

SOUTHERN GRAMPIANS PLANNING SCHEME

AMENDMENT C55sgra

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Southern Grampians Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of Southern Grampians Shire Council.

Land affected by the amendment

The amendment applies to the following properties:

- Crown Allotment 16A Parish of Dunkeld, more particularly described by certificate of title Volume 00474 Folio 744.
- Crown Allotment 16 Parish of Dunkeld.
- Crown Allotments 4 and 5 Parish of Dunkeld, more particularly described by certificate of title Volume 03980 Folio 918.

These are part of the property holding known as 178 Victoria Valley Road, Dunkeld Victoria 3294.

What the amendment does

The amendment proposes to apply the Public Acquisition Overlay (PAO) to part of land at 178 Victoria Valley Road, Dunkeld to facilitate the construction of a shared path from the Dunkeld Visitor Information Centre to the Mount Sturgeon car park.

Specifically, the amendment:

1. Applies the Public Acquisition Overlay (PAO) to small parts of the subject properties.
2. Inserts Clause 45.01 Public Acquisition Overlay and a Schedule to the PAO into the Southern Grampians Planning Scheme.
3. Amends the Schedule to Clause 72.03 - What Does This Planning Scheme Consist Of? to insert Map 35PAO.

The proposed Public Acquisition Overlay will affect a total of 4,142 square metres of land, which is less than 1% of the total landholding in this ownership.

Why is the amendment required?

Council plans to construct a pedestrian link from the Dunkeld Visitor Information Centre (located at the corner of Parker and Sterling Streets) to the Mount Sturgeon car park, at the intersection of Grampians Road and Victoria Valley Road. The route will be via Sterling Street, Simpson Street and Victoria Valley Road.

A section of the link requires the acquisition of a narrow strip of land private land along Victoria Valley Road in order to separate walkers from road traffic.

Council intends to acquire the land using Section 187 of the *Local Government Act 1989*, which empowers a Council to purchase or compulsorily acquire any interest in land which “*is or may be required by the Council for or in connection with, or as incidental to, the performance of its functions or the exercise of its powers.*” Council is required to apply a Public Acquisition Overlay (PAO) to affected land before proceeding to compulsorily acquire the land.

Design of the pedestrian link has been undertaken for Council by Michael Smith and Associates Landscape Architects and associated specialists in conjunction with planning for the Dunkeld Visitor Hub, which seeks to improve facilities near and around the Dunkeld Visitor Information Centre and the Memorial Park, making provision for extra tourists expected to visit the area once the Grampians Peaks Trail is complete.

The link will enable a more complete and multi-faceted visitor experience - integrating the town centre built environment and food experiences (such as the Royal Mail Hotel) and natural bushland experiences offered by the Grampians Peaks Trail (under construction) and enhanced views from the township to the iconic Mount Sturgeon.

The Grampians and Grampians Peaks Trails when complete will be one of Victoria’s most iconic walks extending a distance of 160 kilometres from Mount Zero to Dunkeld.

The Grampians National Park receives 1.2 million visitors per year. 65% of visitors are day walkers and 7% are group walkers or school groups. When complete, Parks Victoria anticipates an additional 35,000 people per annum will visit the Southern Grampians to use the trail; and will be encouraging a series of day walks, including of 3 to 4 days duration. There will be ten trail heads or rest / bus / car pick-up points along the 12 or 13 day journey. The walk can also be undertaken in sections of approximately 15 kilometres between trail heads.

The trails will provide a multitude of scenic and cultural experiences from Aboriginal rock art, eel traps, short walks to waterfalls and scenic features to longer walks. The Grampians contains the highest concentration of Aboriginal rock art in south-eastern Australia, some dating back more than 20,000 years.

Council and relevant State Government agencies have undertaken extensive consultation with the community, landowners and stakeholders as part of the planning and design of the proposed Dunkeld to Mt Sturgeon path and improvements to the Dunkeld Visitor Information Centre precinct.

How does the amendment implement the objectives of planning in Victoria?

The amendment is consistent with the objectives of planning in Victoria as set out in Section 4(1) of the *Planning and Environment Act 1987*, in particular:

- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

How does the amendment address any environmental, social and economic effects?

There are no social, environmental or economic impacts arising from the amendment.

Does the amendment address relevant bushfire risk?

Land affected by the amendment is not subject to bushfire risk or a Bushfire Management Overlay, and the amendment is unlikely to result in any increased risk to life, property, community, infrastructure or the natural environment from bushfire.

Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction – Form and Content of Planning Schemes as identified at section 7(5) of the *Planning and Environment Act 1987*.

The amendment addresses the requirements of Ministerial Direction No. 11 - Strategic Assessment of Amendments.

The requirements of Ministerial Direction No. 15 – The Planning Scheme Amendment Process will be complied with.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

In regard to the Planning Policy Framework, the amendment supports Clause 17.04-01S – Facilitating Tourism which seeks to:

- Encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.
- Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.
- Create innovative tourism experiences.

The amendment is consistent with Clause 11.01-1R - Settlement - Great South Coast, which seeks to attract more people to the Great South Coast Region, in particular through:

- Facilitating district towns including Dunkeld to support local communities, industry and services.
- Supporting development and investment in small towns facing economic and population challenges.
- Supporting and promoting active and attractive towns through the provision and enhancement of open space, trails, streetscapes and gardens.

The amendment supports and is consistent with the Grampians Tourism Board Strategic Plan 2016-2020, which includes as key objectives promotion of the Grampians Peaks Trail as a key nature-based tourism product.

The amendment supports implementation of the Grampians Peaks Trail as a key Victorian nature-based tourism attraction and the further development of tourism experiences in Dunkeld and regional Victoria, consistent with Tourism Victoria strategies.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment supports and assists in implementing several aspects of the Local Planning Policy Framework and Municipal Strategic Statement, notably:

1. Clause 21.01 - Southern Grampians Shire Key Issues and Strategic Vision, which seeks to support and grow a quality tourist and recreation product based on strategic regional positioning of product linking to other regional products, the built and cultural heritage, the natural features and the quality of experience which the Shire offers. For Dunkeld township specifically a key objective is to expand Grampians tourism links.
2. Clause 21.07 - Economic Development, in particular Sub-Clause 21.07-2 - Tourism. Tourism is a significant economic generator for the Shire which contains significant natural and cultural assets including the Grampians National Park, drawing domestic and international tourists. Dunkeld has the capacity to support high quality tourist related development to capitalise on

its location as the southeast gateway to the Grampians. Tourism Objective 1 seeks to support the development of a quality tourist and recreation product based on regional linkages, cultural heritage, natural features and quality of experience. A key strategy is to facilitate access to the Grampians national park and the strategic position of Dunkeld, Cavendish, Glenthompson and Balmoral in respect to the Grampians and the opportunities provided by Dunkeld's dramatic location at the south-eastern entrance to the Grampians and on the highway between Melbourne and South Australia.

3. Clause 21.10 - Local Areas, in particular Sub-clause 21.10-03 - Dunkeld, which seeks to support development of diverse business and tourism uses which build on Dunkeld's unique character and landscape setting, such as food, health and wellbeing, and nature based tourism, as well as craft, indigenous culture, photography and recreation related activities such as mountain biking and road cycling.
4. Clause 21.11 - Implementation of Local Policies in regard to Dunkeld township seeks to:
 - Develop a clear network of walking tracks through and around the town which connect to a wider public loop walking / cycle trail linking the Wannon River, Griffins Hill and the Mount Sturgeon car park with Dunkeld; and
 - Support and proactively lobby for the establishment of the Grampians Peaks Trail.

The Amendment is consistent with the Dunkeld Structure Plan 2014 (DSP) - a background document in the planning scheme. It supports three of the ten DSP key directions, namely to:

- Grow and diversify employment opportunities to support long-term economic sustainability.
- Improve movement networks and protect the pedestrian experience.
- Support a diversification of the tourist offering in and around Dunkeld.

The DSP includes the proposed shared path linking the township with the Mount Sturgeon Trail along Victoria Valley Road. A unique aspect of Dunkeld is the stunning backdrop of Mt Abrupt and Mt Sturgeon, which give a dramatic setting to the town.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions. Application of the Public Acquisition Overlay is the appropriate VPP tool to achieve the outcome sought and does not conflict with other provisions of the planning scheme.

How does the amendment address the views of any relevant agency?

Council has undertaken extensive consultation with the community, landowners and stakeholders as part of the planning and design of the proposed Dunkeld to Mt Sturgeon path and improvements to the Dunkeld Visitor Information Centre precinct. Parks Victoria and other agencies have also been involved.

Relevant agencies will again be formally notified and invited to make submissions during the statutory amendment process.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment does not result in any significant impact on the transport system but is consistent with the objectives of the *Transport Integration Act 2010* through encouraging walking and cycling with resultant social and environmental benefits.

What impact will the amendment have on the resource and administrative costs of the responsible authority?

The amendment will result in minor administrative and resource costs for the responsible authority in preparing the amendment and administering the planning scheme amendment process.

Council is making appropriate provision in its budget for purchase of the land.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Southern Grampians Council website at www.sthgrampians.vic.gov.au.

The amendment is available for public inspection, free of charge, during office hours at the following places:

- Southern Grampians Shire Offices, 1 Market Place, Hamilton Vic 3300.
- Southern Grampians Shire Brown Street Business Centre, 111 Brown Street, Hamilton Vic 3300.

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **17 August 2020**.

Any submission must be sent to the Southern Grampians Shire Council, 1 Market Place, Hamilton VIC 3300, or by email to council@sthgrampians.vic.gov.au.

Panel hearing dates

In accordance with Clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- **Directions hearing: 2 November 2020**
- **Panel hearing: 7 December 2020**

Planning and Environment Act 1987

SOUTHERN GRAMPIANS PLANNING SCHEME

AMENDMENT C55sgra

INSTRUCTION SHEET

The planning authority for this amendment is the Southern Grampians Shire Council.

The Southern Grampians Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map sheet.

Overlay Maps

1. Insert new Planning Scheme Map No. 35PAO in the manner shown on the attached map marked "Southern Grampians Planning Scheme, Amendment C55sgra".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

2. In **Overlays** – insert Clause 45.01 in the form of the attached document.
3. In **Overlays** – Clause 45.01, insert a new Schedule in the form of the attached document.
4. In **Operational Provisions** – Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.

End of document

45.0131/07/2018
VC148**PUBLIC ACQUISITION OVERLAY**

Shown on the planning scheme map as **PAO** with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify land which is proposed to be acquired by a Minister, public authority or municipal council.

To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.

To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.

45.01-128/10/2013
VC102**Permit required**

A permit is required to:

- Use land for any Section 1 or Section 2 use in the zone.
- Construct a building or construct or carry out works, including:
 - A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
 - A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
 - A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- Damage, demolish or remove a building or works.
- Damage, remove, destroy or lop any vegetation. This does not apply:
 - If the vegetation has been planted for pasture, timber production or any other crop.
 - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
 - If the vegetation presents an immediate risk of personal injury or damage to property.
- Subdivide land.

This does not apply:

- To the acquiring authority for the land if the land has been acquired and any of the above matters for which a permit is required is consistent with the purpose for which the land was acquired.
- To an authority or a municipal council if the responsible authority, after consulting with the acquiring authority for the land, is satisfied that any of the above matters for which a permit is required is consistent with the purpose for which the land is to be acquired.

45.01-231/07/2018
VC148**Exemption from notice and review**

An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

45.01-328/10/2013
VC102**Referral of applications**

An application must be referred under Section 55 of the Act to the acquiring authority for the land.

45.01-431/07/2018
VC148**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect of the proposed use or development on the purpose for which the land is to be acquired as specified in the schedule to this overlay.

A permit granted under this clause may be conditional on:

- The extent of alterations and extensions to an existing building and works, and the materials that may be used.
- The location, dimensions, design and material of a new building or works.
- The demolition, removal or alteration of any buildings or works.
- The demolition or removal of buildings or works constructed or carried out in accordance with a permit under this clause.
- No compensation being payable for the demolition or removal of any buildings or works constructed under the permit.

45.01-519/01/2006
VC37**Land not to be spoiled or wasted**

Land must not be spoiled or wasted so as to adversely affect the use of the land for the purpose for which it is to be acquired.

45.01-619/01/2006
VC37**Reservation for public purpose**

Any land included in a Public Acquisition Overlay is reserved for a public purpose within the meaning of the *Planning and Environment Act 1987*, the *Land Acquisition and Compensation Act 1986* or any other act.

45.01-728/10/2013
VC102**Acquiring authority**

An acquiring authority is the Minister, public authority or municipal council specified in the schedule to this overlay as the acquiring authority for the land.

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Proposed C55sgra

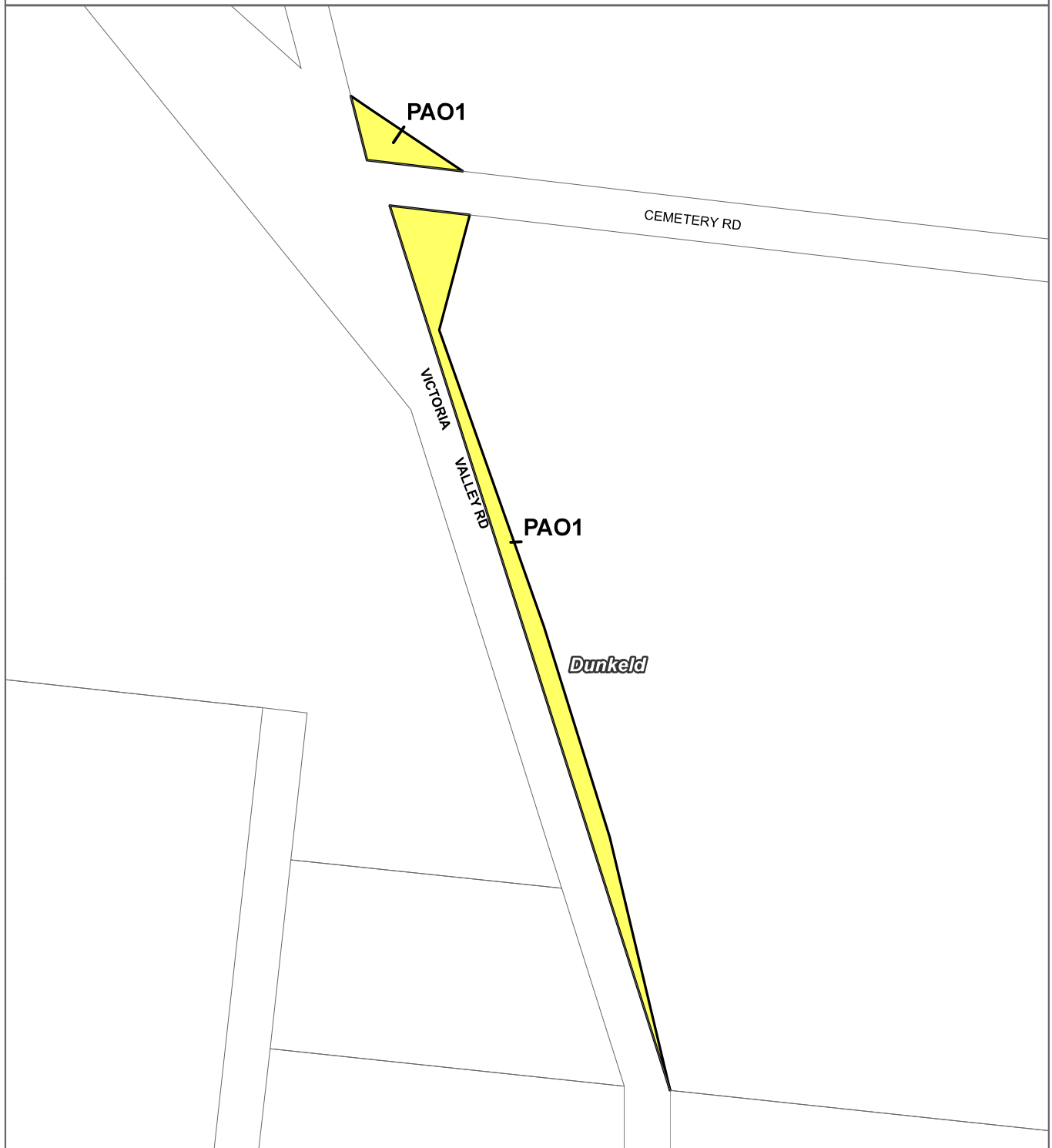
SCHEDULE TO CLAUSE 45.01 PUBLIC ACQUISITION OVERLAY**1.0****Public acquisition**

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Proposed C55sgra



PS map ref	Acquiring Authority	Purpose of acquisition
PAO1	Southern Grampians Shire Council	Construction of Dunkeld to Mount Sturgeon shared path.

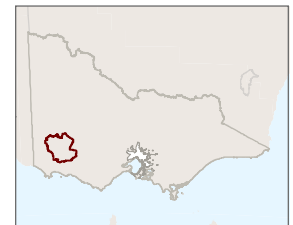
SOUTHERN GRAMPIANS PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C55sgra



LEGEND

-  PAO1 - Public Acquisition Overlay - Schedule 1
-  Local Government Area

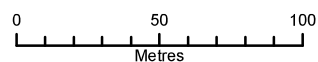


Part of Planning Scheme Map 35PAO

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Amendment Version: 2



Environment,
Land, Water
and Planning

1.0

12/12/2019 --/--
G56sgra Proposed C55sgra Zoning maps: 1 to 49

35PAO

SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?**1.0**---/---/---
Proposed C55sgra**Maps comprising part of this planning scheme:**

Zoning maps: 1 to 49

Environmental Significance Overlay maps:

- 25ESO, 27ESO, 28ESO, 29ESO, 30ESO, 31ESO, 32ESO, 35ESO and 36ESO.

Vegetation Protection Overlay maps:

- 35VPO and 36VPO.

Significant Landscape Overlay maps:

- 17SLO, 25SLO, 26SLO, 42SLO, 45SLO and 47SLO.

Heritage Overlay maps:

- 1HO, 2HO, 3HO, 4HO, 5HO, 6HO, 9HO, 10HO, 11HO, 12HO, 14HO, 15HO, 16HO, 17HO, 18HO, 19HO, 20HO, 21HO, 23HO, 24HO, 25HO, 26HO, 27HO, 29HO, 30HO, 31HO, 32HO, 33HO, 34HO, 35HO, 36HO, 37HO, 38HO, 39HO, 40HO, 41HO, 42HO, 43HO, 44HO, 45HO, 46HO, 47HO, and 48HO.

Design and Development Overlay maps:

- 19DDO, 25DDO, 27DDO, 28DDO, 29DDO, 30DDO, 32DDO, 34DDO, 35DDO and 36DDO.

Development Plan Overlay maps:

- 2DPO, 3DPO, 4DPO, 17DPO, 25DPO, 27DPO, 28DPO, 29DPO, 30DPO, 31DPO, 32DPO, 33DPO, 34DPO and 36DPO.

Land Subject to Inundation Overlay maps:

- 1LSIO-FO, 3LSIO-FO, 15LSIO-FO, 17LSIO-FO, 23LSIO-FO, 24LSIO-FO, 27LSIO-FO, 28LSIO-FO, 30LSIO-FO, 31LSIO-FO, 32LSIO-FO, 40LSIO-FO, 41LSIO-FO.

Airport Environs Overlay maps:

- 29AEO, 31AEO and 32AEO.

Environmental Audit Overlay maps:

- 30EAO.

Bushfire Management Overlay maps:

- 2BMO, 3BMO, 4BMO, 5BMO, 6BMO, 7BMO, 8BMO, 9BMO, 10BMO, 11BMO, 12BMO, 13BMO, 14BMO, 15BMO, 16BMO, 17BMO, 18BMO, 19BMO, 20BMO, 21BMO, 22BMO, 23BMO, 24BMO, 25BMO, 26BMO, 28BMO, 29BMO, 31BMO, 34BMO, 35BMO, 36BMO, 37BMO, 40BMO, 41BMO, 42BMO, 43BMO, 44BMO, 45BMO, 47BMO.

Parking Overlay maps:

- 30PO and 32PO.

Specific Controls Overlay maps:

- 25SCO

Public Acquisition Overlay map:

- 35PAO