Corangamite Planning Scheme Review

Corangamite Shire Council
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1. EXECUTIVE SUMMARY

Corangamite Shire Council is required to review the Corangamite Planning Scheme every four years. Monitoring, auditing and reporting of the Planning Scheme is now a mandatory requirement under the Planning and Environment Act 1987.

This Corangamite Planning Scheme Review has been prepared in accordance with the Department of Environment, Land, Water and Planning (DELWP) Planning Practice Note: Review of Planning Schemes (February 2006). This review provides Council with:

- An overview of the performance of the Corangamite Planning Scheme;
- An understanding of what State and local policy changes have occurred since the last review; and
- A program for future action.

The review report contains key sections across several chapters that address the Shire’s strategic context, consultation undertaken as part of this review, an audit of the planning scheme’s performance and a program for future work and implementation.

This review has confirmed that new important State and local strategic priorities have emerged since the last review. The review finds that the basis of the Corangamite Planning Scheme is fundamentally sound. However, it is apparent to remain contemporary, Council will need to update its planning scheme and undertake strategic work to address gaps apparent since the last review.

A wholesale rewrite of the Local Planning Policy Framework will assist in improving the structure of this section of the planning scheme and the clarity with which existing policy is expressed and interpreted.

The importance of maintaining a contemporary planning scheme should not be underestimated. The Corangamite Planning Scheme is an important tool in giving effect to Council strategies across the spectrum, where their objectives and policies seek to influence land use and development within the Shire.

This report makes a number of specific recommendations relating to all aspects of the Corangamite Planning Scheme. Overall, there are two aspects of strategic planning work that need to be advanced in order to ensure the ongoing effectiveness of the Corangamite Planning Scheme. These are:

- Maintenance and administration of the planning scheme, and
Strategic policy development.

The specific recommendations arising as part of this review are as follows:

**Planning Scheme Review Report**

That Council:

- Adopt the report as the review required pursuant to section 12B (1) of the Planning and Environment Act 1987.

- Forward the report to the Minister for Planning as required by section 12B (5) of the Planning & Environment Act 1987.

**Local Planning Policy Framework**

- Review and Rewrite the Local Planning Policy Framework in line with the recommendations contained at Chapter 8.

- Address emerging strategic policy gaps within the rewrite of the Corangamite Planning Scheme: Specifically:
  
  - Provide policy direction within the Local Planning Policy Framework rewrite on facilitating agriculture and protecting the ‘right to farm’.
  
  - Provide direction within the Local Planning Policy Framework rewrite for small lot subdivision and rural lifestyle dwellings.
  
  - Provide direction within the Local Planning Policy Framework rewrite for land use decision-making in rural areas, in light of changes to the rural zones.
  
  - Provide policy direction within the Local Planning Policy Framework rewrite for the encouragement of small business start up opportunities.
  
  - Provide policy direction within the Local Planning Policy Framework rewrite for commercial and industrial areas.
  
  - Provide policy direction within the Local Planning Policy Framework rewrite on urban design for township areas and small towns.
  
  - Provide policy direction within the Local Planning Policy Framework rewrite on aviation, including airfield management.
and flights over tourism sites, such as the 12 Apostles.

- Provide expanded policy direction on tourism beyond the identified tourism opportunity sites.
- Provide policy direction protecting land use buffers around industrial land uses and service infrastructure with adverse amenity potential.
- Provide policy direction for mechanisms to identify and protect land identified for future resource extraction.

**ZONING**

- Review all Zone selections in light of modifications to the rural, residential, commercial and industrial zones, concurrent with the LPPF rewrite.
- Implement adopted Council strategies through zone selection, concurrent with the LPPF rewrite.
- Rationalise all Zone schedules and delete any redundant clauses, as required, concurrent with the LPPF rewrite.
- Review permit triggers and exemptions within all zones to reduce red tape, concurrent with the LPPF rewrite.
- Review SUZ and PUZ land to resolve anomalies and confusing schedules, concurrent with the LPPF rewrite.

**OVERLAYS**

- Review the Vegetation Protection and Environmental Significance Overlay provisions in light of State level policy changes.
- Investigate the policy position of covering only the feature of significance for the Significant Landscape Overlay Schedules (particularly SLO1).
- Review the Design and Development Overlay schedules to improve clarity and expression.
- Review permit triggers and exemptions within all schedules to reduce red tape, concurrent with the LPPF rewrite.
- Investigate the application of the Environmental Audit Overlay to sites
on the Environment Protection Authority’s register.

- Investigate the need to apply the Restructure Overlay within the Shire.

**PARTICULAR AND GENERAL PROVISIONS**

- Amend the Schedules to Clauses 66.04 and 66.06 to outline referral and notice authorities under local provisions, as specified in each overlay, concurrent with the LPPF rewrite.

- Review and rationalise the List of Incorporated Documents in the Schedule to Clause 81.01.

**STRATEGIC WORK PROGRAM**

- Commission a Commercial Areas Study to provide strategic direction on the appropriate location for commercial land use and development.

- Commission an urban design study to provide design guidance on development within the Shire’s townships.

- Adopt the Infrastructure Design Manual and incorporate it into the Corangamite Planning Scheme.

- Advocate for the Catchment Management Authority to undertake flood mapping for the Shire and incorporate into the Planning Scheme as necessary.

- Investigate options available within the Victoria Planning Provisions to provide land use buffers around industrial, gas plant and wastewater treatment plant facilities.
2. INTRODUCTION

2.1 PURPOSE OF THIS REPORT

This Planning Scheme Review Report has been prepared to provide an overview of the performance of the Corangamite Planning Scheme since its last formal planning scheme review report in 2011.

This report has been prepared in accordance with Practice Note PPN 32 – Review of Planning Schemes (February 2006).

The Review Report provides the following:

- A commentary and analysis of:
  - The relevant State and local context affecting the development and performance of the Corangamite Planning Scheme; 
  - Strategic work that currently guides the Corangamite Planning Scheme;
  - Strategic work undertaken by Council in the inter-review period and recommendations for its implementation;
  - Relevant case law which considers issues relating to the Corangamite Planning Scheme;

- A review of the strategic performance of the Corangamite Planning Scheme and assessment of how the key influences have affected the future direction the Planning Scheme should take;

- Recommendations for future strategic planning priorities; and

- An Implementation Plan, including prioritization of recommendations.

The findings of the report are set out across the following chapters.
2.2 THE CORANGAMITE PLANNING SCHEME REVIEW

Section 12B of the Planning and Environment Act 1987 requires Council to regularly review its planning scheme. Section 12B(a) of the Planning and Environment Act states that a planning authority must review its planning scheme:

- 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

- within such longer period as is determined by the Minister.

The Council Plan was approved in June 2013 (and revised in April 2015). This Planning Scheme Review commenced in June 2015.

Section 12B(3) sets out that the objective of the review is to enhance the effectiveness and the efficiency of the planning scheme in achieving:

- the objectives of planning in Victoria; and

- the objectives of the planning framework established by this Act.

Section 12B(4) states that a review must evaluate the planning scheme to ensure that it:

- is consistent in form and content with the directions or guidelines issued by the Minister under section 7;

- sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies; and

- Makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

Once finalised and adopted by Council, this Planning Scheme Review Report will constitute the formal “Planning Scheme Review” of the Corangamite Planning Scheme as required under Section 12B of the Planning and Environment Act 1987.

The planning scheme review process has included consultation with Councillors, agencies, Council Officers and key stakeholders as well as a detailed desktop review of zones, overlays, policies, relevant reports and strategic documents, VCAT decisions and Panel reports.
SCOPE OF THE REVIEW

The scope of this Planning Scheme Review includes the following key elements:

- Consultation with key stakeholders, including Council staff and executives, community groups, Councillors and government agencies and authorities.

- A desktop review of relevant planning policy and strategies, VCAT case law, Panel reports and statistical data to identify existing and emerging issues for the Shire;

- Undertaking a review and audit of the local provisions of the Corangamite Planning Scheme, including the Municipal Strategic Statement, Local Planning Policies and Schedules to Zones, Overlays, Particular Provisions and General Provisions;

- Undertaking a review of strategic planning work undertaken by Council in the inter-review period; and

- Preparation of a Planning Scheme Review Report on the findings of the review.

The review has been conducted having regard to the (then) Department of Planning and Community Development’s Continuous Improvement Kit, February 2006, but it does not include the auditing or review of planning files or Council processes.

In addition, the Planning Scheme Review Report is also to provide commentary on:

- Identifying future strategic planning projects and planning scheme amendments which will improve the performance, effectiveness and operation of the Corangamite Planning Scheme; and

- Advice and recommendations relating to the preferred format and structure on the local content components of the Corangamite Planning Scheme in response to the outcomes of the State Government’s State Planning Policy Framework Review and any resulting combined ‘Planning Policy Framework’ structure.

REVIEW PROCESS

The Corangamite Planning Scheme Review commenced in June 2015, following the appointment of independent planning consultants.

The review was undertaken having regard to the following key documents:

- The Planning and Environment Act (1987);

- DPCD Continuous Improvement Review Kit (February 2006);
• DELWP Practice Note (32): Review of Planning Schemes (June 2015);
• DELWP Practice Note (4): Writing a Municipal Strategic Statement (June 2015);
• DELWP Practice Note (8): Writing a Local Planning Policy (June 2015); and
• Information Sheet: Making Local Policy Stronger Information Package (September 2010).

The key steps in this review process have included:

• An inception meeting with Council on 10 July 2015;
• A review of the local contents of the Corangamite Planning Scheme;
• A review of VCAT and Panel decisions since the last review;
• A desktop review of strategic work commenced and/or completed by Council since the last review;
• A meeting with Council’s Strategic Planning team on 2 September 2015;
• Meetings with Council’s Facilities and Recreation, Assets Planning, Sustainable Development and Community Services Departments on 2 September 2015;
• A community ‘drop in’ session on 2 September 2015;
• A collaborative workshop with Statutory and Strategic Planning Staff on 3 September;
• An Issues Briefing with Councillors on 27 October 2015;
• An online community survey;
• Invitations to comment on the review sent to community action groups and government agencies; and
• Presentation of the Review Report.
3. BACKGROUND

The Corangamite Planning Scheme commenced on 9 September 1999. At the time of this review, the local content of the Corangamite Planning Scheme comprises:

- The Municipal Strategic Statement;
- 6 local policies;
- 18 zones, with 29 schedules in total; and
- 14 overlays, with 29 schedules in total.

A number of Planning Scheme Reviews and Planning Scheme Amendments have influenced its development over that period.

A Three Year MSS Review was undertaken by Keaney Planning and Research and Michael Kirsch in 2002, although this review did not constitute the three-year MSS review that was then required under the Act. The review found that:

- Council’s LPPF is generally consistent with the SPPF.
- Council’s MSS provided a clear overarching vision from profile, issue identification to the formulation of objectives, strategies and implementation and at the time was one of the better MSS in the State.
- Many of the local policies at Clause 22 did not effectively guide discretion in decision-making and some policies were unnecessary.
- There were opportunities to use the full suite of VPP tools to better implement some policies.
- There were opportunities to improve mapping.
- There were opportunities to reduce repetition in the Scheme.

Following this review, Council undertook a limited formal MSS review which was adopted in February 2003. The review reported on the list of strategic projects undertaken since the commencement of the Scheme and involved some limited community engagement.

Most recently, the Planning Scheme was last formally reviewed in 2011.

3.1 THE 2011 PLANNING SCHEME REVIEW

The 2011 Review of the Corangamite Planning Scheme was the first comprehensive
review of the Scheme since its commencement in 1999. The review was undertaken internally by Council’s Strategic Planning Department.

In summary, the 2011 review report findings were that:

- The Corangamite Planning Scheme complied with and effectively implemented State policy, notwithstanding that some of the local content of the Scheme was dated and that some individual policies have failed.
- The Municipal Strategic Statement was out-of-date.
- There is clear policy direction for land use planning and decision-making within the townships.
- There are significant strategic gaps within the Corangamite Planning Scheme in relation to land use and development outside of town centres, house lot excision, wind farms, bushfire management and dwellings within the Farming Zone.
- The main strategic challenges faced by the Shire included the need to address:
  - Climate change.
  - Renewable energy opportunities;
  - Economic development within the Shire (including tourism and industrial land).
  - Wildfire management and bushfire management.
  - Flooding issues and floodplain mapping.
  - Salinity mapping and application of the Salinity Management Overlay.
  - Erosion mapping and the application of the Erosion Management Overlay.

The report highlighted that many of the recommendations of the 2002 and 2003 reviews had been implemented only to a limited extent and that many of the outstanding actions remained relevant.

The report concluded that the LPPF and MSS required a minor update to reflect current statistical data, including Census data, and the identification of emerging strategic planning issues.
The 2011 Planning Scheme Review provided 7 recommendations for improvement recommendations for improvement and adoption of the review. Importantly, it provided limited recommendations in terms of further strategic work, other than to recommend that Council schedule a comprehensive review of the planning scheme in 2014 (this review fulfils that requirement).

This section of the report provides a ‘report card’ on the status of the report’s recommendations and whether they have been achieved.

Of the 7 substantive recommendations, 2 have been completed, 3 are in progress and 2 have not commenced, although they will be formally considered as part of this review process.

One of the most significant recommendations of the review was that Council continue to undertake strategic work to address matters identified as ‘strategic challenges’ above. It is clear that Council has made significant progress in achieving this goal, with the completion of the Industrial Land Strategy and the implementation of the Heritage Study, Tourism Opportunities Study and updated floodplain management into the planning scheme.

At a regional level, the Great South Coast Regional Growth Plan has also been introduced into the Corangamite Planning Scheme.

Notwithstanding this, there are still some significant strategic planning projects that have not commenced or have arisen as emerging issues since the last formal review. In some instances, consultation undertaken as part of this review indicated that several of these recommendations were still viewed as necessary to address gaps in strategic policy.
The following table provides an outline of the status of the 7 individual recommendations of the 2011 Planning Scheme Review Report.

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<th>Strategy / Action / Initiative</th>
<th>Status</th>
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<td>1</td>
<td>That Clause 21.01 be updated</td>
<td>Not commenced – considered as part of this review</td>
</tr>
<tr>
<td>2</td>
<td>That Clause 21.02 be reviewed and updated as required</td>
<td>Not commenced – considered as part of this review</td>
</tr>
<tr>
<td>3</td>
<td>That Council continue to undertake identified strategic planning projects</td>
<td>Currently underway – several projects committed to, some implemented</td>
</tr>
<tr>
<td>4</td>
<td>That statutory monitoring and review continues to be undertaken annually</td>
<td>Currently underway – development of permanent controls</td>
</tr>
<tr>
<td>5</td>
<td>That Council schedule into future work plan and budgeting process the undertaking of a comprehensive Corangamite Planning Scheme Review in 2014</td>
<td>Currently underway – this review constitutes a comprehensive review</td>
</tr>
<tr>
<td>6</td>
<td>That the 2011 Corangamite Planning Scheme Review be adopted by the Corangamite Shire Council as policy</td>
<td>Completed</td>
</tr>
<tr>
<td>7</td>
<td>That the 2011 Corangamite Planning Scheme Review be accepted by the Minister for Planning as complying with the requirements of the Planning and Environment Act 1987 for the four-yearly review of the Corangamite Planning Scheme</td>
<td>Completed</td>
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3.2 RECENT AMENDMENTS TO THE CORANGAMITE PLANNING SCHEME

Since the 2011 review, there have been a total of 56 amendments to the Corangamite Planning Scheme. Of these, 41 have been State amendments to the VPPs and all planning schemes, while 13 were local amendments and 2 were GC amendments which applied to some councils.

Significant amendments over this timeframe have included:

- Amendment VC82 – Locations where wind energy facilities are prohibited.
- Amendment VC83 – Introduction of the Bushfire Management Overlay and
associated State policy on bushfire;

- Amendment C21 – Implementation of the Princetown Township and Region Structure Plans.


- Amendment C29 – Implementation of the Great Ocean Road Region Landscape Assessment Study.

- Amendment VC100 – Introduction of reformed Low Density Residential, Township, Commercial and Industrial Zones;

- Amendment VC103 – Introduction of reformed Rural Zones;

- Amendment VC105 – Implementation of reforms to Victoria’s native vegetation and biodiversity provisions;

- Amendment C34 – Introduction of the Floodway Overlay into the Corangamite Planning Scheme and implementation of the Mount Emu Creek Skipton Floodplain Development Plan, December 2013;

- Amendment GC10 – Rezoning of all land within the Residential 1 Zone to the General Residential Zone;

- Amendment VC114 – Introduction of the VicSmart planning assessment provisions;

- Amendment C38 - Implementation of the Corangamite Industrial Land Strategy, November 2013;

- Amendment GC20 – Replacement of all references to the Residential 1 Zone with the General Residential Zone;

- Amendment VC124 – Implementation of new policy and planning guidance for the development of wind energy facilities;


- Amendment VC125 – Implementation of new policy and planning guidance for the development of wind energy facilities; and
3.3 CONCLUSION

In a strategic sense, it is apparent that Council has undertaken a series of incremental changes to the Corangamite Planning Scheme following both the 2003 and 2011 reviews.

While the local amendments have implemented some important strategic work, they have done little to freshen the broad strategic direction of the MSS and local policies. As with any scheme over time, it is clear that some of the base data is now ‘stale’ and, more importantly, there are emerging and unresolved issues for which further analysis is required and for which clearer direction is needed.

In a structural sense, this review provides a significant opportunity to consider the future approach to the local content within the Corangamite Planning Scheme. The structure of the local policies in particular lacks a clear narrative and makes it difficult to identify each individual policy.

The need to incorporate strategic work that Council has either commissioned or completed over the inter-review period, along with changes to the structure of the State Planning Policy Framework will inevitably require a restructure of the existing MSS.
4. REVIEW OF PANEL REPORTS AND VCAT DECISIONS

An important part of any Planning Scheme Review is to analyse the outcomes of planning permit decisions made by the Victorian Civil and Administrative Tribunal (VCAT) and planning scheme amendment reports made by Planning Panel Victoria (PPV).

Given the relatively small number of VCAT appeals and hearings before an Independent Planning Panel, there is a need to understand that the conclusions drawn from an assessment of these cases may not, of itself, be reflective of broader policy implications. Nevertheless, Council is conscious of the importance of the lessons that can be learned from State Government review forums that have occurred during the planning scheme review period. The decision-makers in these review forums are reading and understanding the policy context 'at arm’s length' and its understanding of the policy provides some form of independent assessment of the policy settings in terms of their clarity and intent.

4.1 VCAT DECISIONS

Since the last review of the Corangamite Planning Scheme, 12 reported cases have been heard before the Planning and Environment List at VCAT dealing with matters determined by Council. There was an even split in cases, with 4 cases reviewing Council’s decision to grant a planning permit, 4 cases reviewing Council’s refusal to grant a planning permit and 4 reported decisions (for 2 cases) seeking declarations from the Tribunal pursuant to Section 149 of the Act.

Upon review of proceedings where Council determined to refuse an application under Section 77 of the Act, the Tribunal set aside the Council’s decision in all four instances (100%).

In relation to appeals under Section 82 of the Act (where Council had granted a permit), the Tribunal set aside the Council’s decision in one instance (25%) and made minor variations through additional permit conditions in all other instances (75%).

Given the limited number of appeals before the Tribunal, there is little in the way of ‘emerging’ policy discussions or strategic issues with the consideration of Council’s planning scheme that were found within the decisions, with the exception of the policy and statutory context within the Port Campbell township and a consideration of some Significant Landscape Overlays.

These issues are discussed in detail below.
PORT CAMPBELL TOWNSHIP

Land within the Port Campbell township is generally affected by either Design and Development Overlay – Schedule 2 ‘Port Campbell Commercial Precinct’ (DDO2) or Design and Development Overlay – Schedule 3 ‘Port Campbell Township, Excluding the Commercial Precinct’ (DDO3). Both overlay schedules seek to implement the findings of the Port Campbell Urban Design Framework.

The Tribunal has commented on the language and mapping within Schedule 3 to the Design and Development Overlay in particular.

In Yarrumduc Investments Pty Ltd v Corangamite SC [2012] VCAT 13, the Tribunal considered an application for the construction of two double storey dwellings on land affected by DDO3. Relevantly, the control has an objective:

To protect the existing low scale coastal character and identity of Port Campbell.

A permit is required for a range of buildings and works, including where a new dwelling is greater than a single storey in height.

The Council refused the application, primarily on the grounds that it did not respect neighbourhood character and the requirements of DDO3, given that the two storey built form failed to meet the DDO’s objectives. In relation to this, the Tribunal commented:

A key issue in this case is whether the double storey height of the proposed dwellings is acceptable given the aspiration set out in policy and DDO3 that the low scale character of Port Campbell should be protected. The issue here is whether a two storey building can be considered “low scale”. The Council submits that at 6.9 metres in height, the proposed dwellings cannot be regarded as “low scale” or modest, particularly given that the most proximate double storey dwellings are located about 50 metres away, and the site is located in an area where the topography begins to flatten out.

It is fair to say that the Council would prefer the buildings to be single storey. However, what is important is that the planning scheme, in terms of the MSS and DDO3, and the Urban Design Framework of Port Campbell do not say that “low scale” means single storey development only. Specifically, the provisions of DDO3 say that new development must respond to the site analysis and, specifically:

Be of a height that is appropriate relative to the height of the indigenous adjacent vegetation type and landform.
The above requirement must be read in the context that the objectives of DDO3 seek to maintain the "low scale" character of Port Campbell. However, it is overly simplistic to say that this means limiting development to single storey height. If this were the intent, then it would have been simple enough for the DDO3 provisions to have been drafted to say this. They do not.

The objectives of DDO3 demand that new development is “site specific and site responsive”. This requires an assessment of the context to be made. In GOR Properties Pty Ltd v Corangamite SC, the Tribunal granted a permit for the construction of two double-storey attached dwellings on a site that is also in an area covered by DDO3. In granting the permit in GOR, the Tribunal took into account the context of the site, noting the evolving neighbourhood character of the area which included new two storey dwellings opposite the site. The Tribunal did not simply come to the view that the objectives of DDO3 should be interpreted to mean that only single storey buildings should be allowed.

Accordingly, the task to be undertaken is to consider the true context of each site, to assess whether the height is “appropriate relative to the height of the indigenous adjacent vegetation type and landform”.

The Tribunal also acknowledged the tension between a control which sought a low scale of development and also seeks to increase a diversity of housing options, yield and affordability.

It ultimately came to the conclusion that, on balance, the proposal demonstrated an appropriate level of compliance with DDO3 in both of these areas.

What the Tribunal’s consideration of this case suggests is that the policy position in the Scheme in relation to “low scale” outcomes is inconsistent with Council’s expectations. If Council wishes to discourage double storey development on character grounds, it appears that a different statutory response is required within the DDO controls and that further strategic work will need to be undertaken to justify this position.

In Manifold & Anor v Corangamite SC [2011] VCAT 2191, the Tribunal considered an application to construct a double storey dwelling on land affected by DDO3. In this case, the Council had issued a Notice of Decision to Grant a Planning Permit, to which a group of objectors sought VCAT’s review. While the Tribunal issued a permit (subject to minor alterations to conditions), it commented briefly on the clarity of the ‘building envelopes relative to vegetation and landscape type’ map in the control. It said:
A plan is attached to DDO3. The Council submits the review site is within the "Valley Slopes". The Applicant said the site is within the "Hinterland". The Respondent said it could be in either. The colours on the plan may be open to interpretation and only one cross-section is provided to assist.

Consultations as part of this review have also identified the need to rationalise or provide clearer mapping at this clause and this is discussed in detail later in this report.

**Significant Landscape Overlays**

The Shire contains several volcanic landforms that are significant in a State and regional context. The Council has applied Significant Landscape Overlay – Schedule 1 ‘Volcanic Landscape Area’ (SLO1) to several of these landscapes.

In *Sarto & Ors v Corangamite SC* [2010] VCAT 626, the Tribunal considered an application for an extractive industry to quarry scoria from a site that bordered the slopes of Mount Elephant. While the land subject to the application was not affected by SLO1, the nearby land was. The Tribunal considered that Mount Elephant was a significant cultural and landscape asset within the Shire. However, it was critical of the Council’s limited application of the SLO to the ‘cone’ of the volcano only. It considered that the SLO should apply to a much broader area to protect the significant landscape. It said:

> The Council and the applicant were both quick to point out that the Significant Landscape Overlay that affects Mount Elephant does not affect the apron and surrounding rural land (including the site of this proposed quarry). The Significant Landscape Overlay currently applies only to that area of the steeper slopes of the cone and vent, which My Fagyas and the Council submit are the significant features of Mount elephant.

> Ms Sarto advised us, and Ms Grainger acknowledged subsequently, that the Council is intending to review the extent of the Significant Landscape Overlays over features such as Mount Elephant and we endorse this action. If the policy intent is to protect and enhance such features within the landscape, our view is that the extent of protection needs to be beyond the feature itself.

The Council sought amendments to SLO1 through Amendment C29 to the Corangamite Planning Scheme, which broadly reviewed the existing Significant Landscape Overlays throughout the Shire and applied some new schedules. Relevantly, no mapping changes were proposed to SLO1, only changes within the Schedule to the Statement of significance, objectives and permit requirements. Ultimately, the proposed changes to Amendment C29 in relation to SLO1 were
abandoned and excluded from the amendment prior to the Panel process.

More recently, Council has prepared and exhibited Amendment C42 to the Corangamite Planning Scheme, which seeks to correct a number of mapping errors for SLO1 to six volcanic landscape features. Relevantly, the amendment does not change the mapping for Mount Elephant.

A similar issue emerged in the Tribunal’s consideration of a proposed telecommunication facility near the Great Ocean Road in Vodafone Hutchinson Australia Pty Ltd v Corangamite SC [2012] VCAT 1155. In this case, the Council refused the application on the basis of the effect of the communications tower on the landscape. The Tribunal noted that the land was not affected by the coastal SLO that was found along much of the Great Ocean Road. It therefore considered that the Council had concluded that the landscape grounds raised in the Council’s refusal were unsubstantiated, as the landscape was not deemed significant enough to warrant protection through the Scheme.

In a strategic sense, the mapping of the Significant Landscape Overlays should be reviewed to ensure that its breadth and coverage is sufficient enough to protect significant landscapes within the Shire.

**Recommendation:** Investigate the policy position of covering only the feature of significance for the Significant Landscape Overlay Schedules.

### 4.2 PLANNING SCHEME AMENDMENTS

Since the last planning scheme review, eight (8) separate planning scheme amendments were referred to an Independent Panel for consideration. Broadly, the Panel has generally supported these planning scheme amendments, either as exhibited or subject to minor modifications.

In some of the Panel reports for these amendments, the Panels have identified areas where further strategic work is required by Council or made commentary on current Council practices and strategies that are relevant to this review. These are discussed in detail below.

**Strategic Justification of Amendments**

The issue of strategic justification of amendments has been considered by all Panels appointed to consider planning scheme amendments by the Council in the inter-review period. In general, the Panels have considered that each amendment is sound and backed by policy and strategic work.

Significantly, two amendments (C30 – Tourism Opportunities Study and C21 –
Princetown Structure Plan) raised differing concerns about the strategic work that underpinned exhibited planning scheme amendments.

Amendment C30 sought to make numerous changes to local policy, rezone 20 different landholdings to Special Use Zone or Rural Activity Zone and apply a Schedule to the Design and Development Overlay. The rezoning of the land was primarily sought on the basis that the underlying zoning (such as the Rural Conservation Zone) was overly restrictive and prohibited many tourism-generating activities from establishing within key opportunity areas across the Shire.

While the Panel considered that there was a strong State and local policy basis that supported rezoning of land to encourage tourism, it raised concerns about the Tourism Opportunities Study that provided the strategic justification for site identification and suitability as a future tourism destination.

In its findings, the Panel said:

> Having reviewed the issues associated with the site selection process in the TOS, the Panel has concluded that:

- The site selection criteria were very general and not always rigorously applied.

- The reliance on Council officers to identify the majority of the sites based on ‘past interest shown by landowners and through local knowledge of the region’ was inadequate.

- Tourism owners and operators should have been more effectively targeted for consultation.

- Expressions of interest should have been sought from tourism owners and operators to nominate sites for assessment.

- There should have been an explicit assessment of existing tourism businesses that are constrained by their existing zoning.

In light of its concerns about the rigour of the site selection process, the Panel cannot conclude that the TOS by itself provides adequate justification for the 20 sites. As discussed earlier, some of the sites and proposals are clearly sensible and should be supported, however some are at the margin and warrant further analysis than was undertaken as part of the TOS. To the extent that the Panel has been able to do this as part of the Hearing process, it has done so.
The Panel also raised concerns about a lack of rigour around the survey methods used in the Tourism Opportunities Study to justify further tourist accommodation. In general, the Panel said that the Study was not of a representative sample size, involved self-recruitment and that participants were generally positive about the current extent of accommodation provided. In this regard, the Panel did not feel that the survey could be relied upon as being representative of community views and the current provision of tourist accommodation.

The Panel concluded that, overall, the amendment was justified by policy, but that some sites should be excluded, on the basis that there was no policy support. The Panel’s conclusion neatly summarises the contentious issues associated with the amendment and the need for sound strategic justification:

*The Panel supports the amendment and recommends that it be adopted subject to various changes. It will provide a sound basis to facilitate new and expanded tourism opportunities that will have a net benefit for the Shire, the broader region and the State.*

*The Panel has raised a number of issues associated with the TOS and has concerns about the adequacy of some of its findings and recommendations. This is particularly so in relation to the site selection process, the identification of preferred types of accommodation and the analysis of specific sites. However, it agrees with the underlying premise that there is scope to further capitalize on the tourism potential of the Shire’s natural assets and features, and its existing tourism infrastructure.*

*In recommending that the amendment be adopted, the Panel has also recommended a number of changes, including the removal of some of the coastal sites. It has done this because it is not satisfied that there is adequate strategic justification for these sites, and particularly because of its view that to rezone them would be contrary to the policy framework for tourism and development in the Great Ocean Road region. The Panel has supported all of the inland sites and is satisfied that they are consistent with the policy framework.*

While this Panel report obviously had implications on the future implementation of the Tourism Opportunities Study and the rezoning of sites, it also has ramifications for the preparation of future amendments. The Panel’s findings demonstrate the need for studies that are to be implemented by planning scheme amendments to have been prepared to withstand scrutiny. There is a strong need for studies to be rigourous and representative in their analysis and recommendations, such that the Panel can be confident that the evidence provides a compelling strategic justification.
It is also important that any strategic work used to justify an amendment is timely in its relevance. Amendment C21 sought to implement the Princetown Urban Design Framework (2001) and the Princetown Strategic Development Plan (2004) by rezoning some land and amending Clause 21.04 of the Corangamite Planning Scheme. The Panel raised concerns about the age of the studies that justified the amendment, noting that the amendment was exhibited in 2011, ten years since the first study was undertaken. In concluding that the amendment was strategically justified, the Panel noted that:

*It is unfortunate that the two documents that form the basis of the Amendment were published in 2001 and 2004, several years before the exhibition of the Amendment. The Panel explored the issue of whether the studies were out of date, and therefore whether the Amendment itself may be flawed.*

*At the Panel hearing, Corangamite Shire Council explained that the long gap between the strategic studies and the exhibition of the Amendment was largely caused by limited strategic planning resources, other strategic planning priorities and staffing changes. Despite this, the Council argued that an extensive consultation process occurred in the months prior to exhibition, including public meetings and the publication of a series of short newsletters on aspects of the future of Princetown. Further, it argued that there has been limited change in Princetown over the past decade, and the issues that were identified in the 2001 and 2004 studies remain relevant to Amendment C21.*

*The Panel agrees with Council on this point. The age of the documents is not ideal, but the issues that they raise are those that are currently important to Princetown. None of the submissions sought abandonment of the Amendment, reinforcing the Panel’s conclusion that the Amendment can be strategically justified. Princetown is a very small centre with around 18 dwellings in the township, and it is not realistic to expect its strategic land use planning to be carried out with the same frequency as other larger coastal towns.*

The Panel’s conclusions in both Amendments C21 and C30 highlight the need for Council to ensure that its strategic work appropriately justifies a planning scheme amendment. Relevantly, the Panel’s findings in Amendment C21 also highlight the need for the timely implementation of strategic studies to ensure currency and relevance are maintained, having regard to Council’s resource limitations.

*It is clear that the Council has acted on the Panel’s comments from Amendment C21. Council has been actively implementing completed strategic studies over the inter-review period through various planning scheme amendments.*
APPLICATION OF OVERLAY CONTROLS TO PUBLIC LAND

In Amendment C29, Council sought to implement the findings of the *Great Ocean Road Region Landscape Assessment Study (2003)* by modifying existing Schedules 1 and 3 to the Significant Landscape Overlay and introducing two new Significant Landscape Overlay Schedules 4 and 5 to the Princetown Estuarial Landscape and Moonlight Head Coastal Landscape areas.

The Council exhibited the controls with mapping extending only to private land, with no controls on public land. Several submitters expressed the view that the controls should apply to public land, while the (then) Department of Sustainability and Environment and Parks Victoria submitted that controls were not warranted, noting that the authorities were exempt from planning controls on public land under a gazetted instrument and that there was no development pressure on public land for activities that were not carried out by a public land manager.

The Panel was referred to several planning scheme amendments in the Gippsland region (East Gippsland C68, South Gippsland C45 and Bass Coast C53, C93 and C98) where Panels concluded that significant landscape overlays should apply to Crown land. The reasons for inclusion were summarised in the Bass Coast Panel for its three amendments, where it said:

> Given that the vast majority of coastal developments will occur on private land, it is clear that the application of SLOs to private land is a useful means of assisting the protection of scenic coastal places from the adverse impacts of poorly designed and sited developments. The omission of the SLOs from adjoining coastal Crown land, however, raises issues of consistency and equity and questions the completeness of the protection of significant coastal landscapes under the Planning Scheme.

Ultimately, the Panel for Amendment C29 agreed that the controls should apply to public land for completeness, consistency and to ensure appropriate protection, but was cognisant of the limitations of implementation. It said:

> In the case of Corangamite C29, the Panel agrees with Dr Manifold that the SLO should have included PCRZ-zoned public land, for the reasons outlined in the East Gippsland, South Gippsland and Bass Coast Panel reports that considered coastal landscapes. Of the arguments presented by Corangamite Shire, the Panel finds merit in the retention of consistency in coastal municipalities by limiting the SLO to private land, although this merely reinforces a wider shortcoming in planning for coastal areas. Further, the Panel accepts that Corangamite Shire adopted the boundaries identified by the GORRLAS mapping project in good faith, and a subsequent modification
of the SLO boundaries would require appropriate exhibition.

The Panel also notes the pragmatic approach adopted by the Bass Coast Panel, which decided that there was little point in proposing a recommendation that was not going to be implemented.

The Panel has therefore concluded that, despite the merit of applying the SLO in PCRZ-zoned public land, Amendment C29 should proceed and be limited to the exhibited coastal areas of the Great Ocean Road Landscape Area – Peterborough to Princetown (SLO3), Princetown Estuarial Landscape (SLO4) and Moonlight Head Coastal Landscape (SLO5).

The Panel’s conclusions in this regard highlight the need to consider an even application of overlay controls in the future across public and private land, where the management of activities on public land is important in achieving a particular outcome (such as the protection of a significant landscape).

CONSIDERATION OF SOCIAL AND ECONOMIC IMPACTS

Changes to the Planning and Environment Act 1987 enacted into law in 2013 amended Section 12 of the Act to require that the planning authority “must take into account … social effects and economic effects” of an amendment.

In Amendment C36, which sought to implement the findings of the Corangamite Heritage Study Stage 2, the Panel considered that Council’s assessment of the social and economic impacts of the new controls was understated. It said:

The Panel considers that the Shire could have undertaken a more detailed analysis of the interaction between the proposed heritage protection and potentially conflicting State and local objectives and policies especially those relating to agriculture.

Council’s submission to the Panel contained the following simple statement:

The social and economic benefits of this amendment will be to strengthen community appreciation and understanding of heritage values within the Shire.

Similar statements have been made in relation to many Amendments prior to (and in some cases after) the changes to s.12(2)(c) of the Act, but in the Panel’s opinion greater attention now needs to be given to this issue where it has emerged as a local concern. Under the heading ‘impact on farm activity’ Council’s submission stated that:
The HO seeks to control development and change and does not seek to restrict the use of Farming Zoned land for farming. The control is a better way to manage change whilst still protecting and preserving the Shire’s cultural heritage.

However, this did not address the concerns expressed in submission about potential impact on farming practices, including farm viability, especially where the extent of the exhibited HO includes large areas of farming land that does not of itself have any heritage significance, but has been included as part of the setting of a heritage place. Similarly, Council did not address the concerns about privacy raised by some submitters, which could be seen as social impacts.

The Panel considers that in preparing future amendments, planners take note of the requirements of s.12(2)(c) of the Act, and respond to them in a more comprehensive manner.

In light of the findings of the Panel, it is clear that future planning scheme amendments must ensure that the social and economic effects of any amendment are detailed appropriately and considered in the introduction of new controls.

PROTECTION OF THE RIGHT TO FARM

The Panel for Amendment C36 discussed above also considered the ‘right to farm’ and the impact of proposed controls on farming activities. It was clear from the submissions to this amendment (and consultation as part of this review) that the introduction of new planning controls or rezoning of land was often seen by some in the community to hinder farming through overregulation.

This was evident in Amendment C36, where submitters viewed the introduction of heritage controls as a restriction on agricultural activity. In summary, these submitters felt that the practical need to apply for a permit for typical farm management activities such as the moving of fences, lopping an removal of trees and the construction or demolition of sheds and outbuildings was an onerous requirement that would restrain farming activity, particularly when State policy recognised the economic importance of agriculture.

The Panel sought to resolve the tension between the protection of heritage assets and the ability for farming activities to continue to make a beneficial contribution to the State’s economy as follows:

The Panel accepts that the planning system is often required to balance competing objectives. As quoted in Chapter 5.1(i) above, Clause 10.4 of the
SPPF says the balance should fall in favour of net community benefit. In this case, the Panel considers that the long-term benefits of identifying and protecting significant heritage places can co-exist with the benefits of agricultural activity, which may vary from season to season or year to year.

However, the Panel considers that a better balanced outcome could be achieved by using planning mechanisms to minimise the impact of the HO on agricultural enterprises. The two mechanisms proposed are the use of an Incorporated Plan to provide permit exemptions for everyday farming works, and setting the boundaries of the HO in a way that focuses on the significant elements and minimises the HO’s intrusion into agricultural land.

Ultimately, the Council resolved to introduce the incorporated document proposed by the Panel. However, the Minister for Planning approved the amendment without the incorporated document. Nevertheless, the Panel’s conclusions highlight that there are tools available within the planning system to privilege agricultural activity within the Shire. In being mindful of the importance of this economic activity to the Shire, Council should be conscious of the tools that are available to them and use them as appropriate in future planning scheme amendments. In this regard, noting that the Minister ultimately did not support the introduction of an incorporated document, further discussions should be held with the Department of Environment, Land, Water and Planning on the most appropriate tools for protecting the right to farm.
5. STATE STRATEGIC CONTEXT

Continuous Improvement Review Kit requirement:

*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.*

5.1 OVERVIEW

Since the preparation of the previous Corangamite Planning Scheme (CPS) review, there have been considerable changes to policy at the state level, including the introduction of various planning policies and initiatives.

Government initiatives that have been developed or are being considered include:

- Modifications to the Planning and Environment Act;
- 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;
- 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’);
- Bushfire protection provisions, as well as inclusion of new areas mapped to be contained within the Bushfire Management Overlay (BMO);
- Review of the SPPF and LPPF Framework culminating in the release of a new Planning Policy Framework (PPF) in March 2014;
- The review of the local development contributions system; and
- Introduction of a revised Native Vegetation Framework.

These initiatives will have significant implications for the Corangamite Planning Scheme and may require consequential amendments in the future – particularly the new PPF, the new Native Vegetation Framework, the modified Residential, Commercial and Rural Zones and the revised Developer Contribution regime.

The following section provides greater detail on some of the notable state initiatives
5.2 PLANNING AND ENVIRONMENT ACT

The Planning and Environment Amendment (General) Act 2013 came into operation on 28 October 2013. The key reforms in the ‘Amendment Act’ include:

- making it mandatory for the Responsible Authority and the Planning Authority to take account of the social effects and economic effects of the use or development of the land when preparing an amendment to a planning scheme and when issuing planning permits;

- providing for two types of referral authority that will be set out in planning schemes being a determining referral authority who has the power to require a permit application to be refused or for certain conditions to be included in a permit; and a recommending referral authority who may comment on an application;

- providing for a Planning Application Committee to work with councils to deliver better local planning decisions;

- providing for reporting to the Minister by planning authorities, responsible authorities and referral authorities to improve the transparency of the planning system;

- improving the processes for amending planning schemes and assessing planning permit applications by reducing delays and speeding up information exchange;

- improving the decision-making process at the Victorian Civil and Administrative Tribunal;

- improving the operation of planning agreements by expanding the options for amending and ending legal agreements;

- amending the Subdivision Act 1988 in relation to public open space and include consequential minor changes to the Subdivision Act 1988 and the Local Government Act 1989;

- ensuring that if a planning scheme specifies the level of public open space contribution in Clause 52.01, there is no power to vary or reduce it in the event that section 18(1A) applies;

- confirming the right of the Proponent to be heard in a Panel hearing; and
• giving Planning Panels the option of holding ‘Directions Panels’ whereby a number of Directions Hearings are conducted on the one day.

The mandatory provision to consider social and economic issues is particularly important as previously there was only a requirement to consider significant environmental matters with discretion for Council as to whether social and economic effects were to be considered.

A further amendment to the Act came into effect on 12 October 2015, which amended Section 60 and Section 84B to require responsible authorities and the Tribunal (on review) to have regard to the number of objectors in considering whether a use or development may have a significant social effect.

5.3 AMENDMENT VC102

Amendment VC102 amended the model Victoria Planning Provisions (VPP) and planning schemes as a result of the 2013 amendments to the Act.

The amendment gave effect to the Victorian Government’s commitment to altering the referral authority status of some authorities to enable local councils to make decisions on permit applications and permit conditions. The amendment designated some agencies (such as catchment management authorities) as a ‘recommending’ referral authority. A recommending referral authority can comment on a permit application but, unlike a determining referral authority, it does not have the power to require the application to be refused or for certain conditions to be included in a permit. This may have implications for those agencies that are no longer able to make determinations and may encourage them to specify conditions which could be included in overlay schedules.

5.4 DEVELOPMENT CONTRIBUTIONS

In May 2012, the Minister for Planning announced the Government’s preferred framework for development contribution plans which outlined a new system of standard levies that can be selected and applied to different development settings. The new system provides Councils with a set of standard development contribution levies for different development settings based around five infrastructure categories:

• Community facilities;
• Open Space facilities;
• Transport infrastructure;
• Drainage infrastructure; and
- Public land.

The Minister for Planning appointed an Advisory Committee to provide advice on the framework for the new development contributions system and on the establishment of the standard levies. Council made a detailed submission to the Committee. The Advisory Committee reported in December 2012 and May 2013. In May 2014, the Minister for Planning announced the introduction of Standard Levies for development contributions in priority growth locations, the implementation of a new Infrastructure Contribution Plan and a streamlined approval process.

The Standard Levies became available for use from 1 July 2015 and will be able to be applied in identified metropolitan and non-metropolitan growth locations.

5.5 NEW VPP ZONES

In March 2013 the State Government released three reformed residential zones for Victoria to replace the existing residential zones. The government provided some criteria for Councils to use in determining where the residential zones might be applied as follows:

- Residential Growth with heights of up to 4 storeys, with townhouse/apartment dwellings to be located around activity centres and adjacent to train stations.

- Neighbourhood Residential with heights of 2 storeys, with single dwellings/dual occupancies best suited to heritage precincts (HO), environmentally significant areas (ESO), landslip areas (EMO) and flood prone areas (LSIO).

- General Residential with heights of 2-3 storeys, single/dual/villa/townhouses suited to all other locations.

All Councils had until June 2014 to apply the new residential zones. Some Councils, selected all three zones to apply while others elected to ‘roll-over’ the Residential 1, 2 and 3 zones (R1Z, R2Z and R3Z) into the new General Residential Zone (GRZ) pending more detailed analysis.

As few councils had finalised their implementation by 1 July 2014, the Minister for Planning approved Amendment VC116 on that date to remove the R1Z and to replace it with the GRZ. The Corangamite Planning Scheme transitioned to the General Residential Zone under Amendment GC10 in June 2014.

In April 2013, the State Government also released changes to the existing industrial zones and introduced two new commercial zones to replace the existing business zones. Unlike the residential zones, the Minister for Planning undertook the
translation of the industrial and commercial zones. These changes were implemented into the Corangamite Planning Scheme in July 2013.

In September 2013, the state government completed its zone review and implementation when it released changes to the existing rural zones, which were subsequently incorporated into the Corangamite Planning Scheme.

5.6 PRACTICE NOTES

In November 2013, the State government released six new Practice Notes that are aimed at explaining the role of recent zone changes or which explain how certain applications will be assessed. The six new Practice Notes are:

- **Practice Note 15** “Assessing an Application for One or More Dwellings in a Residential Zone”;
- **Practice Note 16** “Making a Planning Application for One or More Dwellings in a Residential Zone”;
- **Practice Note 37** “Rural Residential Development”;
- **Practice Note 42** “Applying the Rural Zones”; and
- **Practice Note 62** “Green Wedge Planning Provisions”; and
- **Practice Note 78** “Applying the Residential Zones”.

In the inter-review period, a number of Practice Notes also received updates. Many of these changes were largely minor or ‘cosmetic’ updates to fit in with new Departmental naming and style guides.

5.7 GREAT SOUTH COAST REGIONAL GROWTH PLAN

The Great South Coast Regional Growth Plan (RGP) is one of eight regional growth plans prepared across the state to help guide a coordinated regional response to population growth and regional change over the next 30 years.

The Regional Growth Plan was developed over two years in a partnership between local government, state agencies and relevant authorities, as well as neighbouring Colac Otway Shire. The plan covers the municipal areas of Corangamite, Glenelg, Moyne, Southern Grampians and Warrnambool.

The region’s population is expected to grow from 101,624 in 2011 to 124,798 by 2031. However, a low level of change is anticipated in Corangamite Shire, where the population is expected to increase by 2,317 persons to 18,821 in 2031.
In terms of settlement, the Plan nominates Camperdown, Cobden, Timboon, Port Campbell, Mortlake and Terang as ‘district towns’ that provide local and some sub-regional services and will accommodate medium growth. The focus in these towns is to encourage and attract residential growth within township boundaries which facilitates a ‘commuter’ role to larger centres. There is also a strong emphasis on support for sustained tourism and dairy industries in many of these towns.

Skipton, Derrinallum, Lismore, Noorat, Simpson and Peterborough are designated as ‘small towns’ where low growth is anticipated.

The RGP recognises that agriculture is the dominant land use and a significant economic driver and employer in the region, particularly through dairying and forestry. It also acknowledges that the region is a hub for alternative energy production, with established geothermal, natural gas, wave and wind energy projects.

An important part of the RGP is the Implementation Plan, which includes amending local planning schemes to align with key elements of the document. A key action is that Council’s implement key aspects of the Plan as part of their MSS review and rewrite.

It is also forecast that an Implementation Plan will be developed across the region.

Amendment VC106 was approved on 30 May 2014 and it amended all planning schemes in Victoria (including Corangamite) to recognise Plan Melbourne and the eight regional growth plans, by providing updated strategic policy at Clause 11 ‘Settlement’.

5.8 SPPF REVIEW

The State Policy Planning Framework (SPPF) is a foundation element of the Victorian planning system and the Victoria Planning Provisions (VPP). It sets the key policy directions for state planning issues. A review of the SPPF is presently being undertaken so as to ensure that all state policy matters align and integrate with the key strategic directions. It is particularly required to ensure that it aligns with the newly developed Metropolitan Planning Strategy (Plan Melbourne) and the Regional Growth Plans for provincial Victoria.

The Local Policy Planning Framework (LPPF) is the other central element of the Victorian planning system that was introduced at the same time as the Victoria Planning Provisions (VPP). The LPPF principally consists of a Municipal Strategic Statement (MSS) at Clause 21 but it can also contain Local Planning Policies at Clause 22.
The LPPF is intended to give local expression to the range of state policy issues identified in the SPPF. The MSS identifies key local issues and includes objectives and strategies to address these issues. The MSS also identifies the implementation tools (zones and overlays) that will be used by Council to deliver the objectives and strategies.

The state government announced a review of the SPPF in 2013 and it appointed an Advisory Committee with clear Terms of Reference. As part of its SPPF Review, the state government asked the same Advisory Committee to advise on how a revised LPPF structure might dovetail with any possible new SPPF structure. The Committee was specifically asked to advise on:

- The role, structure and format of a revised LPPF, including MSS and local policy. The revised MSS must align with and compliment the revised SPPF.
- How a revised LPPF could be implemented across Victoria.

The committee released its preferred PPF model on 21 March 2014 for consultation. The revised PPF format includes:

- Consolidating state, regional and local policy on specific themes rather than split across different parts of the planning scheme.
- Making the PPF easier to navigate
- Removing outdated policy
- Updating the framework to reflect Plan Melbourne and regional growth plans

Under this approach, all state, regional and local policy on a particular issue is to sit within the one new PPF Clause, rather than being spread across the SPPF, MSS and Local Policies.

The draft PPF for all planning schemes includes high level state policy about each issue to provide a context for decision making at a macro level.

However only relevant detailed policy that applies to a particular municipality is included in the draft PPF (for example, Corangamite does not contain detailed alpine policy).

It was anticipated that a new PPF structure would be introduced into the VPPs in 2014, as the project had broad support at State and local levels and among industry. With the change of government at the end of 2014, it is unclear whether this review will continue to be actively pursued.
5.9 NATIVE VEGETATION

In September 2012, the state government announced a review of Victoria’s native vegetation clearing regulations. The aim of the review was to improve and strengthen the regulatory system to deliver better outcomes for the environment and the community.

Reforms to the native vegetation permitted clearing regulations were announced (in September 2013) and will ensure a stronger focus on the value of native vegetation for statewide biodiversity and a reduced regulatory burden for landholders. The priority reforms for native vegetation included:

- clarifying and amend the objective of the permitted clearing regulations;
- improving how the biodiversity value of native vegetation is defined and measured; and
- ensuring offsets provide appropriate compensation for the environment.

The native vegetation reforms commenced following approval of Amendment VC105 on 20 December 2013. The amendment implements reforms to Victoria’s native vegetation and biodiversity provisions by:

- Amending Clause 12.01 (Biodiversity) to reflect the new ‘no net loss’ approach rather than the previous ‘net gain’ approach;
- Amending Clause 52.16 (Native vegetation precinct plan) to reflect the intent of the native vegetation and biodiversity reform package;
- Amending Clause 52.17 (Native vegetation) to rationalise information requirements, implement the new risk-based assessment pathways, include a simplified approach for applications under a low-risk based pathway and streamline the determination of offset requirements;
- Amending Clause 66.02-2 (Native Vegetation - Referral and Notice Provisions) to require the class of application in the high risk pathway as defined in the document ‘Permitted clearing of native vegetation – Biodiversity assessment guidelines’ (Department of Environment and Primary Industries, September 2013) be referred to the Secretary to the Department of Environment and Primary Industries as a recommending referral authority;
- Amending Clause 81.01 (Incorporated Documents) to replace ‘Victoria’s Native Vegetation – Framework for Action’ with a new incorporated document ‘Permitted clearing of native vegetation – Biodiversity assessment guidelines’
5.10 BUSHFIRE

On 29 May 2014, and in the wake of the Bushfire Royal Commission, the state government announced significant changes to Victoria's bushfire planning regulations, aimed at providing greater certainty to residents and landowners in bushfire designated areas. Key features of the reforms include:

- allowing private bushfire bunkers as an alternative safety measure, where there may be increased bushfire safety risks that need additional consideration
- allowing vegetation clearance to achieve defendable space. The cleared area around a home is vital to protecting the home’s occupants. Vegetation clearance obligations ('defendable space') would be limited to the title boundary of the relevant property
- ensuring the assessment of bushfire risk is consistent with the Australian Standard
- allowing more sensible bushfire safety measures in new master-planned estates
- allowing homes to be built on 'infill' lots surrounded by other dwellings. Where a dwelling is allowed, it will be able to be built with a fair and equitable bushfire response.

A new $700,000 Bushfire Planning Assistance Fund was also announced which will enable affected landowners and councils to streamline planning processes.

On 31 July 2014, VC109 introduced changes the Victoria Planning Provisions and all Victorian planning schemes by amending:

- **Clause 44.06 ‘Bushfire Management Overlay’ (BMO) to move the application requirements to Clause 52.47 and include a new mandatory condition for bushfire bunkers.**

- **Clause 52.17 ‘Native Vegetation’ to enable the clearing of native vegetation to be undertaken by private landholders on Crown land with the written permission of the Secretary of the Department of Environment and Primary Industries for the purposes of maintaining wild dog exclusion fences.**

- **Clause 52.47 ‘Planning for bushfire’ to provide approved and alternative...**
bushfire safety measures for new single dwellings, replacement or extension to an existing dwelling and other buildings.

- Clause 52.48 ‘Bushfire Protection: Exemptions’ to provide exemptions for the provision of defendable space for a dwelling approved under the BMO.

- Clause 66 ‘Referral and Notice Provisions’ to change the referral authority status for relevant fire authorities (CFA) from ‘determining’ to ‘recommending referral’ authority, for some types of development.

5.11 VICSMART

The Minister for Planning set up the Victorian Planning System Ministerial Advisory Committee in 2011 to (among other things) provide advice on ways of improving the planning system including the legislative base, the structure of planning schemes including the structure of state and local policy provisions, as well as regulations under the Planning and Environment Act 1987.

The Committee delivered its initial report to the Minister in December 2011 and made three recommendations relating to the assessment of planning permit applications being:

- A system of planning permit application streams should be developed for different land use and or development categories. These streams should align with revised notice provisions, referral authority procedures and adjusted timelines for decision making.

- A **Code Assess** process be developed and piloted in selected municipalities for a variety of buildings and/or works and/or nominated subdivision proposals. (Emphasis added).

- An audit of existing permit triggers in the planning scheme be undertaken to identify where permit triggers could be reduced.

The Advisory Committee noted that there were procedural and public policy benefits in ‘codifying’ existing practices and in introducing different types of permit application processes that more appropriately align with the scale and impact of proposals.

The Committee suggested that a two stream permit application approach, consisting of a ‘Code Assess’ stream and a ‘Merit Assess’ stream, could be a way to organise classes of permit applications. The committee proposed that planning permit applications submitted in the Code Assess category would be required to comply with clear quantitative criteria and, if it did, then it would be exempt from notice
requirements. If a decision maker was required to make a judgement about a qualitative objective or specific design outcome, then the application would not be suitable for the Code Assess stream. The application would be required to progress through the Merit Assess process.

The Planning and Environment Amendment (VicSmart Planning Assessment) Act 2012 was enacted in September 2012 to allow a new streamlined permit process to be set up in planning schemes for straightforward, low impact development proposals.

Key features of the VicSmart process are:

- A decision within ten business days.
- An applicant is expected to submit all the necessary information with the application.
- No need for external referrals.
- An applicant is expected to obtain any referral authority approval before lodging the application.
- Exempt from advertising.
- The application is only assessed against specific pre-set decision guidelines.
- The Chief Executive Officer (CEO) of the council or a delegate will decide the application.
- An applicant has a right of review to VCAT if there is disagreement about whether the decision guidelines have been met.

Councils will also have the opportunity to ‘schedule in’ low risk permit applications under local provisions to be assessed under the VicSmart process. The VicSmart process was introduced into the Corangamite Planning Scheme in September 2014 by Amendment VC114.

5.12 CONCLUSIONS ON STATE CONTEXT

The extensive changes at the state level since the last review will have profound implications for the Corangamite Planning Scheme.

Consequential changes arising from the development of the regional growth plan, the introduction of new and reformed zones, modifications to development contributions, native vegetation, and bushfire management will also have an impact on the structure and content of the scheme.
These matters are addressed in later sections of this report that review the efficiency and effectiveness of the local provisions of the Scheme.
6. **LOCAL STRATEGIC CONTEXT**

Continuous Improvement Review Kit requirement:

*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.*

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

6.1 **COUNCIL PLAN 2013-2017**

The Corangamite Shire Council Plan 2013-2017 was endorsed by Council in June 2013 and was revised in April 2015. The Plan articulates an overarching vision for Council and the City and is Council’s principal planning document.

The Council Plan outlines a number of opportunities and challenges which face the municipality in terms of population and migration management, socio-economic development, education and employment and health and wellbeing. It relevantly acknowledges the need to stimulate population growth, the need to improve education opportunities to develop a skilled workbase and attract employment in tourism and new technologies.

The Vision for the Shire is:

*Our communities will be vibrant, prosperous and growing.*

It incorporates five core themes, each with supporting objectives and strategies that are aimed at achieving the aspirational vision of the Council towards 2017. The key themes outlined in the Council Plan are:

*Stewardship, Governance, Advocacy and Collaboration*

*Positioning for Economic Growth*

*Sustaining Our Natural Assets*

*Strengthening Our Communities*

*Infrastructure*

Each theme includes a series of objectives designed to advance the Vision for each of the key themes within the Council Plan.

The Corangamite Shire Health and Wellbeing Plan (2013-2017) provides the strategic framework for addressing the key health and wellbeing needs of the Shire’s community. The Plan has been prepared in accordance with the Public Health and Wellbeing Act 2008.

It was developed in partnership with Glenelg, Moyne, Warrnambool and South Grampians Shire Councils to identify opportunities for collaborative planning and health and wellbeing capacity across the region. While each council has ultimately adopted its own Health and Wellbeing Plan, the key themes and goals are addressed consistently across a regional level. The key themes in the Corangamite Shire Health and Wellbeing Plan are:

- Healthy and safe communities.
- Equitable, supportive and sustainable communities.
- Resilient, connected and inclusive communities.
- Capacity building for health and wellbeing.

The objectives and strategies within the Plan are designed to achieve six key goals, which are:

- Improve the physical health of our community.
- Prevent violence against women and children.
- Increase access to opportunities for all residents to improve their health and wellbeing.
- Improve the educational outcomes of our community.
- Promote mental health and wellbeing.
- Consider health and wellbeing across all areas of Council activity.

The goals and objectives of the plan have been aligned and incorporated into the Council Plan 2013-2017.
6.3 OTHER COUNCIL ADOPTED STRATEGIES

Since the last planning scheme review there has been a considerable amount of strategic work prepared and adopted by Council. While some of these have a more direct relationship with land use planning (and therefore the planning scheme), all of the documents will have some bearing on changes within the Shire in the foreseeable future. Relevant adopted documents include the following:

- Arts and Culture Plan for Corangamite 2016-2020 (2015);
- Blueprint for Timboon (2012);
- Corangamite Shire Environment and Sustainability Strategy 2014-2019 (2014);
- Corangamite Shire Planning Framework on Electronic Gaming Machines (2014);
- Domestic Wastewater Management Plan (2014); and
- Industrial Land Strategy (2013).

Of the above documents, a brief summary and commentary on some of the significant strategic work is set out as follows:

CORANGAMITE SHIRE PLANNING FRAMEWORK ON ELECTRONIC GAMING MACHINES

The Corangamite Shire Framework on Electronic Gaming Machines was adopted by Council in 2014.

The Framework provides detailed background information and analysis on the social and economic impacts of electronic gaming machines (‘EGMs’) within the Shire. It notes that there are currently 57 EGMs in the Shire, spread across two separate venues in Camperdown and Cobden, with the Victorian Commission of Gaming and Liquor Regulation setting a cap of 127 EGMs for the Shire.

The Framework identifies that the key features of the Shire’s demographic and socio-economic profile features include:

- A low average annual household income;
- A high proportion of the community having a high level of disadvantage with regard to SEIFA indicators;
- A large, relatively inaccessible rural catchment; and
- A low proportion of amenities and recreation pursuits available within the Shire for entertainment and recreation.

A community attitudes survey undertaken as part of the Framework identified that most respondents did not gamble on EGMs, that most residents would object to a new application for EGMs and that their levels of happiness would decrease if new EGMs were approved.

The analysis within the Framework identified that the Shire’s two main catchments of Camperdown and Cobden have a higher density of EGMs (12.1 per 1,000 adults and 20.87 per 1,000 adults respectively) than the State average of 10 EGMs per 1,000 adults. It also highlights that expenditure on EGMs within these towns exceeds the State average and that these townships are likely to be presently experiencing detrimental social and economic impacts.

The Framework provides an assessment for each township. It concludes that there are few opportunities for EGMs to be introduced in townships such as Lismore, Derrinallum and Skipton due to their size and lack of development pressure. Meanwhile, Terang is an area where EGMs could be introduced and that this may lead to social or economic harm due to the area’s socio-demographic characteristics.

The Framework recommends that a local policy be developed to set out locally specific guidance for EGMs within the Shire and require that an application for new EGMs be accompanied by a social and economic impact assessment. It also recommends that the Schedule to Clause 52.28 is modified to prohibit gaming machines within strip shopping centres in Simpson, Timboon, Port Campbell, Terang, Camperdown, Cobden and Skipton.

These changes were introduced to the Corangamite Planning Scheme through the gazettal of Amendment C40 on 21 May 2015.

**INDUSTRIAL LAND STRATEGY**

The Corangamite Industrial Land Strategy was adopted by Council in 2013. It was prepared to assess the supply and demand for industrial land across the Shire and make recommendations relating to future industrial land requirements, in terms of quantity, quality and location.

In terms of the existing industrial land, the report identified that the Shire’s existing inventory of industrial land comprised 158 lots, covering 210 hectares of land, with the majority of lots being less than 0.5 hectares in area. 73% of the Shire’s industrial land has been developed, with the developed land having a 4% vacancy rate. The
report also identified that the larger parcels of industrial land had a higher vacancy rate than lots of less than 0.5 hectares.

While Camperdown was noted as having a fairly mature stock of industrial land, much of the land was not preferred by industry, due to the lack of frontage to the highway.

The Strategy forecasts that there will be a demand for a further 38 hectares of industrial land, including 23 hectares of ‘strategic’ land, significant enough to attract large businesses to the Shire.

It recommends that several parcels of land across the Shire are rezoned to meet the future anticipated industrial land demand. It also recommends the establishment of a ‘business incubator’ hub in either Campberdown or Terang.

The substantive findings of the Strategy were introduced into the Corangamite Planning Scheme by Amendment C38 on 29 January 2015, through the rezoning of 8 parcels of land to Industrial 1 and one parcel to Industrial 3.

**CORANGAMITE HERITAGE STUDY STAGE 2**

The Corangamite Shire Heritage Study Stage 2 was adopted by Council in 2014 and follows the Corangamite Heritage Study Stage 1 report prepared in 2009.

The report provides a Shire-wide review and analysis of properties for heritage significance, with the exception of the Camperdown township, for which a detailed study had already been undertaken.

The Study recommends that 10 new heritage precincts and 76 individual properties throughout the Shire be placed within the Heritage Overlay to ensure that their heritage significance is reflected in planning controls.

The findings of the Study were introduced into the Corangamite Planning Scheme by Amendment C36 on 24 September 2015, through the application of the Heritage Overlay to 10 precincts and 75 properties and the introduction of Clause 22.06 ‘Heritage Policy’.

**DOMESTIC WASTEWATER MANAGEMENT PLAN**


The Plan was developed in conjunction with the local water authorities to assist in the management of domestic wastewater in the Shire in a manner that reduces potential
risks to public health and the environment. The impetus for the development of the Plan is to respond to the State Environment Protect Policy (Waters of Victoria) and to allow variation to Guideline 1 of the Minister’s Guidelines for Planning permit applications in open, potable water supply catchment areas (November 2012), for the parts of the shire that are within potable water catchments.

The Plan estimates that there are approximately 5,000 domestic wastewater systems across the Shire. The Plan details a risk assessment for all lots within the Shire against a number of factors including lot size, slope, soil profile, proximity to groundwater, watercourses and flood prone land.

It identifies that 15% of the Shire’s lots are highly constrained, 80% posing a moderate risk and constraint and 5% being of low consolidated constraint.

A detailed township-level assessment is set out throughout the Plan, as well as a number of management strategies that should be incorporated in the planning process or through the septic tank permit process.

The Action Plan does not detail any requirements relevant to Council’s planning function. Regardless, the Plan will be an important tool in the consideration of land capability and domestic wastewater in future permit applications.

6.4 CONCLUSIONS REGARDING LOCAL STRATEGIC CONTEXT

This review highlights that Council has achieved a considerable amount of strategic work, relative to its overall resources, population and planning permit activity.

Relevantly, most of the significant strategic work undertaken by Council has been actively implemented within the inter-review period, through amendments to the Corangamite Planning Scheme.

Notwithstanding this, this review has highlighted the need for new strategic work to be undertaken to address policy gaps. This is discussed later in this report.
7. CONSULTATIONS – PLANNING ISSUES

CONSULTATION DURING THE INTER-REVIEW PERIOD

In the inter-review period, Council has maintained a rolling program of reviewing the performance of its scheme through the day to day monitoring and update of its Planning Scheme. Council recognises that the dynamic nature of strategically based planning schemes requires a constant and ongoing monitoring and review. The monitoring and review since the introduction of the planning scheme has consisted of:

- Community consultation on all strategic work;
- Adopted planning scheme amendments;
- Current planning scheme amendments;
- Commissioning of further strategic work; and
- Development of an on-going strategic work program.

Council has demonstrated a strong and extensive commitment to stakeholder engagement on strategic work and planning scheme amendments and its attitude to this engagement is to be applauded.

As part of this review, Council committed to further engagement with stakeholders to review its planning scheme and provide future direction.

CONSULTATION AS PART OF THIS REVIEW

The Stakeholder Engagement Strategy, which was adopted by Council for the purposes of the Planning Scheme Review is attached at Appendix One.

The Stakeholder Engagement Strategy underpinned the consultation stage of this Planning Scheme Review. Internally, extensive consultation was undertaken with a broad range of Council staff. Externally, community members and referral agencies were provided with an opportunity to comment on the effectiveness of the Scheme and the land use planning challenges facing the Shire.

The program of engagement was primarily undertaken over two consecutive days in September 2015 and included several meetings with relevant Council staff, an issues briefing with Councillors on 27 October 2015, engagement with government agencies and an online survey of interested persons and a ‘supersession’ with residents.
Council’s planning officers were engaged in a detailed workshop, which audited the local provisions of the Scheme and provided an opportunity to look at emerging issues.

The consultation undertaken as part of this review identified a diverse and extensive range of issues for consideration as part of any future rewrite of the planning scheme or in undertaking further strategic work.

This chapter provides an overview of the key issues raised during the consultation with planning staff, other Council staff, government agencies, members of the community and other key stakeholders.

There are some matters raised that go beyond the ambit of the planning scheme and planning system in terms of future delivery. Notwithstanding this, where these issues have implications for Council’s service delivery in other areas, we have provided commentary in this chapter, to assist in Council’s future planning.

For ease of reference the outcomes are grouped under the various ‘issues’ that emerged during the consultations.

**PERFORMANCE OF THE PLANNING SCHEME**

In general, the review highlighted that there were no substantive issues among stakeholders regarding the performance of the planning scheme, particularly having regard to the resourcing limitations of the Council in undertaking strategic work.

There was a tension highlighted between the need to develop a performance-based system (preferred by staff) compared with the need for a more rigid, rule-based scheme that delivered certainty and consistency in outcomes (preferred by some survey respondents and residents).

Council planning staff were enthusiastic about opportunities to simplify and streamline the planning scheme. In particular, staff wanted to move towards a more ‘performance based’ planning system and make better utilization of the schedules to zones and overlays. It was also highlighted that there were opportunities to increase planning permit exemptions under zone and overlay schedules to reduce red tape and provide a more robust and effective scheme.

Some residents agreed with the need to rationalise content within the planning scheme, where it was viewed as an administrative burden and consistently resulted in non-contentious approvals for applications. Residents were particularly concerned with some of the requirements within the Farming Zone and the need for permits for farm sheds in some circumstances.
While some of these permit requirements are standard provisions that cannot be altered, there may be an opportunity to improve the zone schedule or implement a VicSmart assessment mechanism for minor applications.

We agree that this planning scheme review provides a timely opportunity to review and assess opportunities to improve the effectiveness of zone and overlay provisions. We make specific recommendations to this effect later in this report.

LPPF STRUCTURE AND CONTENT

As part of the consultation process, views were sought from all stakeholders on the structure and content of the LPPF within the Corangamite Planning Scheme.

In terms of the LPPF structure, the feedback from staff was that the structure has not been substantially altered since the commencement of the Scheme in 1999 and that there are opportunities to improve the structure to better align with the SPPF.

There was a limited degree of familiarity among residents about the content of the Scheme, although some were well versed in Council’s strategic planning documents that have guided the Scheme’s content.

Council staff felt that the policy and strategic direction within the Scheme was somewhat ‘dated’. They highlighted that there several clauses within the MSS that were not regularly used to guide the exercise of discretion in decision-making. In terms of local policies, it was unclear to staff why some local policies existed at all and that these were not relevant to the type of applications that are commonly triggered under the Corangamite Planning Scheme.

Overall, and based on discussions with planning staff, it is clear that there are consistent attempts to use the “strategic end” of the scheme (Clauses 21). However, staff advise that there are aspects of the MSS which are typically not used at all (Clauses 21.01, 21.02, 21.03 and 21.05). It has also become quite a ‘bulky’ document, at about 65 pages. The MSS bundles some objectives and strategies together and this needs to be separated.

Despite modifications to the scheme over the years (because of various Amendments), the current MSS still contains too much information that is descriptive in nature and which does not assist in decision making. It is a very ‘wordy’ document. The removal of much of this descriptive content will not reduce the usefulness of the MSS. Instead, it is likely to make it easier to read.

While staff consultations suggest that the MSS is somewhat helpful in applications involving small lot excisions, it is apparent that the rural sections are already dated by
virtue of the recent changes in the FZ. There is considerably more scope to apply for non-agricultural uses in the FZ and the MSS provides no direction on this at the moment.

The environment section provided little assistance other than in a narrative sense.

There is very little guidance on industrial development and this needs support in both the MSS and in new DDOs.

**EMERGING POLICY AND GAPS IN THE LPPF**

Consultations also identified several policy gaps that warranted further attention. In particular, the view among officers was that the Scheme provided good guidance for decision-making within townships, but was of limited benefit in rural areas. They also identified that there was a lack of policy guidance around the following matters:

Based on the consultations undertaken as part of this review, it is apparent that there are a range of ‘strategic gaps’ in the LPPF including:

- The need for policy direction in the Shire’s rural areas, particularly in relation to dwellings and small lot subdivision.
- The need for stronger guidance on tourism beyond the tourism opportunity sites and consistent with the Shipwreck Coast Master Plan.
- The need for policy guidance for non-agricultural uses (including dwellings) within the Farming Zone and to protect productive agricultural land.
- The need for policy direction on small lot subdivision and rural lifestyle dwellings.
- The need for policy direction on urban design issues within townships and small towns.
- The need to recognise the adverse amenity potential of industrial operations such as landfills and wastewater treatment plants through the introduction of buffers.
- The need to provide policy guidance for decision-making in commercial and industrial areas.
- The need to provide policy guidance for small business ‘start up’ opportunities.
- The need for further strategic work and guidance on flooding, predominantly
by the Catchment Management Authority.

- The need for direction on salinity management.
- The need for direction on aviation, including airfield management and flights over tourism sites, such as the 12 Apostles.
- The need for strategic direction for small towns, supported by a Small Towns Study.

We agree from our reading of the LPPF that there are clear gaps in policy direction that require stronger and clearer policy positions.

**Recommendation:** Address emerging strategic policy gaps within the rewrite of the Corangamite Planning Scheme, as identified throughout this section of the report.

While there is sufficient background studies and policy context to support a stronger policy position for many of these areas, it is clear that others will also require further strategic work to support any policy expression. We discuss this issue in further detail later in this section.

Overall, the current structure and content of the LPPF is inconsistent with the current SPPF and best practice. It is also apparent that there are a number of strategic gaps within the Scheme that will need to be addressed in a future re-write of the Scheme. This is addressed in more detail in the following chapter.

**AGRICULTURE**

Agriculture was highlighted as a key industry within the Shire, by both Council officers and the community. In particular, dairy farming and processing and sheep farming are viewed as making a strong contribution to the Shire’s economy and the region more broadly.

The Council acknowledges that there are opportunities to expand the agricultural industry in the Shire, through the pursuit of other industries, such as poultry farming, although it is also acknowledged there are some environmental and locational constraints to achieving this.

Some survey respondents highlighted the need to provide greater assistance to agriculture through lower municipal rates. While the rates issue is outside the scope of the planning scheme review, there may be opportunities to reduce red tape in the planning permit process to facilitate agricultural production throughout the Shire. Equally, it was acknowledged that the Shire doesn’t receive many applications for
intensive animal husbandry, but that many farms have probably transitioned from extensive animal industry to more intensive practices (such as feed-lot paddocks) without planning permission.

In terms of animal industries and intensive animal husbandry, it is clear there is a need to provide direction within policy.

The State Government has appointed the Animal Industries Advisory Committee to provide advice to the Minister for Planning on the role and function of the planning system in supporting animal industries and ensuring that these industries remain competitive and can respond to market changes. It is also tasked with reviewing the adequacy of the definition of ‘intensive animal husbandry’ within planning schemes.

While there is the need for more direction in the Corangamite Planning Scheme on animal industries, we suggest that this work should be undertaken with the benefit of any consequential changes that arise out of this Advisory Committee.

The protection of the agricultural sector within the Shire’s rural areas was also viewed as a significant issue. Council staff highlighted that there are issues with rural enterprises and dwellings establishing within the farming areas that are not related to (and take away available land from) agricultural purposes. Some residents submitted that the agricultural sector was significant and the planning scheme should provide clearer direction about the protection of farmland and the 'right to farm'.

It was also suggested by some residents that some of the Shire’s farming lots were of insufficient size to allow a proper farming practice to establish. They highlighted the need for farms to increase the size of their enterprises in order to survive.

There is concern that the pressure for lifestyle dwellings and small lot subdivision within the Shire’s rural areas will further fragment productive agricultural land. This issue is discussed in more detail later in this section of the report.

**Recommendation: Provide policy direction within the Local Planning Policy Framework rewrite on facilitating agriculture and protecting the ‘right to farm’**.

**TOURISM**

Council’s coastal location and natural assets provide a significant opportunity for tourism within the Shire. Consultation identified a clear desire from Council to develop the tourism industry and increase its contribution to the Shire’s economic development. In many respects, this work is ongoing, as Council has implemented its Tourism Opportunities Strategy through Amendment C30.

Officers highlighted that there are further opportunities to promote tourism across the
Shire and target new markets – such as adventure tourism, by taking advantage of assets such as the Great Ocean Walk. This view was supported by a survey respondent who suggested that cave diving, rock climbing and wine tasting were major attractions to the Shire that should be encouraged and promoted.

Staff also identified that higher end tourism could be an attraction to other areas within the Shire, such as Princetown and that there were opportunities for further tourism in Port Campbell West (particularly in terms of accommodation) and Booringa Road.

There is also a need to develop local policy guidance on tourism along the coast that is consistent with the State Government’s Shipwreck Coast Master Plan, which was prepared in partnership with Corangamite and Moyne Shires and Parks Victoria.

There was a rather circumspect view on the success of the 2010 Tourism Opportunities Strategy and its subsequent implementation. The amendment applied the Special Use Zone and Design and Development Overlay – Schedule 5 to some sites and amended local policy. Some stakeholders advanced a view that the Strategy has not performed effectively or that the zone and overlay schedules were not effectively implementing the project’s outcome. Nevertheless, we conclude that it would be premature to judge the effectiveness of the controls (or the Strategy itself) given their recent implementation into the scheme and the lead-time required for development activities. The authors of this review were encouraged by the level of enthusiasm displayed by staff and the community towards proactive facilitation of an expanded tourism industry.

In terms of policy settings, we observe that there is little in the way of strategic guidance in Council’s MSS about tourism and the local policy at Clause 22.03-4 is largely confined to the 16 tourism opportunity sites. In light of this, there are opportunities to improve the policy direction at a local level for tourism, to provide a robust decision-making framework around opportunities to increase tourism within the Shire.

**Recommendation:** Provide expanded policy direction on tourism beyond the identified tourism opportunity sites.

Community members were enthusiastic about the role that tourism can play in the Shire’s economic development. There was acknowledgement that the tourism zones identified in the Tourism Opportunities Strategy were yet to generate sufficient interest. Some community members highlighted that there was a need for an ‘iconic’ tourism generator project within Camperdown, such as the RACV Club in Torquay.

It was also acknowledged that some local residents were resistant to expansion of
existing tourism generators or the creation of new attractions. The prevailing view was that some existing businesses saw new enterprises as a threat to their operations, particularly in the expansion of the existing Visitors Centre. Equally, some residents were concerned about the impacts of tourism proposals on amenity, traffic and the environment. One survey respondent highlighted that tourism development has often been overemphasized at the expense of the environment.

Some officers and community members highlighted that Council’s ambitions for tourism within the Shire are inconsistent with the direction provided by the Victorian Coastal Strategy. The Strategy encourages tourist development to be located within existing town centres, while Council’s potential tourist assets are often located out of town centres, in coastal areas or in the Shire’s National Parks. However, it must be acknowledged that the Victorian Coastal Strategy does allow for planned tourism development that is out of centre.

**URBAN DESIGN AND CHARACTER**

Consultation as part of this review highlighted that the Shire’s townships have unique and valued characteristics in terms of urban design and streetscape presentation. Indeed, one Council staff member highlighted that the Shire comprised ‘12 unique towns with different character and opportunities’.

Despite the distinct character within the towns, there is no discernible theme within the Corangamite Planning Scheme of the built form (and land use) direction for each town -- particularly for the smaller townships.

There is a significant opportunity for Council to provide stronger direction within the LPPF to reinforce the unique qualities of each township and build on their individual strengths and opportunities.

We see the development of an urban design study for the Shire’s urban areas as the impetus to provide direction within the Scheme for each town.

**Recommendation:** Provide policy direction within the Local Planning Policy Framework rewrite on urban design for township areas and small towns.

**Recommendation:** Commission an Urban Design Study for township areas.

**HOUSING**

Consultation as part of the review acknowledged that the Shire has limited population and housing growth. There is limited demand for new housing and many felt that there is no pressing need to develop an overarching housing strategy to direct future development.
Some residents identified that housing in the Shire was affordable and attractive to retirees. Notwithstanding this, they also highlighted that the smaller towns within the Shire were suffering from population decline.

Some residents also identified a desire to rezone some of the smaller farming allotments within the Farming Zone to Rural Living Zone, on the basis that they were not able to be used productively for farming and were able to offer a ‘transition’ between the township fringes and agricultural farmland. While it has been expressed as part of this review that further Rural Living zoned land is required within the Shire, a more detailed study of the rural areas of the Shire should be used to inform Council as to whether there is a strategic need for more Rural Living land and where it should be located.

There is currently no evidence before the consultants to suggest that there is sufficient demand to warrant further investigations into rezoning to provide for housing growth.

**SMALL LOT SUBDIVISION AND LIFESTYLE DWELLINGS**

In many respects, the desire to rezone land on township fringes for rural living is connected to a broader issue around small lot subdivision, housing lot excision and rural lifestyle lots within the Farming Zone.

Much of the Shire’s rural areas contain lots that are smaller than the minimum lot size specified in the zone. When in individual ownership, it is difficult to sustain agricultural practices on these lots and there is a risk that further subdivision will contribute to the fragmentation of sustainable agricultural land within the Shire.

Previously, the Farming Zone required a proposal for a new dwelling to demonstrate that it was reasonably required to maintain substantive agricultural purpose. Changes to the zone as part of Amendment VC103 in 2013 no longer require that dwellings on these lots are connected with a substantive agricultural purpose.

As a result of these factors, the encroachment of rural lifestyle dwellings in the Shire’s Farming Zone areas is increasing, particularly in proximity to the townships. This is despite the dwellings being contrary to strategic settlement policies at a State and local level, which seek to maintain residential living within existing settlements and to protect productive agricultural land. The importance of this issue and the need to balance policy expectations is best summarised in the consideration of an application for a housing lot excision in Scotts Creek, which went before Council in October 2015. In recommending that the application was refused, the Officer concluded:
The proposed subdivision will create a rural residential lot in the midst of a farming area and is contrary to the strategic settlement objectives in the State and Local Planning Policy Framework which seeks to establish residential living within existing settlements.

The agricultural economy is vital to the Corangamite Shire and the fragmentation and subdivision of productive agricultural land and the establishment of a lifestyle lot with its contradictory amenity expectations and minimal connection to a farming activity is contrary to the aims and objectives of the Farming Zone.

It is considered that the proposal will be inconsistent with the State and Local Planning Policy Framework, as well as the purpose of the Farming Zone under the Corangamite Planning Scheme and should be refused.

While the current LPPF does provide guidance on dwellings within Farming Zone areas (and particularly housing lot excisions), there is a need to provide a stronger emphasis on this policy to align it with Council expectations.

**Recommendation:** Provide direction within the Local Planning Policy Framework rewrite for small lot subdivision and rural lifestyle dwellings.

**RURAL AREAS**

There is limited policy guidance within the local parts of the Corangamite Planning Scheme for areas outside of the townships.

Rural zone reform implemented into the Corangamite Planning Scheme via Amendment VC103 in September 2013 has resulted in a broader range of uses which are either as-of-right or permissible in the rural suite of zones. For instance, in the Rural Conservation and Farming Zones, land can now be used for markets, group accommodation, caravan parks and restaurants. Additionally, the Farming Zone allows for permits to be granted for the use of land for a Place of Assembly.

These changes can have significant implications for land use planning outcomes in these areas, and for which there is no appropriate guidance in the exercise of discretion within the Corangamite Planning Scheme, notwithstanding that the community has expressed expectations about protection of the ‘right to farm’ in these areas.

This is a significant gap within Council’s strategic planning and policy guidance that should be addressed.

While Council acknowledges the change in emphasis in these areas and the need to
protect its agricultural farmland in terms of economic productivity, there is little appetite within Council or the community for a comprehensive review of its rural areas to provide better guidance in this area.

While the protection of the right to farm is paramount in community expectations, the rural zone amendments also present opportunities for diversification in rural industry that can be capitalised on by Council and the community.

We understand that Council has previously completed a review of its rural areas, which ultimately did not lead to a change in emphasis of any provisions or policy direction within the Corangamite Planning Scheme.

There is a need to incorporate the findings of this study into the Corangamite Planning Scheme and to provide clearer policy direction for rural areas, particularly in relation to small lot subdivision and lifestyle dwellings (as identified in the previous section).

**Recommendation: Provide direction within the Local Planning Policy Framework rewrite for land use decision-making in rural areas, in light of changes to the rural zones.**

**ECONOMIC DEVELOPMENT**

Economic development within the Shire is largely focused on the maintenance and growth of the agriculture, dairy processing and tourism industries. Residents spoke passionately about the need to protect and enhance these industries in the Shire. Residents were particularly supportive of the need to facilitate the use of farming land for agricultural purposes.

Growth in the tourism industry has also been actively pursued, with the development and implementation of the Tourism Opportunities Study.

The Council has a strong commitment to fostering economic development, particularly given the Shire's size in terms of population and economic output.

Some felt that there was an overreliance on the tourism and agriculture industries to achieve economic growth and development within the Shire and that there are opportunities to support new industries. The Council Plan highlights the need to encourage and facilitate small business start up opportunities within the Shire. This is an issue that is not currently addressed within the Council’s Planning Scheme and there are opportunities to develop policy to facilitate business start-ups through any rewrite of the planning scheme.

**Recommendation: Provide policy direction within the Local Planning Policy**
Framework rewrite for the encouragement of small business start up opportunities.

In general, the view within Council is that the Planning Department is keen to facilitate economic development within the Shire provided that the activity has a benefit to the wider economy.

The Council has pursued small economic development opportunities, such as the ‘façade improvement program’, which offers to match contributions by businesses to improving their facades within townships. It is hoped that this program will provide towns with an improved presentation to encourage tourism and economic activity.

The early signs are that this program is successful, with the program being supported by landowners and oversubscribed in this year. There was a strong level of support within Council and the community for this program.

RECREATION AND OPEN SPACE

Council’s Assets Department are currently completing a Recreation and Open Space Strategy, which will map out existing recreation facilities, analyse future demand for recreation spaces. It is anticipated that this strategy may inform a future amendment to Clause 52.01 to seek a specific public open space contribution rate.

Once this strategy is completed, it is recommended that it be included as a reference document (at least) within the Corangamite Planning Scheme.

INFRASTRUCTURE

Council’s Infrastructure Department utilises the Infrastructure Design Manual (IDM) and prefer its specifications to those within Clause 56. Notwithstanding this, the IDM has not formally been endorsed by Council for use and it is not incorporated within the Corangamite Planning Scheme.

There is a need to give this document status within the Corangamite Planning Scheme given that it is guiding decision-making on planning applications.

Recommendation: Adopt the Infrastructure Design Manual and incorporate it into the Corangamite Planning Scheme.

Some residents highlighted at the “supersession” that there needs to be a stronger focus on fixing roads within the Shire. Anecdotally, residents suggested that the state of the Shire’s roads in general was poor.

Moreover, there was a view shared that greater public transport services were
required, with the Shire only benefiting from 3 train services per day.

Residents were concerned that the poor state of roads and lack of public transport were major detractors from economic development and tourism opportunities.

BUSHFIRE

Much of the Shire is identified as being bushfire prone and is within the Bushfire Management Overlay.

As a result, many applications are referred to the Country Fire Authority under Section 55 of the Act. Anecdotally, the planning staff felt that the authority approves applications in all circumstances, even where the outcomes were problematic in terms of implementation.

The Council is in the process of entering into a Memorandum of Understanding with the Country Fire Authority for straightforward, lower risk applications. The agreement proposes to exclude referral of some applications, provided standard conditions are applied.

The Country Fire Authority was contacted for its views as part of this review process, but did not reply.

COMMERCIAL AND INDUSTRIAL AREAS

Residents expressed conflicting views on industrial land within the Shire. Some were concerned that there was insufficient industrial land available within the Shire, while others highlighted that the industrial land currently available wasn’t fully developed or occupied. It was suggested by some that the lack of development of existing industrial land could be due to its poor location or development constraints. It is also acknowledged that, to some extent, the lack of development is caused by landowners ‘land banking’ their holdings.

Council’s MSS provides limited guidance in terms of industrial areas. The Council has completed an Industrial Land Strategy, arising from the last Planning Scheme Review and this has led to the rezoning of 9 parcels of land to Industrial 1 and Industrial 3 to increase industrial land supply.

However, there is little in the way of policy guidance at a local level for industrial areas and this is a gap that staff and residents alike considered could be addressed.

In addition to these concerns, it is noted that the changes to the proposed commercial and industrial zones implemented in 2013 have profound implications in terms of allowable land use and development. The lack of strategic direction within
the local parts of the Scheme could lead to uncertainty about the future for out-of-
centre commercial development in land zoned for industrial and/or commercial
purposes.

In particular, the commercial zones are more facilitative of activity (and dwelling
activity particularly). There is an opportunity for Council to consider the potential of its
commercial areas in contributing to other areas important to the Shire – such as
tourism, attracting new residents and providing for new commercial activity. It is
recommended that a ‘Commercial Areas Study’ or review be undertaken as a
discrete strategic planning project to provide direction in this regard.

**Recommendation:** Provide policy direction within the Local Planning Policy
Framework rewrite for commercial and industrial areas.

**Recommendation:** Commission a Commercial Areas Study to provide strategic
direction on the appropriate location for commercial land use and
development.

**FLOODING**

Flood mapping and data collection for the Shire is produced by the Corangamite
Catchment Management Authority and Glenelg Hopkins Catchment Management
Authority.

Flood mapping for Skipton is completed and has been introduced into the
Corangamite Planning Scheme through Amendment C34, which applied the
Floodway Overlay.

Mapping and data in other areas is not current and the Council is aware of flood risk
in some areas, such as Cobden. In turn, there is a need to update flood mapping in
large parts of the Shire and incorporate into the Scheme as necessary. This should
be undertaken by the Catchment Management Authorities for Council to then
incorporate into the Planning Scheme.

In general, flood protection in the Corangamite Planning Scheme is provided through
the Municipal Strategic Statement and the Environmental Significance Overlay –
Schedules 1 and 2 (as well as the Floodway Overlay for Skipton). The catchment
management authorities have expressed a view as part of this review that the
Municipal Strategic Statement needs to be rewritten to provide a stronger emphasis
on flood protection. The authorities also submit that a review of the effectiveness of
existing overlays in protecting against flooding should be undertaken after more
detailed flood modelling is available for the Shire’s townships. This review should
consider opportunities to use other VPP tools (such as the Floodway Overlay and
Land Subject to Inundation Overlay) to provide flood protection.

Recommendation: Advocate for the Catchment Management Authority to undertake flood mapping for the Shire and incorporate into the Planning Scheme as necessary.

LAND USE BUFFERS AND RESOURCE PROTECTION

Wannon Water identified the need for planning scheme protection around the edges of its wastewater treatment plants. The authority highlighted that the Port Campbell treatment plant is currently protected with a 500 metre buffer, although this is not formally recognised within local policy or by an Environmental Significance Overlay. Further, the authority viewed the buffer as insufficient, with potential for encroachment of sensitive land uses and exposure to odour emissions.

The authority highlighted that the rezoning of land around its treatment plants, as well as the application of an Environmental Significance Overlay may be required in the future to protect its buffers from encroachment by sensitive land uses.

Council also highlighted the need to protect the land around the Naroghid Refuse Disposal, Transfer and Recycling Facility and On-Shore Gas Facilities from encroachment by sensitive land uses. It highlighted that there was a need to mention this within the planning scheme and apply a buffer area. The same buffer protection may also be required around some of the Shire’s local landfills.

The application of tools within the Victoria Planning Provisions (such as the Environmental Significance Overlay) to provide land use buffers to attenuate impacts associated with industrial land uses is supported and has been well established by other councils and authorities. Further consideration should be given to applying such tools to buffer areas within the Shire.

Recommendation: Investigate options available within the Victoria Planning Provisions to provide land use buffers around industrial, gas plant and wastewater treatment plant facilities.

Recommendation: Provide policy direction protecting land use buffers around industrial land uses and service infrastructure with adverse amenity potential.

Equally, some parts of the Shire are rich in raw materials. Not all of these materials have been identified and Council staff highlighted the ongoing work of Council and DEDJTR, seeking to identify and protect land for future resource extraction.
Unlike other parts of the State, where protective overlays are applied (such as the State Resource Overlay to the coalfields of Latrobe), the Shire does not currently have policy positions in place to identify and protect minerals and resources.

**Recommendation:** Provide policy direction for mechanisms to identify and protect land identified for future resource extraction.

**ON-SHORE GAS EXPLORATION**

The Victorian Government has announced a Parliamentary Inquiry into onshore unconventional gas exploration and production.

As part of its inquiry, the State Government commissioned a report into community attitudes, which was released in April 2015. It highlighted that, while nearly half of the community has not adopted a position on gas exploration, opposition to an onshore natural gas industry was higher in areas that are potentially affected by gas exploration. Relevantly, the study also highlighted that attitudes in the western prospective gas area (including Corangamite Shire) was less negative than those in the eastern area.

The Shire is home to three large gas processing facilities and the industry is locally important.

The Shire’s position to the Inquiry on on-shore gas exploration is that there are economic opportunities to utilise the large reserves of the resource that are within the Shire’s municipal boundaries. However, the Shire remains opposed to ‘fracking’, which is a subset of gas exploration in some circumstances.

**AVIATION**

There is currently limited guidance within the local sections of the Corangamite Planning Scheme on aviation.

The 12 Apostles attract land, sea and air tourism, with a number of tourism operators providing scenic flights to the attraction, from various helipad locations throughout Corangamite Shire (predominantly from Princetown and surrounds) and beyond.

The runway at the Cobden airfield has been graded with an all-weather asphalt surface in the inter-review period. This upgrade allows for more commercial aircraft to use the airstrip and provides a landing destination for the fixed wing Air Ambulance.

It is clear that the aviation industry generates significant tourism benefits for the local economy. In the context of policy setting that seeks to support the growth of the
tourism sector, there is also a need to provide a local policy setting for industries that support this sector – such as aviation. This is to ensure that any impacts of their establishment, from an amenity, landscape and environmental perspective, are considered appropriately.

Recommendation: Provide policy direction within the Local Planning Policy Framework rewrite on aviation, including airfield management and flights over tourism sites, such as the 12 Apostles.
8. HOW THE CORANGAMITE PLANNING SCHEME IMPLEMENTS STATE PLANNING POLICY

Continuous Improvement Review Kit requirement:

*Demonstrate how the Municipal Strategic Statement (“the MSS”) implements State Planning Policy*

8.1 STATE PLANNING POLICY FRAMEWORK

The State Planning Policy Framework (SPPF) is made up of the following sections:

- Clause 11 – Settlement;
- Clause 12 – Environmental and Landscape Values;
- Clause 13 – Environmental Risks;
- Clause 14 – Natural Resource Management;
- Clause 15 – Built Environment and Heritage;
- Clause 16 – Housing;
- Clause 17 – Economic Development;
- Clause 18 – Transport; and
- Clause 19 – Infrastructure.

8.2 CORANGAMITE IMPLEMENTATION OF THE STATE PLANNING POLICY FRAMEWORK

As discussed in Section 4, the SPPF is presently under review. The following analysis of the State Planning Policy Framework (SPPF) has taken place based on the existing structure and has not taken account of any anticipated changes. Overall, the analysis reveals that the Corangamite Planning Scheme and MSS are inconsistent with the objectives and strategies contained within the SPPF, mainly because of the fact that the LPPF has not been structurally changed since it was introduced in 1999.

The existing LPPF only addresses the following ‘SPPF’ themes in any detail:

- Settlement.
- Environment.
- Economic Development.

That said, it is apparent that there is a strong correlation between some State and local themes such as settlement/housing (Clause 11.01 and Clause 16) of the SPPF and the Framework Plans in the MSS (Clause 21.04). This clause sets out areas for expansion and expected settlement in most of the townships in the municipality. There are also parallels between the SPPF and the LPPF, where both policies discuss (albeit briefly) the environment (Clause 12.01 and Clause 21.04) and economic development (Clause 17 and Clause 21.04).

Even greater clarity and consistency between the state and local sections is likely to be achieved by using the key themes in the recently released Planning Policy Framework (PPF). Importantly, the new PPF introduces regional planning to reflect the outcomes of the eight Regional Plans that have been undertaken over recent years. The Great South Coast Regional Growth Plan is the most relevant of these for Council. The new PPF structure will help ensure consistency of planning across the region and will be the best way to ensure that the Regional Plans are adequately considered in day to day planning decisions.

8.3 THE ROLE OF THE MSS

Planning Practice Note No. 4 “Writing a Municipal Strategic Statement” (June 2015) discusses the role of the Municipal Strategic Statement (MSS). The MSS establishes the strategic framework for the municipality. It should also support and implement the SPPF. The SPPF and MSS together provide the strategic basis for the application of zones, overlays and particular provisions in the Corangamite Planning Scheme.

The MSS provides the broad local policy basis for making decisions under the planning scheme. The MSS should be continually refined as the planning authority develops and revises its strategic direction and as new issues arise in the municipality. The MSS must be taken into account when preparing amendments to a planning scheme or making decisions under a scheme.

8.4 STRUCTURE OF THE MSS

The issue of the structure of the MSS is addressed in detail in Planning Practice Note No 4. This Practice Note provides a recommended format and a convenient set of headings that should be used in developing an MSS. Although the use of the format is not mandatory, it has benefits in terms of consistency with the SPPF and for ease of use and reference.

The following table highlights the key headings proposed in the Practice Note format together with those used in the Corangamite MSS.
It is evident from the above analysis that the format of the MSS now bears little relationship to that of the Practice Note.

Significant structural changes are required for the MSS to be consistent with the Practice Note.

There are significant variations in the approaches that were adopted by all councils when preparing their initial planning schemes, reflecting the on-going uncertainty about how to best accommodate the changes required by the planning reform process. One of the characteristics of many schemes, however, was the inclusion of background information that has proven to be of little assistance in the administration of the schemes. Many planning scheme reviews have focused on reducing the level of unnecessary and irrelevant information, thereby improving the clarity and usability of the schemes.

For greater clarity and consistency with the SPPF, existing issues could easily be grouped according to the nine Statewide SPPF headings of:

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<td>21.01 Municipal Profile</td>
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<td>21.02 Key Influences</td>
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- Settlement;
- Environmental and Landscape Values;
- Environmental Risks;
- Natural Resource Management;
- Built Environment and Heritage;
- Housing;
- Economic Development;
- Transport; and
- Infrastructure.

Based on recently approved LPPFs, it is suggested that the following structure be applied within each sub heading:

- Overview;
- Key Issues;
- Objective;
- Strategy;
- Implementation (Zone, Overlay, Policy, Guideline);
- Other Actions (Further Strategic Work); and
- Reference Documents.

It is suggested that the MSS would benefit from a complete restructure in accordance with the Practice Note and the above principles.

8.5 CONTENT OF THE MSS

The MSS includes an extensive further strategic work program. In the inter-review period, Council has undertaken and implemented some important strategic work, which has been noted in earlier sections of this report.

In terms of content, the following is an overall commentary on the performance of the MSS based on staff discussions, input and other consultations.
Clause 21.01 – Municipal Profile

Clause 21.01 provides a profile of Corangamite based on 2001 census data. Unlike many other schemes, the clause does not include a Strategic Framework Plan.

One of the strengths of this clause is that it identifies major issues (Population, Agriculture, Tourism, Landscape, Heritage and Infrastructure) although much of it is out of date. The clause would benefit by an update and by including a Framework Plan.

Specific comments raised during staff consultations included:

- This clause is rarely used and is out-of-date.
- While it can identify some trends, especially with stating that agriculture is the main driver in the community, this is endlessly repeated elsewhere in the MSS.

Recommendation: Update this clause to provide a new snapshot of the municipality based on updated Census and other data and consider including a Strategic Framework Plan.

Clause 21.02 – Key Influences

Clause 21.02 identifies the Key Influences on land use planning in Corangamite under similar themes to those already used in Clause 21.01 being:

- Economy and population growth;
- Settlement and infrastructure;
- Environment;
- Tourism; and
- Agriculture.

Evidently, this clause has not been modified for nearly ten years and does not provide much help to decision-making. It could easily be merged with Clause 21.01 to provide a more comprehensive and up-to-date profile.

Specific comments raised during staff consultations included:

- It is unclear why some matters are raised in Clause 21.01 but not in 21.02 (and vice-versa).
- There is a need to review this clause and then merge with Clause 21.01.
- There is a need to have regard to the most recent Council Plan 2013-2017.
- The Council Plan talks of ‘community’ but this is not reflected in the MSS where there is no reference to ‘social’.
- There is a need to acknowledge the socio-demographic and economic differences throughout the municipality that are not reflected in the MSS.
- There is no mention of the Municipal Health and Wellbeing Plan.

Recommendation: Update and merge with Clause 21.01 ‘Municipal Profile’.

**CLAUSE 21.03 – VISION AND STRATEGIC FRAMEWORK PLAN**

**Clause 21.03** contains an unsourced ‘vision’ and links it with eight ‘issues’ some of which are explored further in the Planning Scheme. While this part of the clause will need updating to reflect the new Council Plan (21.03-2), and as is common elsewhere, the clause is of little practical value.

The second part of the clause includes a Strategic Framework Plan, which is ordinarily attached to Clause 21.01. The Plan relates to the whole municipality and it attempts to provide a quick ‘snapshot’ of the Shire. Aside from updating the content, the presentation of the plan could also be improved.

Specific comments raised during staff consultations included:

- Overall, there are aspects of the clause that are helpful and provide a broad overview of the Shire.
- The clause helps “frame” decision-making.
- The clause needs updating and refreshing but it is good.
- There is no longer an alignment between the residential directions and the plan.
- It needs to align with the current Council Plan.

Recommendation: Retain and update this clause to provide a referenced vision and to refer to the new Council Plan.

**CLAUSE 21.04 – OBJECTIVES, STRATEGY AND IMPLEMENTATION**

**Clause 21.04** is a fifty page clause that provides objectives, strategies and the
means of implementation for a variety of land use and development issues.

The clause describes Council’s strategic directions for the broad themes of *Settlement*, *(40 pages)*, *Environment* *(6 pages)* and *Economic Development* *(3 pages)* under a series of sub headings including an analysis of each town complete with a framework plan (other than for Noorat). Some parts of the clause are extensive (6 pages and 2 plans for Princetown) while others get superficial treatment (2 pages for agriculture).

The clause identifies key issues, objectives and strategies and also has an extensive Further Strategic Work program (‘Supporting Actions’).

According to staff, the clause provides clear direction on some issues, although the ‘overview’ of each sub heading is of only background relevance and much of it is out of date. The objectives and strategies for most issues are quite clear and are relied on by staff. While the ‘further strategic work’ program is considered useful, it has not provided the clear work program that was hoped.

It is also clear that much of this clause is focused on the townships. There is little in the way of strategic direction for rural areas or any land outside the established townships.

Specific comments raised during staff consultations included:

- The clause is ‘way too wordy’ and dated. For instance there hasn’t been an abattoir in Camperdown for 15 years and Woolworths is now the main employer, despite what Clause 21.04-1 says.

- The Structure Plans are similarly outdated.

- Staff prefer the plans to endless text, most of which can be removed.

- There is a huge focus on heritage matters and even though it is important, sometimes ‘the tail is wagging the dog’.

- There some examples of inconsistency within the Structure Plans.

- The supporting actions are not used or monitored and many contain issues that are not relevant to the Planning Scheme.

- All the towns need a structure plan in the scheme.

- The environment section is used often, especially the landscape and heritage sections.
• Cultural heritage matters need to be improved.

• The CMA material is all good and needed and there is reliance on the RCS.

• The agriculture section addresses one of the most difficult issues facing Council although it needs to be updated to reflect the FZ changes.

• Council has allowed too many small lot excisions over the years despite the wording in the LPPF.

In summary, this clause requires significant review in terms of content, structure and location within the Corangamite Planning Scheme. For instance, consideration should be given as to whether the objectives and strategies for the Shire should all remain within Clause 21.04, or whether it would be more beneficial to follow the ‘thematic’ structure of the SPPF and redistribute the objectives and strategies under those themes.

The ongoing relevance of many of these policy statements will require a strategic review in order to ensure that they are reflective of the future strategic outcomes that Council is seeking to be delivered within the Shire. Equally, there is an opportunity to include new policy direction that is consistent with Council-adopted strategies through the inter-review period.

In terms of policy direction for specific matters, such as small lot excisions and non-agricultural uses within the Farming Zone, there is a need to undertake a strategic review of these policy settings in the context of the Rural Areas Review previously undertaken (discussed in other sections of this report). Any future rewrite of the LPPF should consider whether there are opportunities to better utilise other tools within the Victoria Planning Provisions, such as local policies at Clause 22 or more effective zone selection and utilisation of variations within rural zone schedules to achieve the desired outcome.

**Recommendation:** Examine opportunities to restructure Clause 21.04 in line with the ‘thematic’ SPPF structure.

**Recommendation:** Review and rationalise out-of-date content within Clause 21.04.

**Recommendation:** Update Clause 21.04 based on strategic work undertaken by Council in the inter-review period and as recommended by this review.

**Clause 21.05 – Monitoring and Review**

**Clause 21.05** describes Council’s monitoring and review program and this clause is
well out-of-date and is no longer required by the Practice Note.

Specific comments raised during staff consultations included:

- This clause is not required anymore.
- The clause is really a list of its ‘Further Strategic Work’ program.

There is no consolidated ‘Implementation’ clause that describes the manner in which Council will apply zones and overlays as is sometimes found in other schemes with Council preferring to include each list at the end of each clause.

Similarly there is no consolidated list of reference documents that have influenced the strategies contained within the MSS. Some of the reference documents are now very dated and could be deleted. Many of the documents do not have a date attached to them.

Recommendation: Delete the clause.

GAPS IN THE MSS

Notable absentees in the MSS include the lack of any meaningful discussion (and sometimes no discussion) on the following issues (among others):

- Flooding.
- Open Space.
- Bushfire.
- Erosion.
- Dwellings in the Farming Zone.
- Rural areas.
- Small towns.
- Urban design.

8.6 CONTENT OF THE LPP

The LPPF also contains 24 Local Planning Policies arranged under the broad land use issues of Settlement; Environment; Economic Development; and Particular Uses and Development. The Local Policies cover 33 pages and include:
Settlement

- Urban Growth Boundaries;
- House Lot Excision;
- Residential Infrastructure;
- Road Construction; and
- Water Infrastructure.

Environment

- Catchment and Land Protection;
- Erosion;
- Wetland Areas;
- Natural and Cultural Heritage;
- Biodiversity; and
- Lake Gnotuk and Lake Bullen Merri.

Economic Development

- Agriculture;
- Horticulture;
- Timber and Timber Processing Industries; and
- Tourist Use and Development.

Particular Uses and Development

- Building Lines and Height;
- Dams;
- Highway Development;
- Industrial Development;
- Intensive Animal Husbandry;
- Sheds and Outbuildings; and
- Townscape.

**Electronic Gaming Machines**

Based on the staff discussions, an analysis of these policies reveals that they fall into one of the following categories.

- Some are clearly local policy and should be retained (subject to being updated and edited).
- Some need to be repositioned into the MSS as they are ‘strategic directions’.
- Some are unnecessary, as there is a better VPP tool to implement them.
- Some are unnecessary, as they are repetitive of an existing tool used elsewhere.

The following is a very brief commentary on the policies.

**Clause 22.01 – Settlement Policies**

**22.01-1 Urban Growth Boundaries**

This is an MSS issue which draws down from the SPPF and which is implemented by zones and urban growth boundaries on the Town Structure Plans. It belongs in the ‘Settlement’ section of the MSS and does not contain any Clause 22 local policy characteristics.

Recommendation: **Delete and absorb content into MSS.**

**22.01-2 House Lot Excision**

This is clearly an important local policy and is regularly used by Council. The policy is largely outdated and needs some revisiting given the new Farming Zone provisions in order to be more effective in decision-making.

Recommendation: **Retain and edit.**

**22.01-3 Residential Infrastructure**

This is an MSS issue as this is a component of the strategies for township development (21.04). It may be able to be implemented by a Development Plan Overlay or the adopted Infrastructure Design Manual (IDM).
Recommendation: Delete and absorb content into MSS and IDM.

22.01-4 Road Construction

There appear to be no elements of local policy in this Clause. Some aspects of road pavement width and formation profiles are better addressed in the Infrastructure Design Manual.

Recommendation: Delete and absorb content into MSS and IDM.

22.01-5 Water Infrastructure

While some elements of this provides clarity in requirements, they are also better addressed by the IDM.

Recommendation: Delete and absorb content into MSS and IDM.

CLAUSE 22.02 – ENVIRONMENT LOCAL PLANNING POLICIES

22.02-1 Catchment and Land Protection

Some of this is an MSS issue which overlaps with some aspects of the Regional Catchment Strategies and some of the decision guidelines in the Farming Zone. There are also some embedded ‘application requirements’ that might be best placed in an ‘Agriculture’ local policy picking up elements of Clause 22.01-2.

Recommendation: Delete and absorb content into MSS.

22.02-2 Erosion

It is assumed that while this policy purports to apply to rural and public land zones, it should also apply to the Erosion Management Overlay which was introduced by Amendment C26 in 2009. The policy can be ‘cut’ into the schedule to the EMO.

Recommendation: Delete and absorb content into the EMO schedule.

22.02-3 Wetland Areas

Wetland areas should ideally be addressed in the MSS and/or be included in an Environmental Significance Overlay.

Recommendation: Delete and absorb content into MSS and ESO.

22.02-4 Biodiversity

This appears to be an issue which should be dealt with in the MSS (as well as the
RCS). There is no question that it is an important issue but should be in the MSS.

Recommendation: Delete and absorb content into MSS.

22.02-5 Lake Gnotuk and Lake Bullen Merri

This is a reasonably new policy (October 2008) and appears to be an issue which should be mentioned in the MSS and then dealt with by the existing RCZ (Schedule 2) which covers the affected land. In the event that some of the policy detail does not sit in the zone schedule then an appropriate overlay should be used to provide control.

Recommendation: Reference needed in the MSS and absorb into RCZ(2).

CLAUSE 22.03 – ECONOMIC DEVELOPMENT LOCAL PLANNING POLICIES

22.03-1 Agriculture

Most of this policy contains material more suited to the MSS than to a policy. It could be redistributed into the MSS and draw on relevant decision making policies such as “house lot excisions”.

Recommendation: Delete and absorb content into MSS and/or Clause 22.01-2.

22.03-2 Horticulture

The origins of this policy are unknown as there is little or no ‘horticulture’ in the Shire. Like others, it contains material more suited to the MSS than to a policy. It could be redistributed into the MSS and merged with other relevant decision making policies such as “house lot excisions”.

Recommendation: Delete.

22.03-3 Timber and Timber Processing Industries

This is a combination of strategy and some policy especially the application requirements. Staff do not think that it adds much to the existing planning scheme requirements. Some mention should be made in the MSS but there is no need for a policy.

Recommendation: Delete and absorb content into MSS (or delete).

22.03-4 Tourist Use and Development

The policy was extensively modified as a result of Amendment C30 in November 2012. In that sense it is a very new policy. That said, it remains as essentially an
MSS issue for 16 ‘tourism opportunity sites’ where preferred uses are listed.

While the table is useful and provides clear direction on preferred uses, there is scope to absorb some or all of this direction in either the SUZs or the DDOs that cover this land. Given comments raised by stakeholders as part of the review process, there are also opportunities to expand the policy direction to tourism in general.

Recommendation: Delete and absorb content into MSS and distribute into either SUZ or DDO.

CLAUSE 22.04 – PARTICULAR USE AND DEVELOPMENT LOCAL PLANNING POLICIES

22.04-1 Building Lines and Height

Staff suggest that this policy is very dated and is no longer used. It is more of a hindrance than a help, in that it doesn't align with many of the zones.

Recommendation: Delete

22.04-2 Dams

The policy is no longer relevant as dams do not require a permit in non urban zones.

Recommendation: Delete.

22.04-3 Highway Development

This policy is similar to some that VicRoads have applied in the past, although it is now removing many of them. It overlaps with Clause 52.29 dealing with access to main roads and can be removed.

Recommendation: Delete.

22.04-4 Industrial Development

Most of this level of detail is best dealt with by a Design and Development Overlay (see DDO5 at Skipton) for all industrial estates. A DDO is a more transparent tool than a local policy. The aspects dealing with industrial development in rural areas could be absorbed into an ‘agriculture’ type policy (leveraging off 22.01-2).

Recommendation: Delete and absorb content into DDOs.
22.04-5 Intensive Animal Husbandry

This is a policy which is not derived at all from the MSS with no mention of intensive animal husbandry. The policy does not relate to the three activities which would presumably be typical in Corangamite being cattle feedlots, piggeries and broiler farms all of which are covered by Codes of Practice anyway. It is unclear if there is any need for this policy, notwithstanding that it does provide a mechanism for discretion in decision-making for other industries that are uncommon within the Shire.

The State Government has recently announced the Animal Industries Advisory Committee, which has been appointed to provide advice to the Minister for Planning on the role and function of the planning system in supporting animal industries and the adequacy of the definition of intensive animal husbandry.

It is recommended that any action arising on this local policy consider the report of the Advisory Committee and any changes to policy at state level that may follow.

Recommendation: Review following the conclusion of the Animal Industries Advisory Committee.

22.04-6 Sheds and Outbuildings

While this is a fertile area for applications, and while there is discretion in the zones to allow sheds and outbuildings, the policy is not often used and can be removed.

Recommendation: Delete.

22.04-7 Townscape

The issue of urban and rural design and appearance is an important one for staff that they have little direction on. This policy, while a bit vague, is justifiable and could be expanded into a more all embracing (and renamed) urban design type policy.

Recommendation: Retain, rename and expand.

Clause 22.05 – Electronic Gaming Machines Local Planning Policy

This policy has only recently been included in the scheme as a result of Amendment C40 in May 2015. Its relevance is still being monitored.

Recommendation: Retain and monitor.

Clause 22.06 – Heritage Policy

This policy has only recently been included in the scheme as a result of Amendment
C36 in September 2015. Its relevance is still being monitored.

Recommendation: Retain and monitor.

8.7 CONCLUSIONS REGARDING THE LPPF

The structure and format of the MSS is inconsistent with current State government ‘best practice’. The Structure will clearly need to be changed as a result of the State Review into the SPPF structure.

A draft PPF has now been released for discussion (March 2014) and it is likely that changes will be required to the structure of the ‘front end’ of all planning schemes incorporating subsections for state, regional and local considerations. While this is considered to be a logical and well integrated approach, it will require a total restructure of the existing Corangamite LPPF.

While the State program for integration is unclear, it is appropriate to make significant changes to the layout, content and structure of the LPPF to better align with State policy and provide a clearer and stronger policy statement.

Recommendations:

Review and rewrite the Local Planning Policy Framework in line with the recommendations contained throughout this chapter.
9. THE EFFECTIVENESS OF THE ZONES AND SCHEDULES

Continuous Improvement Review Kit requirement:

Audit the application and performance of the Zones in the scheme; and investigate whether or not the Schedules in the scheme have been appropriately applied.

9.1 AUDIT OF ZONES AND SCHEDULES

There are a total of 17 zones in the Corangamite Planning Scheme as follows:

- General Residential
- Low Density Residential
- Township
- Industrial 1
- Industrial 3
- Commercial 1
- Commercial 2
- Rural Living
- Rural Conservation
- Farming
- Rural Activity
- Public Use
- Public Park and Recreation
- Public Conservation and Resource
- Road
- Special Use (10 Schedules)
- Urban Floodway

Most of these zones have attached schedules other than the Commercial 2 Zone and the Road Zone. These schedules vary in complexity from standard “default”
provisions to quite complex provisions.

Some zones have “none specified” included in the Schedule. The Low Density Residential Zone, the Rural Living Zone and the Farming Zone have schedules specifying minimum lot sizes. There are ten specifically tailored schedules for the Special Use zone.

9.2 REVIEW OF ZONE SELECTION AND SCHEDULES

Apart from implementing adopted work (especially Amendment C30), the most notable recent zone changes relate to the introduction of the new suite of residential, rural, commercial and industrial zones. While most have already been translated, the details of the zones may require their selection to be revisited.

Specific issues to emerge from consultation regarding the zones and alternative zone options include:

RESIDENTIAL SUITE

- The General Residential Zone replaced the Residential 1 zone as part of Amendment GC10 in June 2014.
- There are three schedules to the LDRZ.
- LDRZ1 has a minimum land area of 0.4ha; LDRZ2 has a size of 2ha; and LDRZ3 has a minimum of 0.4ha but an average of 0.9ha.
- At this stage, the Low Density Residential zone (LDRZ) has not been modified to include a reduction in the minimum lot size to 2000m2 if connected to sewer. This is especially relevant to the potential for increased densities in the LDRZ in the municipality. At present the schedule to the zone specifies a minimum lot size of 4000m2.
- Staff believe that there may be scope to rationalise the LDRZ schedules.
- Council may need to identify a position on LDRZ options for 0.2ha sized lots.
- There is a trigger of 100m2 in area for a shed and staff suggest that this should be enlarged to 200m2.
- That said, staff wish to maintain control over shed colour and zinc-alum roofs.
The Mixed Use Zone applies to the ‘Corangamite Mixed Use Areas’ but no provisions are specified in the schedule.

The General Residential Zone applies to all of the developed and undeveloped housing areas in the Shire but again, no provisions are specified in the schedule.

The Township zone has been utilised for the ‘Corangamite Townships’ and the smaller settlements and this is appropriate. As with most zones, the schedule repeatedly lists ‘none specified’ in terms of choice.

It is understood that if a town is sewered, then it will have demarcated zones; otherwise it will have the TZ.

INDUSTRIAL SUITE

The Minister also introduced three modified industrial zones in July 2013. The zones have already replaced the existing zones in a direct translation that should be reviewed as to the on-going relevance of those zones.

The Industrial 1 and 3 Zones have been applied in Corangamite (with a ‘none specified’ schedule).

This zone has largely been applied to the older and more established areas.

Consultations suggest that an analysis of the adequacy of industrial zones to deal with the current economic changes of land use objectives will need to be addressed.

While the Schedule to the zone includes ‘None specified’ staff suggest that this is appropriate.

COMMERCIAL SUITE

The Minister introduced two modified commercial zones to replace the existing business zones in July 2013. The new zones have replaced the former zones in a direct translation that should also be reviewed as to the on-going relevance of those zones.

The Commercial 1 Zone has been applied in town centres with the Commercial 2 zone applied to an undeveloped site at the western entrance to Camperdown (formerly Business 4 Zone).

Council is concerned that the commercial zone changes potentially have profound impacts, especially on the prospects of allowing displaced or
satellite shopping centres instead of a consolidated centre. Further strategic work may be required to assess the impact of this change.

- While the Schedule to the zone includes ‘None specified’ staff suggest that this is appropriate.

**Rural Suite**

- It is understood that the current application of zones is a ‘carry over’ from old schemes.

- In the absence of direction in the zones, there is likely to be a need to update the local policy direction in the LPPF to ensure there is some connection between a dwelling, a subdivision or (now) an industry and the agricultural production on the land.

- The FZ1 schedule maintains the former provisions (40ha) which were updated by Amendment C41 in February 2015.

- The FZ2 schedule has a subdivision size of only 4ha but an ‘as of right’ dwelling provision of 20ha. This is a site-specific amendment in Timboon.

- The RLZ has an unusual schedule with a minimum lot size of 8ha other than in Timboon where it is 3ha. Interestingly, the minimum area for which no permit is required for a dwelling is only 0.7ha in all cases. It is unclear where this provision has come from.

- There are two schedules to the RCZ with a minimum lot size of 60ha (but 40ha if partly within the FZ). RCZ1 addresses areas of environmental value along the coast while RCZ2 applies to the volcanic craters of Lake Gnotuk and lake Bullen Merri.

- The schedule to the RAZ1 applies to sites in Skipton but then cross references to the ‘tourism opportunity sites’ identified at Clause 22.03-4.

- The schedule contains an error where lot sizes of 40ha and 1ha are joined.

- Staff want the ‘earthworks’ controls turned on in the FZ, RCZ and RLZ. However, introducing this permit trigger may create a workload issue for planning assessment and for enforcement and compliance. This issue should be investigated further.

- The RAZ schedule purposes are not really purposes and there is a correction needed to the dimensions
PUBLIC USE / RECREATION / RESOURCE SUITE

- The suite of Public Use Zones has been extensively used (PUZ, PPRZ, PCRZ).

- There is potential to include some specific schedule provisions in some of the zones rather than just ‘none specified’.

- Consultation identified that a lot of council-owned land is not currently within PUZ6. As a result, there are many council-owned properties that trigger permits under their underlying zoning controls, that otherwise wouldn’t within the PUZ. It is recommended that a future ‘tidy up’ amendment rezone all Council-owned land to PUZ6.

SPECIAL USE SUITE

- This zone has been used extensively with ten schedules to the Special Use zone as follows:
  
  o Schedule 1  Waarre Road, Port Campbell – gas processing plant
  o Schedule 2  Heytesbury gas facility – Timboon
  o Schedule 3  Brumbys Road, Port Campbell (BHP Minerva gas plant)
  o Schedule 4  Waarre Road, Port Campbell (Woodside gas processing plant)
  o Schedule 5  Peterborough airfield
  o Schedule 6  Mount Elephant
  o Schedule 7  Wattle Hill
  o Schedule 8  Glenormiston College
  o Schedule 9  Port Campbell West
  o Schedule 10  Naroghid refuse disposal, transfer and recycling facility

- Based on consultations with staff, all of the schedules are still required.

- Some of the schedules need a ‘tidy up’ especially SUZ1, 2, 3 and 4.

- SUZ6 needs to be extended to cover a larger area of Mt. Elephant.

- Arising from Amendment C30, it would be prudent to review the extent of use
of the SUZ and its overlap with some DDOs for the tourism matters. There is scope to rationalise some of the SUZ controls from tourism opportunity sites.

- As many of the schedules are now quite old, all of the schedules to the zone require review.

### 9.3 CONCLUSIONS REGARDING THE ZONES AND SCHEDULES

Most of the zones and schedules in the Planning Scheme require some level of review and further work including possible deletion and map changes. Changes to these zones need to be based on future work being undertaken by the Council, as reflected in the recommendations below.

**Recommendation:**

- **Review all Zone selections in light of modifications to the rural, residential, commercial and industrial zones, concurrent with the LPPF rewrite.**

- **Commission a Commercial Areas Study to provide strategic direction on the appropriate location for commercial land use and development.**

- **Implement adopted Council strategies through zone selection, concurrent with the LPPF rewrite.**

- **Rationalise all Zone schedules and delete any redundant clauses, as required, concurrent with the LPPF rewrite.**

- **Investigate opportunities to reduce red tape through a review of permit triggers and exemptions, concurrent with the LPPF rewrite.**

- **Review SUZ and PUZ land to resolve anomalies and confusing schedules, concurrent with the LPPF rewrite.**
10. THE EFFECTIVENESS OF THE OVERLAYS AND SCHEDULES

Continuous Improvement Review Kit requirement:

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.

10.1 AUDIT OF OVERLAYS AND SCHEDULES

There are a total of 14 overlays in the Corangamite Planning Scheme as follows (with the number of schedules):

- Environmental Significance (2)
- Vegetation Protection (2)
- Significant Landscape (5)
- Heritage (1)
- Design and Development (5)
- Development Plan (9)
- Erosion Management
- Floodway
- Land Subject to Inundation (1)
- Bushfire Management
- Public Acquisition
- Environmental Audit
- Road Closure
- Restructure

All of these overlays (other than the Environmental Audit overlay) have at least one attached schedule which, like the zone schedules, also vary in complexity. A brief overview of the overlays and schedules is as follows.
10.2 SPECIFIC COMMENTS ARISING FROM REVIEW AND CONSULTATIONS

A brief overview of issues relating to the overlays and schedules arising from the consultations is as follows:

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

This overlay has two schedules as follows:

- Schedule 1  Watercourses, Water Body and Wetland Protection
- Schedule 2  Habitat Protection

Generally speaking, staff advise that these overlays have worked well and they want to keep them. Both schedules will need some further exemptions (including from notice and review). ESO1 could also benefit from a careful audit to remove repetition and ensure strategic guidance is still relevant for wetlands.

The catchment management authorities advised during consultations that they consider there needs to be a review of ESO1, with the primary objective to determine whether the control is the most effective VPP tool to protect against flooding and inundation from storm events.

The schedules include ‘referrals’ that are not listed in Clause 66.04 or 66.06 and this needs to be remedied.

VEGETATION PROTECTION OVERLAY (VPO)

The VPO has two schedules. VPO1 addresses ‘Significant and Remnant Vegetation’ and while it has worked reasonably well, staff suggest that there are pockets of vegetated land where the overlay could be extended onto (as they are not currently mapped). VPO2 addresses the ‘Roadside Vegetation protection area’ and it applies to private land as well as roadside (public land). It is unclear if this is deliberate.

The VPOs need updating to reflect recent changes made at the state level. As with the ESOs, there is great scope to increase permit exemptions so as to ‘de-clutter’ the system. For instance all non native vegetation clearance or lopping needs a planning permit. There may be scope to confine this to nominated species or to the height or trunk size of specified vegetation.

SIGNIFICANT LANDSCAPE OVERLAY (SLO)

This overlay has five schedules as follows:
• Schedule 1  Volcanic Landscape Area
• Schedule 2  Botanic Gardens
• Schedule 3  Great Ocean Road Landscape Area Peterborough/Princetown
• Schedule 4  Princetown Esturial Landscape
• Schedule 5  Moonlight Head Coastal Landscape

Staff suggest that SLO1 and SLO2 need the sorts of permit exemptions that are included SLO3, SLO4 and SLO5.

There are a number of dated features of the schedule including that the ‘intended’ Von Mueller Master Plan’ in SLO2 does not exist, and that old references to early landscape studies can now be removed.

The permit requirements in some of the schedules are really performance criteria and should be expressed as such.

SLO3, SLO4 and SLO5 are all recent and have worked quite well, although they have yet to be fully tested. The permit exemptions in these schedules are good and could be extended to other overlays.

HERITAGE OVERLAY (HO)

The Heritage overlay has one schedule which lists numerous heritage places which vary from a building to a tree to a bridge. The schedule was recently updated with the gazettal of Amendment C36.

DESIGN AND DEVELOPMENT OVERLAY (DDO)

This overlay also has five schedules as follows:

• Schedule 1  Timboon Town Centre
• Schedule 2  Port Campbell Commercial Precinct
• Schedule 3  Port Campbell Township (other than Commercial).
• Schedule 4  Skipton Industrial Area
• Schedule 5  Tourism Opportunity Sites

As noted earlier in relation to zones, staff suggest that there is scope to rationalise some SUZ and DDO schedules (and the local policy at 22.03-4) on tourism sites.
DDO1 is poorly worded and doesn't have any permit triggers. As a result, the control is hardly referred to and could benefit from a careful audit and review. All the reference documents for the DDO can be removed.

The Port Campbell DDOs are too wordy and contain poor plans. The Tribunal has also expressed concern over the interpretation of “low scale” in the objectives of DDO3.

There is also scope to rationalise the imagery and language within the controls. The Tribunal again expressed concern in this regard that the imagery within DDO3 was difficult to interpret on a site-by-site basis. In these controls, height should not be expressed in ‘storeys’ but rather in ‘metres’. (See Colac Otway provisions at Apollo Bay). A detailed strategic review of this control is required.

DDO4 is not really of any use as it is in a Township Zone and not an Industrial zone. That said, it could be renamed as the Skipton Design Control for the entire town.

DEVELOPMENT PLAN OVERLAY (DPO)

This overlay has nine schedules as follows:

- Schedule 1 Naroghid Refuse Disposal, Transfer and Recycling Facility
- Schedule 2 Terang Industrial Estate
- Schedule 3 Leahys Lane and Fahey St Area, Timboon
- Schedule 4 Blair Land North East Port Campbell
- Schedule 5 Curdievale Road, Timboon
- Schedule 6 General Residential Land
- Schedule 7 Low Density Residential Land
- Schedule 8 Gnotuk Road/Park Avenue Camperdown - GRZ
- Schedule 9 Park Lane/Park Avenue Camperdown LDRZ3

Staff comments on these plans included:

- There is no real need for **DPO1** as it is leased land but it was required by the EPA. The inclusion of the land within the SUZ avoids the need for the Overlay and it can be rationalised.

- **DPO2** does not have a Development Plan.
- **DPO3** does have a Development Plan but is not yet approved as part of a current planning permit application.

- **DPO4** does have a Development Plan but is yet to be developed (and should be retained).

- **DPO5** does have a Development Plan and it is zoned FZ2. The subdivision is now approved and is in the process of development. The overlay could go once the development is complete.

- **DPO6** does have a Development Plan on the eastern side of Terang but is yet to be developed.

- **DPO7** does have a number of Development Plans but is yet to be developed.

- **DPO8** does have a Development Plan but is yet to be fully developed.

- **DPO9** does have a Development Plan but is yet to be fully developed.

All of the overlays could be deleted from the scheme once they have been fully developed.

**erosion management overlay**

This overlay was introduced by Amendment C26 in 2009 and has a very detailed schedule which provides a number of permit exemptions. There is a degree of overlap with the local policy at Clause 22.02-2 and, as noted earlier, this policy can be absorbed into the schedule. As a new and relatively untested schedule, it should remain.

**Floodway Overlay and Land Subject to Inundation Overlay**

The Floodway Overlay also has a very detailed schedule which provides exemptions from permits arising from Amendment C34 in March 2014.

Surprisingly, given the detail in the FO, the Land Subject to Inundation Overlay has a non existent schedule with ‘none specified’.

It is not nearly as detailed as many other schedules across the state and it is unclear if the Catchment Management Authority wishes to include further exemptions and cross reference to various Local Floodplain Development Plans (LFDP).

Based on others, there is likely to be a need for clarity around some exemptions such as spas, and domestic shed extensions.

There also needs to be exemptions from referral and many other councils have
developed protocols around this.

The flood mapping of both the FO and LSIO in the CPS is of concern. There is hardly any LSIO with more extensive FO. There is evidently some updated CMA mapping and there was recent flooding in 2009 and 2011. There is some internal Council GIS mapping, some CMA mapping, some planning scheme mapping. It is understood that not all of these align. Some areas are well addressed, others are not addressed at all (Cobden and Timboon).

**Bushfire Management Overlay**

The Bushfire Management Overlay replaced the Wildfire Management Overlay and applies to a large area in the east of the municipality. The overlay does not include a local schedule.

**Public Acquisition Overlay (PAO)**

This overlay has one schedule with one acquisition authority identified being VicRoads for a proposed road category 1 (for new bridge works).

This schedule has evidently worked well and will be modified on an on-going basis to reflect the acquisition objectives of the authorities.

**Environmental Audit Overlay (EAO)**

This overlay should be applied only to land identified, known or reasonably suspected of being contaminated and which has not satisfied one of the two requirements of the overlay. (Refer to the Ministerial Direction No 1 Potentially Contaminated Land). This overlay has a specific purpose only and is not intended to generally identify all land known or suspected to be contaminated.

Where land has been identified as being potentially contaminated Ministerial Direction No. 1 requires an audit to be completed to the requirements of the Direction before the site is developed. This overlay is not intended to have a schedule but it identifies places requiring environmental audit clearance prior to development for a ‘….sensitive use’.

The application of the Environmental Audit Overlay is normally applied to sites on the priority register of the Environment Protection Agency and other priority sites identifiable from Council information.

So far, the overlay has only been applied in Timboon (a Wannon Water site) and on the Terang saleyards. At the very least, the list could be augmented by reference to the EPA register.
Staff consultations also suggested that former landfills within the Shire would be good candidates for the application of the EAO.

**RESTRUCTURE OVERLAY**

This overlay has one schedule with one Restructure Plan being for the Ballarat-Camperdown Road Restructure Area April 2008 identified.

Based on staff discussions, there may be merit in considering looking at other small lot settlements, especially if development demand exists. Boggy Creek at Curdie Vale might be one candidate. Staff also suggested that parts of Princetown may need the Restructure Overlay applied.

**ROAD CLOSURE OVERLAY (RXO)**

This applies to an old road in Camperdown on the Sunnyside site. The site is developed and the RXO could now be removed.

**10.3 CONCLUSIONS REGARDING THE OVERLAYS AND SCHEDULES**

Most of the overlays and schedules in the Planning Scheme require review and further work including possible deletion, exemptions, decision guidelines, map changes and the like.

Notably, few of the overlay schedules provide any meaningful exemption provisions meaning that in many cases, most buildings and works require a permit. It is quite possible that some planning permits are the result of unnecessary applications triggered by the extensive overlay network with inadequate exemptions. In the context of the recent state initiatives to streamline the planning process and remove unnecessary permits, Council could minimise applications by including some realistic exemptions.

**Recommendation:**

Review the Vegetation Protection and Environmental Significance Overlay provisions in light of State level policy changes.

Investigate the policy position of covering only the feature of significance for the Significant Landscape Overlay Schedules (particularly SLO1).

Review the Design and Development Overlay schedules to improve clarity and expression.

Investigate opportunities to reduce red tape through a review of permit triggers
and exemptions, concurrent with the LPPF rewrite.

Investigate the application of the Environmental Audit Overlay to sites on the Environment Protection Authority’s register.

Investigate the need to apply the Restructure Overlay within the Shire.
11. THE EFFECTIVENESS OF SPECIFIC PROVISIONS

Continuous Improvement Review Kit requirement:

*Audit the application and performance of the Specific Provisions in the scheme; and investigate whether or not the Schedules in the scheme have been appropriately applied.*

11.1 AUDIT OF SPECIFIC PROVISIONS AND SCHEDULES

There are a number of opportunities in Clause 52 and Clause 66 of the Corangamite Planning Scheme for Council to specify local variations or agencies as follows:

<table>
<thead>
<tr>
<th>Clause</th>
<th>Title</th>
<th>Schedule</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.01</td>
<td>Public Open Space Contribution and Subdivision</td>
<td>None Specified</td>
<td>Evidently, Council uses a sliding scale of requirement based on density. This has no basis in the Scheme. A future Recreation and Public Open Space Strategy will inform a future contribution rate.</td>
</tr>
<tr>
<td>52.02</td>
<td>Easements, Restrictions and Reserves</td>
<td>None Specified.</td>
<td></td>
</tr>
<tr>
<td>52.03</td>
<td>Specific Sites and Exclusions</td>
<td>The Schedule specifies site specific controls for 2 individual sites</td>
<td>The sites are linked to Incorporated Documents.</td>
</tr>
<tr>
<td>52.05</td>
<td>Advertising Signs</td>
<td>None Specified</td>
<td></td>
</tr>
<tr>
<td>52.16</td>
<td>Native Vegetation Precinct Plan</td>
<td>None Specified</td>
<td></td>
</tr>
<tr>
<td>52.17</td>
<td>Native Vegetation</td>
<td>None Specified</td>
<td></td>
</tr>
<tr>
<td>52.27</td>
<td>Licensed Premises</td>
<td>None specified</td>
<td></td>
</tr>
<tr>
<td>52.28</td>
<td>Gaming</td>
<td>Prohibition of gaming machines within several of the Shire’s shopping complexes and all strip shopping centres.</td>
<td></td>
</tr>
</tbody>
</table>
While Council has not taken the opportunity to include local content in many of these schedules, there still remains significant opportunity to use these schedules. Consultations noted that the schedule to Clause 52.01 is silent but should specify a sliding scale based on development density.

In addition to these, the Schedule to Clause 61.03 identifies map references and this may need modification in the event that any consequential zoning and overlay changes are made. The Schedules to Clauses 66.04 and 66.06 should include referral and notice requirements but both contain ‘none specified’. These schedules will need modification and updating to reflect other recommendations arising from the review. (See ESO1 etc).

The schedules need to be tidied up with a determination as to whether agencies are listed with either Section 52 or Section 55 status.

11.2 CONCLUSIONS REGARDING SPECIFIC PROVISIONS AND INCORPORATED DOCUMENTS

It is apparent from consultation that all schedules to the Specific Provisions need to be reviewed to ascertain whether they are achieving their intended purpose (especially Clauses 66.04 and 66.06), or whether they are still relevant.

**Recommendation:** Amend the Schedules to Clauses 66.04 and 66.06 to outline referral and notice authorities under local provisions, as specified in each overlay, concurrent with the LPPF rewrite.
Recommendation: Review and rationalise the List of Incorporated Documents in the Schedule to Clause 81.01.
12. FURTHER STRATEGIC WORK PROGRAM

Continuous Improvement Review Kit requirement:

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.

This part of the Review Report responds to this requirement and addresses the ‘Strategic Work’ program which Council has undertaken as part of the on-going maintenance of the existing planning scheme.

12.1 COUNCIL WORK PROGRAM

The Council Plan (2013-2017 – Revised April 2015) has committed to undertaking further strategic work on a variety of issues of relevance to the Planning Scheme. An example of the current Council commitments includes the following:

- Complete Community Plans for 12 townships (page 7)
- Investigate site for regional livestock exchange (page 11)
- Develop a Wastewater Management Plan for non-sewered towns (page 13)
- Develop appropriate strategies to manage the impacts of climate change (page 13)

EXISTING MSS WORK PROGRAM

The existing MSS has an extensive program for further strategic work listed at Clause 21.05 under the heading ‘Monitoring and Review’. The status of this work is contained in the table attached.

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Action</th>
<th>Time line</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment</td>
<td>Salinity mapping and inclusion of the Salinity Management Overlay</td>
<td>First planning scheme review</td>
<td></td>
</tr>
<tr>
<td>Environment</td>
<td>Erosion mapping and inclusion of the Erosion Management Overlay</td>
<td>First planning scheme review</td>
<td>Completed</td>
</tr>
<tr>
<td>Environment</td>
<td>Complete a review of flood plain mapping with the Catchment Management Authorities and include the appropriate Urban Floodway Zone and the appropriate Rural Flood or Land Subject to Inundation overlays.</td>
<td>First planning scheme review</td>
<td>Incomplete</td>
</tr>
<tr>
<td>Strategy</td>
<td>Action</td>
<td>Time line</td>
<td>Status</td>
</tr>
<tr>
<td>------------------</td>
<td>------------------------------------------------------------------------</td>
<td>----------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Environment</td>
<td>Visual and significant landscape study of the Great Ocean Road coastline</td>
<td>First planning scheme review</td>
<td>Completed</td>
</tr>
<tr>
<td>Environment</td>
<td>Estuary and wetlands management plan for the Gellibrand River</td>
<td>First planning scheme review</td>
<td>Not commenced</td>
</tr>
<tr>
<td>Environment</td>
<td>Review the Environmental Significance Overlay to ensure that Lakes and creeks are protected from adverse impact from developments on the margins of surrounding land.</td>
<td>First planning scheme review</td>
<td>Not commenced</td>
</tr>
<tr>
<td>Environment</td>
<td>Flora and fauna mapping</td>
<td>First planning scheme review</td>
<td>Partly done</td>
</tr>
<tr>
<td>Environment</td>
<td>Review the provisions relating to the coast with other adjoining municipalities and the Department of Infrastructure to ensure consistency</td>
<td>First planning scheme review</td>
<td></td>
</tr>
<tr>
<td>Environment</td>
<td>Roadside Vegetation Management Plan</td>
<td>First planning scheme review</td>
<td>Not commenced</td>
</tr>
<tr>
<td>Environment</td>
<td>Develop local policy for Koori sites and places</td>
<td>First planning scheme review</td>
<td>Not commenced</td>
</tr>
<tr>
<td>Environment</td>
<td>Amendment to planning scheme to add areas of significant vegetation that have been identified on private land</td>
<td>First planning scheme review</td>
<td>Partly done</td>
</tr>
<tr>
<td>Environment</td>
<td>Introduce Wildfire Management Overlay, once wildfire mapping has been completed by the Country Fire Authority</td>
<td>First planning scheme review</td>
<td>Completed</td>
</tr>
<tr>
<td>Settlement</td>
<td>Shire-wide heritage study.</td>
<td>First planning scheme review</td>
<td>Completed</td>
</tr>
<tr>
<td>Settlement</td>
<td>Study of the supply and demand for residential land within the municipality and review location of zones in regard to the provision of infrastructure by South West Water</td>
<td>First planning scheme review</td>
<td>Completed</td>
</tr>
<tr>
<td>Settlement</td>
<td>Study of the supply and demand for Industrial land within the municipality</td>
<td>First planning scheme review</td>
<td>Completed</td>
</tr>
<tr>
<td>Settlement</td>
<td>Urban design guidelines for Port Campbell</td>
<td>First planning scheme review</td>
<td>Completed</td>
</tr>
<tr>
<td>Settlement</td>
<td>Review application of Environmental Audit Overlay</td>
<td>First planning scheme review</td>
<td>Not commenced</td>
</tr>
<tr>
<td>Strategy</td>
<td>Action</td>
<td>Time line</td>
<td>Status</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>--------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Settlement</td>
<td>Review Structure Plan for Port Campbell, township policies and zones, after the of the location of the Great Ocean Road and Tourist Information Centre has been determined</td>
<td>First planning scheme review</td>
<td>Completed</td>
</tr>
<tr>
<td>Settlement</td>
<td>Prepare Structure plans for Noorat and Princetown and investigate the need for a Restructure Overlay at Princetown</td>
<td>First planning scheme review</td>
<td>Not commenced</td>
</tr>
<tr>
<td>Economic development</td>
<td>Timber Production Strategy</td>
<td>First planning scheme review</td>
<td>Not commenced</td>
</tr>
</tbody>
</table>

As is reflected above, Council contemplated undertaking a significant amount of strategic work since the last review of the scheme. While some of the completed strategic work has resulted in Amendments to the Planning Scheme as outlined in this report, it is apparent that other strategies have not progressed.

Council must be careful not to over commit in its proposed 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 implementation of the work through Amendment preparation is of critical importance.

12.2 CONCLUSIONS REGARDING FURTHER STRATEGIC WORK

Based on the current work program and on the consultation as part of this project, there are a number of pieces of ‘Further Strategic Work’ that need to be undertaken. The types of strategies that should be considered to achieve the overall policy benefit are as follows (in prioritised sense):

**AMENDMENT IMPLEMENTATION**

- Implementation of Infrastructure Design Manual.
- Implementation of LPPF Review.
- Implementation of Zone and Overlay Changes.

**NEED TO COMMISSION**

- Small Towns Strategy based on the outcomes of the Community Plans and existing Structure Plans.
- Investigation of potentially contaminated sites.
- Investigation of potential restructure overlay sites, especially near the coast.
- Flood mapping review (led by the Catchment Management Authority).
13. RECOMMENDATIONS

PLANNING SCHEME REVIEW REPORT

That Council:

- Adopt the report as the review required pursuant to section 12B (1) of the Planning and Environment Act 1987.

- Forward the report to the Minister for Planning as required by section 12B (5) of the Planning & Environment Act 1987.

LOCAL PLANNING POLICY FRAMEWORK

- Review and Rewrite the Local Planning Policy Framework in line with the recommendations contained at Chapter 8.

- Address emerging strategic policy gaps within the rewrite of the Corangamite Planning Scheme: Specifically:
  
  o Provide policy direction within the Local Planning Policy Framework rewrite on facilitating agriculture and protecting the ‘right to farm’.

  o Provide direction within the Local Planning Policy Framework rewrite for small lot subdivision and rural lifestyle dwellings.

  o Provide direction within the Local Planning Policy Framework rewrite for land use decision-making in rural areas, in light of changes to the rural zones.

  o Provide policy direction within the Local Planning Policy Framework rewrite for the encouragement of small business start up opportunities.

  o Provide policy direction within the Local Planning Policy Framework rewrite for commercial and industrial areas.

  o Provide policy direction within the Local Planning Policy Framework rewrite on urban design for township areas and small towns.

  o Provide policy direction within the Local Planning Policy Framework rewrite on aviation, including airfield management and flights over tourism sites, such as the 12 Apostles.
o Provide expanded policy direction on tourism beyond the identified tourism opportunity sites.

o Provide policy direction protecting land use buffers around industrial land uses and service infrastructure with adverse amenity potential.

o Provide policy direction for mechanisms to identify and protect land identified for future resource extraction.

**ZONING**

- Review all Zone selections in light of modifications to the rural, residential, commercial and industrial zones, concurrent with the LPPF rewrite.
- Implement adopted Council strategies through zone selection, concurrent with the LPPF rewrite.
- Rationalise all Zone schedules and delete any redundant clauses, as required, concurrent with the LPPF rewrite.
- Review permit triggers and exemptions within all zones to reduce red tape, concurrent with the LPPF rewrite.
- Review SUZ and PUZ land to resolve anomalies and confusing schedules, concurrent with the LPPF rewrite.

**OVERLAYS**

- Review the Vegetation Protection and Environmental Significance Overlay provisions in light of State level policy changes.
- Investigate the policy position of covering only the feature of significance for the Significant Landscape Overlay Schedules (particularly SLO1).
- Review the Design and Development Overlay schedules to improve clarity and expression.
- Review permit triggers and exemptions within all schedules to reduce red tape, concurrent with the LPPF rewrite.
- Investigate the application of the Environmental Audit Overlay to sites on the Environment Protection Authority’s register.
Investigate the need to apply the Restructure Overlay within the Shire.

PARTICULAR AND GENERAL PROVISIONS

- Amend the Schedules to Clauses 66.04 and 66.06 to outline referral and notice authorities under local provisions, as specified in each overlay, concurrent with the LPPF rewrite.

- Review and rationalise the List of Incorporated Documents in the Schedule to Clause 81.01.

STRATEGIC WORK PROGRAM

- Commission a Commercial Areas Study to provide strategic direction on the appropriate location for commercial land use and development.

- Commission an urban design study to provide design guidance on development within the Shire’s townships.

- Adopt the Infrastructure Design Manual and incorporate it into the Corangamite Planning Scheme.

- Advocate for the Catchment Management Authority to undertake flood mapping for the Shire and incorporate into the Planning Scheme as necessary.

- Investigate options available within the Victoria Planning Provisions to provide land use buffers around industrial, gas plant and wastewater treatment plant facilities.