing and animal keeping/husbandry.

Place-based policies are an important part of implementing a strategic vision for an area. When assessing a permit application within a place it is important to understand the wider context of the vision for the place and therefore, there is a dedicated theme for place-based policies within the PPF at *Clause 11.02 - Structure planning*. An appropriate place-based policy under Clause 11.02 is a policy which relates to a specific geographic location or area and seeks to comprehensively develop that place in a cohesive and multi-faceted way. It includes broad-ranging thematic policies. The following guidelines should be used to help determine the use of Clause 11.

Place-based policy should:

- Apply to a specific, discrete spatial area. The area to which the policy applies should be mapped showing clear, defined boundaries.
- Include provisions which provide specific guidance particular to that place. If the provisions are more generic such that they would apply across multiple places, or to the whole municipality, then they should be located under the relevant thematic heading.
- Include content relating to multiple issues where there is a degree of interrelationship between those issues which requires an integrated policy approach and decision-making benefits from a coherent strategic narrative. If the policy content relates to just one or two discrete themes, these will be better located under the relevant thematic headings.
- Not focus on high level strategic directions about the role of a place, as these are better located in the MPS.

- Not replicate content in specific controls which apply to the place, such as a Design and Development Overlay. However, there may be benefit in providing a brief cross-reference to a specific control where the coherence of the policy would be reduced without it. For example, where a place-based policy includes urban character considerations for a suburb and a DDO applies to one street in the suburb.

In Strathbogie all of the township plans will be included in this area. The policy may include direction relating to use, urban design, building design (including overall scale and building form), advertising signs and the like. Policies which have a 'place-based' title but which are about a thematic topic are not considered place-based policies and will need to be thematically distributed.

### 12.13. Structure for rewrite

We have prepared the following image to show the relationship between Strathbogie Policies and the PPF Structure (also forms appendix F)

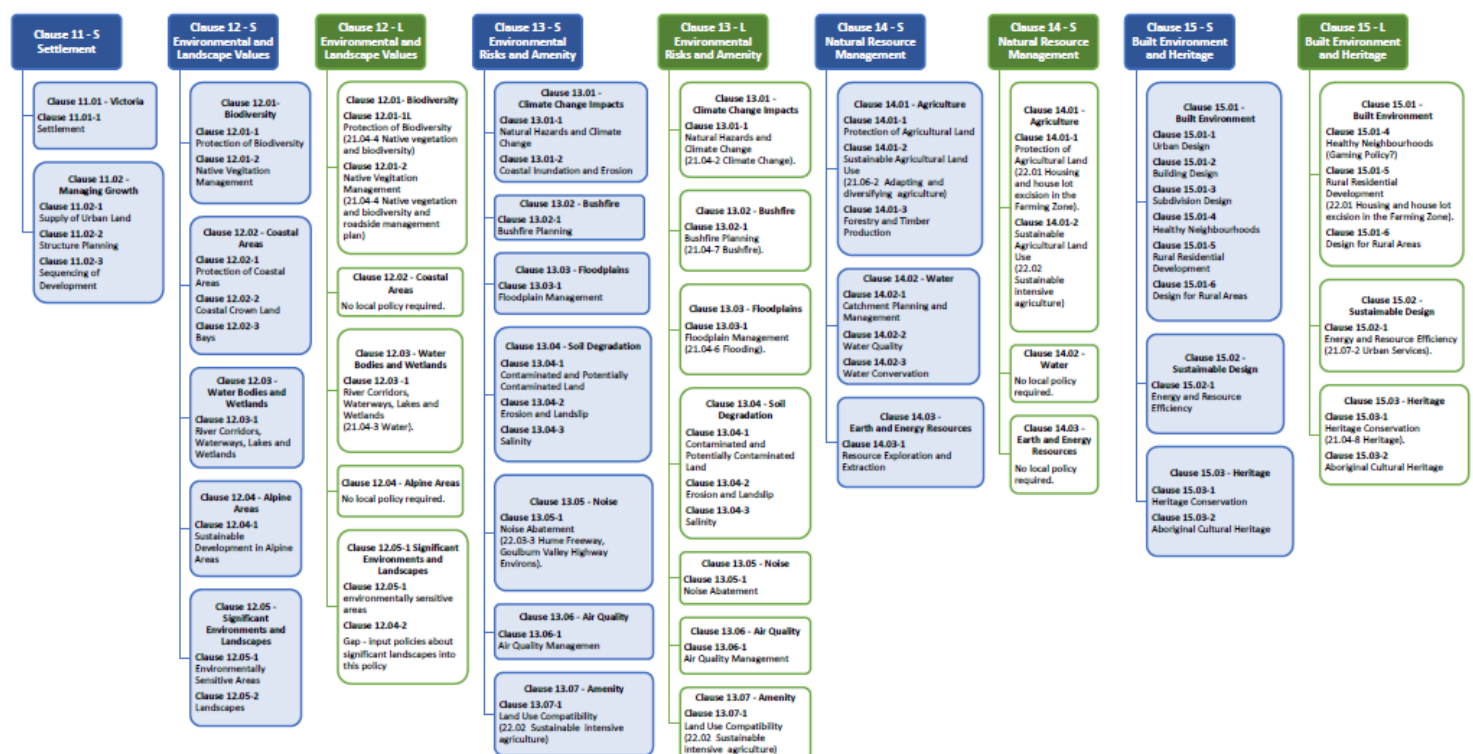


Figure 2: Clauses 11 -15



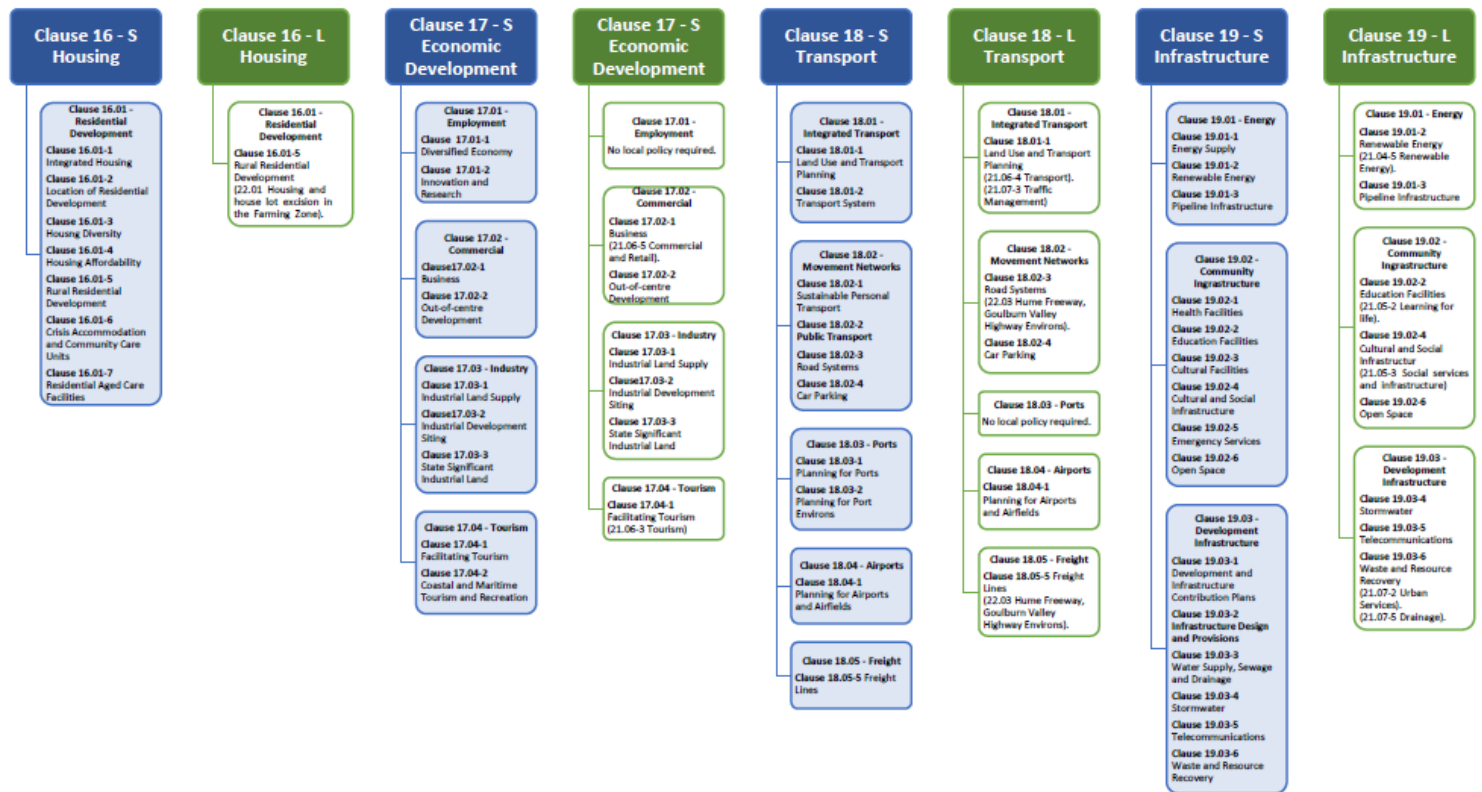


Figure 3: Clauses 16 - 19

## 12.14. Key Findings:

Having considered all of the themes and policy topics set out within the PPF structure, as well existing zones, overlays and particular provisions the following matters are considered to be gaps in policy that may need to be explored to provide Council with a robust framework:

- All aspects of the Strathbogie Local Planning Policy Framework (LPPF) need to be refined to accord with the new PPF. In undertaking this significant review of policy, it will be timely to update the existing policies. In undertaking the rewrite we believe that the principles for the review should follow the following rules; These policies must be rewritten to:
  - Remove vague policy directions;
  - Improve clarity, direction with respect to how land use and the Strathbogie direction; and,
  - Result in policies that are positively framed – to encourage rather than discourage unless absolutely necessary.

- Policies within the existing MSS will need to be translated into the new PPF format with specific local reference to provide value to state clauses. A key test will be to ensure that the policies provide local content that is clear and directive.
- Council's MPS Section will need to be developed with a clearer land use vision. This land use vision should include engagement with Councilors and reflect the principals of the Council plan (and other documents as appropriate).
- When integrating the existing local planning policies (Clause 22.01 and Clause 22.02) retain the specific guidance and should reflect the requirements already existing in the scheme. This may require the addition of a supporting document that provides specific guidance on how Strathbogrie assesses applications and the numerous requirements that should be provided with applications.

#### 12.15. Matters that require further Strategic Work

- Clause 22.02 – *Sustainable Intensive Agriculture* should be reviewed and rewritten taking into consideration the State Government policies and the new suite of land use definitions for animal industries.
- Clause 22.03 – *Hume Freeway, Goulburn Valley Highway Environs* should be reviewed to determine whether there continues to be a need to control development within these corridors and if so, it should be rewritten and represented as a DDO to increase its effectiveness.
- Key areas that had gaps that Council needs to develop policy statements to assist with transition are:
  - *Clause 12.04-1L - Significant Landscapes*
  - *Clause 14.03-2L - Earth Resources*
  - *Clause 15.02-1L - Energy and Resource Efficiency*
  - *Clause 17.01-1L - Employment*
  - *Clause 17.03-1L - Industry*
  - *Clause 19.02-6L - Open Space*

## 13. EFFECTIVENESS OF THE ZONES

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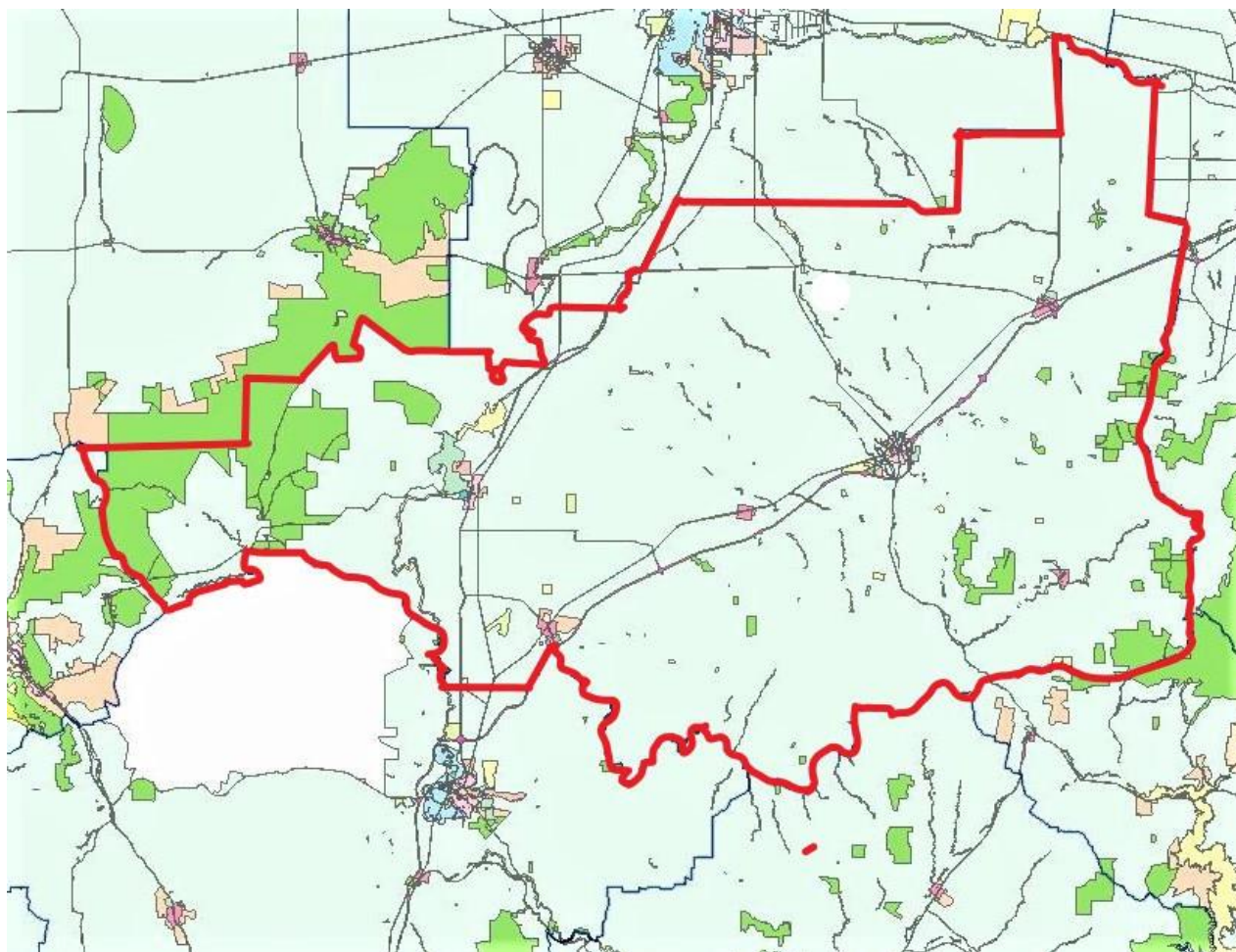
There are 15 zones applied to land throughout Strathbogie. Unlike overlays, zones cannot overlap with each other and therefore there can only be one zone for each piece of land. The purpose of planning zones is to control land use and development in accordance with the purpose of each zone.

Under each zone, the uses within that zone will be set out as a *Section 1*, *Section 2* or *Section 3* land use.

- *Section 1* land uses do not require a planning permit.
- *Section 2* land uses require a planning permit.
- *Section 3* land uses are prohibited.

Many zones also stipulate minimum lot sizes for subdivision, advertising requirements and decision guidelines.

Zones form part of the *Victorian Planning Provisions*, so they each have a standardised head provision. Schedules to zones provide Council with an opportunity to include localised content.



The 15 Zones applied in Strathbogie are grouped as follows:

#### **Residential zones**

- Low Density Residential Zone – one (1) schedule
- Township Zone – one (1) schedule
- General Residential Zone – one (1) schedule

#### **Industrial zones**

- Industrial 1 Zone – one (1) schedule
- Industrial 3 Zone – one (1) schedule

#### **Commercial zones**

- Commercial 1 Zone – one (1) schedule

#### **Rural zones**

- Rural Living Zone – two (2) schedules
- Farming Zone – one (1) schedule

#### **Public land zones**

- Public Use Zone – one (1) schedule
- Public Park and Recreation Zone – one (1) schedule
- Public Conservation and Resource Zone – one (1) schedule
- Road Zone – zero (0) schedules

#### **Special purpose zones**

- Special Use Zone – three (3) schedules
- Comprehensive Development Zone – one (1) schedule
- Urban Floodway Zone – one (1) schedule

In December 2017, the Minister for Planning released new requirements as part of the *Ministerial Direction on the Form and Content of Planning Schemes*, providing specific direction about what can be included in schedules to the zones. These zones have been audited below to determine whether the schedules are consistent with the Cover Sheet (head zone provision) and whether the content complies with the *Ministerial Direction on the Form and Content of Planning Schemes*.

### 13.1. General Comments

A detailed analysis of zones and schedules is provided at Appendix G.

Apart from implementing adopted work, the most notable zone changes since 2012 has already been facilitated through the introduction of the new suite of residential, rural, commercial and industrial zones. As part of the review analysis has been undertaken to ensure that the changes introduced do not necessitate any further changes.

This analysis reveals that there are no fundamental issues with zone selection. Feedback from officers, community representatives, agencies and stakeholders has revealed that while the zone selection remains generally appropriate, the zone schedules typically need review.

In addition, there may be a need to select some new zones to implement further strategic work commissioned by Council.

#### 13.1.1. Residential Zones

The General Residential Zone (GRZ), Low Density Residential Zone (LDRZ) and Township Zone (TZ) are applied to residential areas across Strathbogie. The General Residential Zone is utilised for residential areas across almost all towns, with the exception of the Township Zone, which is applied to small towns such as Longwood, Avenal and Violet Town. The application of the Low Density Residential Zone is also limited across Strathbogie, however is generally applied to the periphery of towns.

Currently, the Residential Growth Zone is not utilised to identify sites for medium density housing. The Residential Growth Zone can be applied to *“land identified as suitable for increased residential development, such as urban renewal sites, and locations offering good access to services and transport”* (Reformed residential Zones – Residential Growth Zone Fact Sheet, DELWP 2017). These areas include larger towns, such as Euroa and Nagambie town centres. Consideration of appropriate locations for encouraging increased residential densities through the Residential Growth Zone should be considered as part of Structure Planning for individual towns.

### 13.1.2. Industrial Zones

The Industrial 1 Zone and the Industrial 3 Zone are applied to industrial areas across the municipality, with the latter being used in more sensitive areas.

The *Industrial Land Study 2008* by Urban Enterprise identified the need for more industrial land in Nagambie and Euroa, which has been included in the Structure Plan (adopted in June 2017). It is anticipated that implementation will commence through a planning scheme amendment within the current financial year.

The report also identified that there is also no industrial zoned land in Avenel or Violet Town. This also emerged as a potential concern through the consultation process.

### 13.1.3. Commercial Zones

The Commercial 1 Zone is typically applied to town centre's across the municipality to provide for mixed use commercial centres for retail, office, business, entertainment and community uses, as well as residential uses at densities complementary to the role and scale of the commercial centre. The Commercial 2 Zone is applied to peripheral areas, which is generally a good location for encouraged land uses, such as offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

### 13.1.4. Rural Zones

The Farming Zone, Rural Conservation, Rural Living and Rural Activity Zone are applied to areas outside of settlements in Strathbogie. Like the industrial and commercial zones, the rural suite of zones was reformed in 2013 by the State Government, which essentially provided greater opportunities for various land uses and development which complements the agricultural uses for these areas.

It has been highlighted through engagement that the Rural zones need to be reviewed. This review will need to incorporate extent of zones, potential application of Rural Activity Zone as well as to better utilize the schedules of the zones.

### 13.1.5. Public Land Zones

The Public Use Zone, Public Park and Recreation Zone, Public Conservation and Resource Zone, and Road Zone are applied to public land throughout the municipality. No anomalies or changes to the extents were raised through consultation.

### 13.1.6. Special Purpose Zones (inc CDZ)

Schedules to the Special Use Zone are mostly used to provide for specific developments, including Mangalore Airport, Costa Exchange Mushroom Farm and Composting Facility, and a Freeway Service Centre on the outskirts of Euroa. These Special Use Zones were applied during the transition to the NFPS which was gazette in 2000.

A schedule to the Comprehensive Development Zone facilitates the development of the Lake Nagambie Resort Master Plan at Elloura, *which provides for integrated residential development comprising residential, commercial, tourism related and recreational facilities in a sustainable manner.*

No anomalies or changes to the extents to these zones were raised through consultation.

### 13.1.7. Audit of the Zones

An extensive audit of the zones is provided at Appendix G, which investigates the recommendations of the previous 2011 Review and provides updated recommendations, which are summarised in the key findings below.

## 13.2. Key Findings – Effectiveness of the Zones

Matters that require further strategic work:

- Review the Rural Zones, with a focus to better utilize schedules.
  - As part of the next Structure Plan/Township Strategy Plan review identify best use of MUZ, Commercial and Industrial zones.

Matters that could be addressed by a Planning Scheme Rewrite:

- Update Form and Content of Schedules to be consistent with current requirements, this could be implemented quickly with a policy neutral update. The zones that could easily be updated (no use of schedules) are as follows;
  - o GRZ
  - o LDRZ
  - o TZ
  - o IN1Z
  - o IN3Z
  - o C1Z
  - o RLZ1 and 2 (refer comments)
  - o PUZ
  - o PPRZ
  - o UFZ
  
- Zones that will require a considered approach for translation to the form and content of schedules and VC148 Changes (refer to comments in Appendix G) are as follows;
  - o FZ
  - o SUZ 1, 2 and 3
  - o CDZ



## 14. EFFECTIVENESS OF THE OVERLAYS

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There are ten overlays applied throughout Strathbogie Shire Council. Some are used to provide single site-specific provisions, such as the Heritage Overlay, which can be applied to a single site to protect a single building. Others can be applied across a wide geographic range, such as the Land Subject to Inundation Overlay (LSIO), which deals with riverine flooding. Many have one or more schedules, which provide localised requirements (and exemptions) for planning permit applications.

Similar to the zones, all overlays are part of the Victorian Planning Provisions, so they each have a standardised head provision. Schedules to Overlays provide Council with a valuable opportunity to include localised content. However, unlike zones, a piece of land can have more than one overlay applied, such as a Bushfire Management Overlay (BMO) and a Heritage Overlay (HO).

The ten overlays are grouped as follows:

### **Environmental and Landscape overlays**

- Environmental Significance Overlay - two (2) Schedules
- Vegetation Protection Overlay - two (2) Schedules

### **Heritage and Built Form overlays**

- Heritage Overlay - one (1) Schedule
- Development Plan Overlay - five (5) Schedules

### **Land Management overlays**

- Erosion Management Overlay - one (1) Schedule
- Floodway Overlay - one (1) Schedule
- Land Subject to Inundation Overlay - one (1) Schedule
- Bushfire Management Overlay - one (1) Schedule

### **Other overlays**

- Public Acquisition Overlay - one (1) Schedule
- Airport Environs Overlay - one (1) Schedule

## 14.1. General Comments

A detailed analysis of overlays and schedules is provided at Appendix H.

Apart from implementing adopted work, the most notable zone changes since 2012 has already been facilitated through the introduction of the new format requirements and VC148 which has changed a number of overlays and the manner in which they should be implemented into the planning scheme. Much of the more minor changes proposed through this work is to ensure that the overlays conform with the format changes. This is reasonably minor work.

This analysis reveals that there are no fundamental issues with overlay selection. However, it is noted that in particular there needs to be a review of ESO1 which is not mapped in the correct location and somewhere between the introduction of the NFPS and 2010 the overlay no longer applied to areas within 500m of the Eatmore Poultry and mushroom composting facilities. The use of an ESO as a buffer to the Eatmore Poultry and mushroom production is a good use of the overlay. However, the Overlay is not applied within the mapping areas of the scheme except for an area relating to a tip in Violet Town which is irrelevant to the overlay. Therefore, there is no trigger or need for the overlay appropriate to the schedule of the ESO.

These exemptions are not considered appropriate in low risk and urban areas.

Feedback from officers, community representatives, agencies and stakeholders has revealed that while the zone selection remains generally appropriate, the overlay schedules typically need review.

## 14.2. Key Findings – Effectiveness of the Overlays

### 14.2.1. Matters that require further strategic work

- Additional triggers for exemptions should be considered for the following Clause 44.01 Erosion Management Overlay;
- The ESO1 should be reviewed with respect to both wording of the overlay as well as mapping of the areas that should be affected by the ESO buffer. This work will include research into when the mapped area ceased to existing within the Planning Scheme.
- The Design and Development Overlay should be introduced to deal with two issues, control of development along Goulburn Valley Hwy (from existing PAO) and also Mangalore airport (from

existing ESO) Mangalore Airport if it is controlling design beyond the provisions set out in Airport Environs Overlay.

- Flood related work is being reviewed by the CMA currently including Clause 44.03 Floodway Overlay and Clause 44.04 Land Subject to Inundation Overlay

#### 14.2.2. Matters that could be addressed by a Planning Scheme Rewrite

- All overlays require some change, in particular to meet the form and content provisions. Many of these changes are possible to be completed through a policy neutral amendment. These include;
  - Environmental Significance Overlays all schedules;
  - Vegetation Protection Overlay Schedules all schedules;
  - Development Plan Overlay all schedules;
  - Heritage Overlay should be updated with citations to meet the VC148 changes, at this time it would also be prudent to check mapping on sites to ensure locations are correct.



## EFFECTIVENESS OF THE PARTICULAR AND GENERAL PROVISIONS

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Since the last review (2011) there has been a significant reshuffle, revision and new particular provisions introduced into the Planning Scheme through VC148 (Gazetted in August 2018). Now the particular provisions from Clauses 52, 53 and 57 have been organised into three categories that more clearly recognise their different functions and make them easier to navigate: 1. Provisions that apply only to a specified area (Clause 51). 2. Provisions that require, enable or exempt a permit (Clause 52). 3. General requirements and performance standards (Clause 53). The restructure has resulted in the renumbering of several provisions.

An extensive audit of the overlays is provided at Appendix I which investigates the recommendations of the previous 2011 Review and provides updated recommendations, which are summarised in the key findings below.

Generally, Strathbogie Shire have not sought to utilise the majority of the provisions, only one provision Clause 51.01- Specific Sites and Exclusions being used currently. It is also noted that the Gaming Provisions are the subject of a current Amendment C78, the policy has been prepared taking into consideration the new particular provision structure and requirements introduced by VC148. While the provisions haven't been utilised it is clear that they are not necessary for the effective ongoing use of the Strathbogie Planning Scheme.

As a result of this review the only work that is suggested is that all schedules should be updated to meet the requirements of the Ministerial Direction on form and content.

Matters that could be addressed by a Planning Scheme Rewrite

- Update Form and Content of Schedules to be consistent with current requirements.

## Section E: Strategic Work Plan

## 15. STRATEGIC WORK PROGRAM

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This section of the report addresses the 'Strategic Work' program which Council is committed to undertaking as part of the maintenance of the existing planning scheme as an outcome of this Planning Scheme Review.

### 15.1. Current Commissioned Strategic Work

An array of strategic research and analysis has been undertaken in-house or commissioned by Strathbogie City Council since the last scheme review in 2011. The completed strategic work (with relevance to the Strathbogie Planning Scheme) includes the following:

- Marketing Strategy (underway)
- Gaming
- Economic Development Masterplan (Review)
- Tracks and Trails'
- Active Spaces
- Community facility plan
- Roadside Conservation Plan
- Sustainable Strathbogie
- Recreation Masterplans – Euroa and Nagambie
- Drainage
- Footpath plans
- Waste Management Plan
- Landscape design (to be developed)
- Tree Management Guidelines (to be developed)
- Infrastructure Design Manual
- Liveability Plan

Recommendation:

- In undertaking any revision to the Strathbogie Planning Scheme arising from this review, it will be important to undertake a thorough audit of the above reports to determine:
  - Relevance of information contained in each report; and,
  - Most effective and transparent manner for information to be included in the scheme.

## 15.2. On-going Work Program

### 15.2.1. Council Plan Commitments

The Council Plan (2017-2021) has committed to undertaking further strategic work on a variety of issues of relevance to the planning scheme. The current commitments are:

- Gaming policy amendment (underway);
- Euroa Structure Plan Review (underway);
- Review Rural Land Strategy and include outcomes into MSS;
- Flood mitigation and flood mapping for townships;
- Landscape preservation controls;
- Update Urban Design Frameworks with parking precinct, urban forestry provisions and options for Violet Town Urban Design Plan; and,
- 'Native Vegetation Protection Overlays on roadsides to be explored.

These commitments have a significant impact on the working program for Council's Strategic Planning Department.

### 15.2.2. Current Initiatives of the Strategic Planning Department

In addition to the above Council Plan commitments, Council's Planning Unit is managing a raft of other strategic investigations that are at various stages of development. The projects are listed and categorised as Strategic Projects "In Progress" by the Strategic Planning Department, these include:

- Violet Town Structure Plan;
- Euroa Structure Plan;
- Nagambie Infrastructure Business Case; and,
- Amendment C78 Gaming Strategy (submitted for approval).

### 15.3. Conclusions regarding current commissioned work.

As is reflected above, Council has completed a significant amount of strategic work since the last formal review of the planning scheme. Much of the completed strategic work has resulted in the advancement of amendments to the Strathbogie Planning Scheme as outlined in this report.

It is clear that Council is not only seeking to address issues which it has identified as being outstanding matters, it is also directly seeking to respond to issues of community concern. Having noted this, Council must be careful not to over commit in its strategic work plan. Prioritisation and scheduling of tasks is considered essential to ensure that issues are addressed in a comprehensive and co-ordinated manner. The sequencing of work (and corresponding amendment preparation) is of critical importance.



## 16. FURTHER WORK DISCUSSION

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A number of recurrent themes emerged from consultation throughout the planning scheme review, including the need for:

- a land use vision for Strathbogie Shire Council;
- a review of the rural land uses;
- a clear stance on environmental management, sustainability and climate change;
- clear policies on economic development;
- managing infrastructure; and,
- planning for community and community facilities.

Strathbogie Shire Council faces a broad suite of development issues, and challenges in delivering sustainable communities in growth of existing areas. In addition, the Strathbogie community is faced with the wider issues of climate change, health & wellbeing, rural land conflict issues, economic growth, accessibility, social exclusion and transport disadvantage.

There have been a number of significant policy changes at State Government level, in particular a new structure to the PPF. This is going to take a considerable amount of effort by Council to revise the wording of the local planning policies to respond to the issues facing the municipality.

### 16.1. Vision for the municipality

Given the shift to the MPS it is apparent that the vision for Strathbogie needs to be more clearly defined. In particular it is noted that there had been many significant changes to the factors influencing growth in Strathbogie, including new State Government planning policies and standards. The need to revise the stated vision to ensure that the MPS contains better alignment and consistency with the Council Plan, the Public Health & Wellbeing Plan and other key Council policies and strategies also emerged as a consistent theme.

## 16.2. Rural Land Use

Through the review one of the key issues that was raised was the need to define and deliver on a strategic vision for Rural Land Use and Rural Residential Uses. It is clear from the past that the Strathbogie Planning Scheme needs to be updated to clarify Council's position on small lots as well as to protect rural areas from inappropriate uses and development.

Issues relating to sustainability are increasingly important in the community and were highlighted throughout the consultation process. The development of dwellings on small rural lots introduce residential uses into areas where farming is the main activity, and with the residential use, new amenity and service expectations. When not properly managed or located, the introduction of dwellings can bring land use conflicts and detrimentally impact both the nearby agricultural activity and the dwelling itself. Dispersed rural dwellings can also be an unnecessary burden on Council resources due to the increased cost of servicing them. This also inflates the value of rural land, making it more difficult for agricultural activities to expand or remain. One example given by an attendee of a consultation workshop was ongoing conflict between residents and farmers in the Farming Zone was the impact of motorbikes and cars on livestock and the complaints by residents about farming practices.

Planning for the rural areas has emerged as one of the most significant gaps in the Strathbogie Planning Scheme. Given that the previous Rural Land Use Strategy was developed over 10 years ago and parts were not implemented into the planning scheme, as well as more recent work undertaken by the State Government, it is timely to undertake new strategic work. This piece of work should inform both agricultural and rural uses as well as rural residential opportunities.

## 16.3. Environment including environmental management, sustainability and climate change

Issues relating to sustainability are increasingly important in the community and the lack of commentary provided by the Strathbogie Planning Scheme has been highlighted throughout the review process. The key concerns were:

- the policy conflict between the exemptions within the State provisions in relation to vegetation removal for bushfire protection and the specific permit triggers for vegetation removal;
- The lack of focus on requirements to encourage biodiversity and biodiversity links;
- Climate Change, in particular future planning for settlements that may be affected by

increased pressures of flooding or other threats;

- Renewable energy; and,
- Environmentally Sustainable Design (ESD) and higher standards for sustainable housing and development.

The issue of biodiversity, native vegetation protection and recognition of biodiversity assets within the municipality was also raised. It was suggested that the Municipal Strategic Statement should recognise the importance of promoting land use and development that encourages and protects native vegetation (particularly in areas of important biodiversity) through, for example, encouraging design solutions that minimise the removal of native vegetation.

Many of these issues will require investigation regarding the ongoing design and management in areas where these threats and development converge. In some cases, it was identified that there may be a need to commence an advocacy role to approach the State Government with respect to existing bushfire controls.

Participants suggested a range of changes to the planning scheme, including a review of the application of Environmental Significance Overlays (ESOs) and Vegetation Protection Overlays (VPOs) across the municipality, and changes to the schedules of the ESOs.

#### 16.4. Economic Development

Respondents identified the need for the drivers of Strathbogie Shire's economy to be clearly reinforced and supported in the local planning policies. There are a range of relevant drivers including tourism, retail, industry, agriculture and housing. It is important to fill the policy gaps that exist within the planning scheme.

As a result it is important to support implementation of the recent *Economic Development Masterplan (review)* to be implemented into the planning scheme to reflect its policies, strategies and objectives where it relates specifically to land use and development.

There was also support for the implementation of the *Violet Town Structure Plan* and *Euroa Structure Plan* to assist with activation of streetscapes and to make town centres interesting and dynamic. Similar to other issues only some aspects of the implementation program should be included within the planning scheme and these aspects should be targeted as only land use planning issues.

## 16.5. Managing infrastructure.

The infrastructure needs of the municipality, including timing, responsibility and funding sources were also raised during the consultation. It was suggested that a key priority was the implementation of the Infrastructure Design Manual (IDM) into the planning scheme to ensure certainty for decision makers and the development industry. The age and quality of infrastructure was also raised as a threat and weakness that should be considered in planning decision making.

During the consultation, particularly in Workshop Two, transportation was identified as a matter that may need to be addressed more effectively in the planning scheme. Transportation is recognised as an important aspect that contributes to the economic, social and environmental sustainability of the municipality.

This was seen as an issue of increasing importance with the demographic trends seeing significant number of aged community members. Different modes of transport and alternatives to the car need to be encouraged to increase the equity of access to all members of the community. As well, this promotes better health and well-being outcomes. These alternatives include public transport and active transport such as walking and cycling.

Access to car parking was also raised as a threat and weakness of the planning scheme with respondents discussing that this was causing tension in retail spaces and town centres, as well as resulting in traffic congestion affecting users of the towns. Amendment VC148 reduced requirements for planning permits for car parking waiver triggers where there are less than ten cars spaces required and where the applicants are utilising an existing building. Car parking will need to be monitored by Council into the future as part of any structure plan reviews.

Whilst this was an interesting issue to discuss, significant further work would need to be undertaken to include a Parking Overlay, or some other means of getting contributions towards infrastructure, this is an issue that cannot be achieved in the most part through the planning scheme. Instead Council may need to play it an advocacy role, which is likely to be a better fit in the Council Plan or some other corporate document.

However, one approach may be to include additional permit conditions within the set of Councils standard conditions to ensure that infrastructure improvements/upgrades are appropriate.

## 16.6. Community and Community Facilities

There was significant support for implementation of the recent *Municipal Health and Wellbeing Plan 2017 - 2021* to be implemented into the planning scheme to reflect its policies, strategies and objectives in relation to land use and development.

There were a range of social issues facing the municipality that were identified during the consultation. These include housing affordability, health, aged accommodation, housing diversity, public housing and accessibility. There is a need for key or emerging social issues to be addressed in the Local Planning Policy Framework. Examples mentioned included the introduction of clearer recreation strategies, good design for community centres and open space, or by encouraging community to be front and centre when considering new development applications.

These attributes while important are already articulated throughout the planning scheme at various sections. If Strathbogie is hoping to articulate something different from what is standard within the planning scheme specific and articulate local differences will need to be identified. This has also been identified as a gap of policy for the transition to the new PPF format.

## 17. Recommendations

### Planning Scheme Updates

#### Recommendation 1

#### Policy neutral update

High  
priority

Policy neutral PPF Planning Scheme rewrite and restructure, followed by a Planning Scheme Amendment to implement the rewrite local policy content to align with the new planning policy framework implemented by new Ministerial Direction relating to form and content as well as new provisions introduced through VC148 (August 2018).

Having considered all of the themes and policy topics set out within the PPF structure, as well as existing zones, overlays and particular provisions the following matters are considered to be gaps in policy that may need to be explored to provide Council with a robust framework:

#### **Clauses 11 – 19 (replacing Clause 21 and 22)**

- All aspects of the Strathbogie Local Planning Policy Framework (LPPF) need to be refined to accord with the new PPF. In undertaking this significant review of policy, it will be timely to update the existing policies. In undertaking the rewrite we believe that the principles for the review should follow the following rules; These policies must be rewritten to:
  - Remove vague policy directions;
  - Improve clarity, direction with respect to how land use and the Strathbogie direction; and,
  - Result in policies that are positively framed – to encourage rather than discourage unless absolutely necessary.
- Policies within the existing MSS will need to be translated into the new PPF format with specific local reference to provide value to state clauses. A key test will be to ensure that the policies provide local content that is clear and directive.
- Revise existing Clause 21.10 *Reference Documents* to delete the Reference Documents, which are no longer relevant and seek to include any appropriate strategies into background documents at Clause 72.08
- When integrating the existing local planning policies (Clause 22.01 and Clause 22.02) retain the specific guidance and should reflect the requirements already existing in the scheme. This may require the addition of a supporting document that provides specific guidance on how Strathbogie assesses applications and the numerous requirements that should be provided with applications.

#### **Zones**

- Update Form and Content of Schedules to be consistent with current requirements, this could be implemented quickly with a policy neutral update. The zones that could easily be updated (no use of schedules) are as follows; GRZ, LDRZ, C1Z, RLZ1 & 2 (refer comments in appendix G), TZ, IN1Z, PUZ, PPRZ, UFZ, IN3Z

#### **Overlays:**

- All overlays require some change, in particular to meet the form and content provisions. Many of these changes are possible to be completed through a policy

neutral amendment. These include;

- Environmental Significance Overlays all schedules;
- Vegetation Protection Overlay Schedules all schedules;
- Development Plan Overlay all schedules;
- Heritage Overlay should be updated with citations to meet the VC148 changes, at this time it would also be prudent to check mapping on sites to ensure locations are correct.

**Particular Provisions:**

Update Form and Content of Schedules to be consistent with current requirements.

Recommendation 2	<b>Municipal Planning Statement</b> <ul style="list-style-type: none"> <li>Draft a strong (clear) land use vision to inform the MPS Section. This land use vision should include engagement with Councilors and reflect the principals of the Council plan (and other documents as appropriate).</li> </ul>	High priority
Recommendation 3	<b>Policy Update to Planning Scheme</b> <p>Once the state led translation to new ppf has been undertaken, commence a policy based rewrite of the PPF to include specific aspects of the planning that are important to Strathbogie Shire. This project should specifically;</p> <p><b>Clauses 11 – 19 (replacing Clause 21 and 22)</b></p> <ul style="list-style-type: none"> <li>Update the vision and strategic outcomes as identified in Strathbogie <i>Council Plan 2017 - 2021 and Liveability Plan 2017 - 2021</i>.</li> <li>Rewrite the content of the Economic Development clause of the PPF to include specific policy directions from the <i>Strathbogie Economic Development Masterplan</i>.</li> <li>Rewrite the content of the Environment clause of the MSS to include policy directions of the <i>Sustainable Strathbogie</i>. Include as relevant the Strathbogie Economic Development Masterplan at clause 72.08.</li> <li>Clause 22.02 – <i>Sustainable Intensive Agriculture</i> should be reviewed and rewritten taking into consideration the State Government policies and the new suite of land use definitions for animal industries.</li> <li>Clause 22.03 – <i>Hume Freeway, Goulburn Valley Highway Environs</i> should be reviewed to determine whether there continues to be a need to control development within these corridors and if so, it should be rewritten and represented as a DDO to increase its effectiveness.</li> <li>Key areas that had gaps that Council needs to develop policy statements to assist with transition are: <ul style="list-style-type: none"> <li>Clause 12.04-1L - <i>Significant Landscapes</i></li> <li>Clause 14.03-2L - <i>Earth Resources</i></li> <li>Clause 15.02-1L - <i>Energy and Resource Efficiency</i></li> <li>Clause 17.01-1L - <i>Employment</i></li> <li>Clause 17.03-1L - <i>Industry</i></li> <li>Clause 19.02-6L - <i>Open Space</i></li> </ul> </li> </ul> <p><b>Zones:</b></p> <p>Zones that will require a considered approach for translation to the form and content of schedules and VC148 Changes (refer to comments in appendix G) are as follows;</p> <ul style="list-style-type: none"> <li>FZ</li> <li>SUZ 1, 2 and 3</li> <li>CDZ</li> </ul>	Low Priority

## Process improvements

Recommendation 4	<b>Process Improvements</b> <p>Package of process improvements be implemented to achieve the following;</p> <ul style="list-style-type: none"> <li>Ensure that 70% of proposals have undertaken site inspections should be undertaken before exempting applications from notification;</li> <li>Formulate a standard template form that assists with observations undertaken onsite during site inspections;</li> </ul>	High Priority
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- Ensure that delegate reports provide the opportunity for digital imagery to be included within the body of the reports, to demonstrate knowledge of site and site visitation;
- Investigate the better integration of technology and reports including better use of photography within reports.
- That a pre-application form is utilised to record understanding of any prior pre-application meetings.

## Further Strategic Work

Recommendation 5	<p><b>Structure Plan/Framework Plan Review</b></p> <p>Undertake a program to review and refine the Structure Plans/Framework Plan for main townships; many of the Structure Plans and other strategic planning documents, which established settlement boundaries for towns across the municipality, are now more than 5 years old and require updating.</p> <p>The roll-out of this work has been prioritised as follows:</p> <ol style="list-style-type: none"> <li>1. Avenel</li> <li>2. Violet Town</li> <li>3. Euroa</li> <li>4. Nagambie</li> </ol>	<p>Medium Priority</p>
Recommendation 6	<p><b>Rural Land Use and Rural Living Review</b></p> <p>This project will further revisit work undertaken as part of the Strathbogie Shire Rural Residential Strategy in 2004. It will update recommendations in relation to recent changes to definitions by the Intensive Agriculture Advisory Committee, as well as review whether rural areas are being adequately protected from fragmentation.</p>	<p>Medium Priority</p>
Recommendation 7	<p><b>Triggers and Exemptions (new)</b></p> <p>Additional triggers for exemptions should be considered for the following overlays Clause 44.01 Erosion Management Overlay;</p>	<p>Low Priority</p>
Recommendation 8	<p><b>Introduce Design and Development Overlay</b></p> <p>The Design and Development Overlay should be introduced to deal with two issues, control of development along Goulburn Valley Hwy (from existing PAO) and also Mangalore airport (from existing ESO) if it is controlling design beyond the provisions set out in Airport Environs Overlay.</p>	<p>Low Priority</p>
Recommendation 9	<p><b>Update Flooding Controls</b></p> <p>Flood related work is being reviewed by the CMA currently including Clause 44.03 Floodway Overlay and Clause 44.04 Land Subject to Inundation Overlay.</p>	<p>Low Priority</p>
Recommendation 10	<p><b>Review the Environmental Significance Overlay Schedule 1</b></p> <p>The ESO1 should be reviewed with respect to both wording of the overlay as well as mapping of the areas that should be affected by the ESO buffer. This work will include research into when the mapped area ceased to existing within the Planning Scheme.</p>	<p>Low Priority</p>



## Section F – Appendices

## List of Appendices

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Appendix A:	State Led Planning Scheme Amendments
Appendix B:	Independent Audit of Planning Permits
Appendix C:	Review of VCAT
Appendix D:	External consultation responses and Survey Monkey results
Appendix E:	Audit and Review of existing reference documents
Appendix F:	Indicative structure for rewrite into Planning Policy Framework
Appendix G:	Review of Zones
Appendix H:	Review of Overlays
Appendix I:	Review of Particular Provisions
Appendix J:	Review of further work within existing provisions





















