



**PLANNING SCHEME REVIEW
REPORT 2018**

Southern Grampians Planning Scheme

DRAFT APRIL 2018

Version:

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1 Executive Summary

Since the last Review in 2010, the Southern Grampians Planning Scheme has undergone substantial changes, both generated by Council lead initiatives, as well as reforms undertaken by State Government.

Generally policy and strategic direction of the Planning Scheme supports the aspirations of the Council Plan adopted by Southern Grampians Shire Council in July 2017.

There are however a number of substantive initiatives that will improve outcomes:

- Agriculture policy
- Finalise Structure Planning and Township Plans for small towns of Balmoral, Branxholme, Cavendish, Glenthompson, Peshurst and Coleraine.
- Heritage Strategy
- Significant Landscapes
- Infrastructure provision
- And some site specific matters and corrections to improve the operation of the Planning Scheme.

Background to 2017 Planning Scheme Review

Purpose

The Planning Scheme is a dynamic statutory document that guides decision making for land use and development within the Shire. Over time, the Planning Scheme is changed to reflect changes in policy, emerging issues and challenges, changes to economic and environmental conditions and community values.

Section 12B of the *Planning and Environment Act 1987* (the Act) requires Council, as the planning authority, to regularly review the provisions of the planning scheme.

The purpose of the Review is to enhance the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria, as set out in the Act and the objectives and strategies of the State Planning Policy Framework and the Local Planning Policy Framework.

The Review assesses whether local planning policies, zones, overlays and schedules within the planning scheme achieve the objectives and strategies of Council and are consistent with State Planning Policy. Essentially, the Review is an audit of the performance of the planning scheme.

Under Section 12B of the Act the Planning Scheme Review is required to be undertaken not more than one year after Council adopts its Council Plan under the Local Government Act 1989.

Scope of the Planning Scheme Review

The scope of the Planning Scheme is confined to those parts of the scheme which Council is able to amend.

Some parts of the Planning Scheme are standard content and apply to all planning schemes in Victoria. Other parts of the planning scheme are specific and tailored to Southern Grampians Shire. The content of the planning scheme that may be reviewed through this process are those parts of the scheme that can be changed by Council.

Council can review:

- The Municipal Strategic Statement (Clause 22)
- Local Planning Policies (Clause 22)
- How zones and overlays have been applied to land
- Content of Zone and Overlay schedules
- Content of Schedules in Particular Provisions (such as signage, open space contributions, etc)

Council cannot review:

- State Planning Policy
- Head clauses of zones and overlays
- Particular Provisions

The scope of the Review will include:

- Opportunities to make the planning scheme more effective and efficient
- An audit of scheme performance
- Identify unnecessary permit requirements and opportunities for streamlining processes
- Errors in zoning or overlay mapping
- Identifying strategic policy gaps in the planning scheme
- Assessment of whether the planning scheme reflects the strategic land use and development ambitions of the Council and community

Methodology

The Review is undertaken considering the following:

- The Planning and Environment Act (1987)
- Planning Practice Note No. 32 'Review of Planning Schemes' (February 2006);
- Planning Practice Note No. 4 'Writing a Municipal Strategic Statement' (September 2010);
- Planning Practice Note No. 8 'Writing a Local Planning Policy' (September 2013);
- DPCD Continuous Improvement Review Kit (February 2006).

The process for the Review is as follows:

- Collect**
 - Data collection and literature review
 - Review trends and key issues
 - Review current policy outside the Planning Scheme – how does the scheme reflect policy?
 - Interview users
 - Identify issues and opportunities for improvement
 - Stakeholder engagement part 1 – collect data
- Review**
 - Prepare issues paper
 - Stakeholder engagement part 2 – seek feedback
- Report**
 - Consider feedback and finalise Review
 - List of recommendations for improvements
 - Report Review to the Minister for Planning

These steps include:

- **Initial consultation** including interviews with Council departments and government agencies
- **Draft Issues Report and preliminary findings** highlighting issues, opportunities, trends, possible strategic gaps, process suggestions.
- **Consultation** with wider community
- **Analysis of feedback** Analyse the consultation outcomes.
- Prepare **Implementation Plan**, including identifying future requirements for Strategic Projects and Pl. Scheme Amendments.

Consultation

A key component of the Review is gathering information and feedback from users of the Planning Scheme and the wider community. A stakeholder engagement plan has been prepared and is included in **Appendix 1**.

Feedback gathered during the preparation of the Council Plan through Community forums was also considered.

Interviews with Council officers, government agencies, round table discussion with local communities and the development sector is included in this process, as well as the opportunity for written submissions.

1.1 Report Structure

The Final Review Report will include the following:

- Review Report including summary of previous planning scheme reviews.
- Changes to state policy, local policy and the planning scheme since the 2010 Review.
- Consideration of planning issues, using the sequence of the SPPF.
- Series of Tables detailing Audit of Schedules, Incorporated Documents and Further Strategic Work, and setting priorities.
- List of Planning Scheme corrections.

For consultation

2 Strategic background

2.1 Previous Planning Scheme Reviews

Three previous reviews of the Scheme have been completed by external consultants and internal Shire staff since the Scheme was gazetted in 1999.

2.1.1 2002 Review

In 2002, John Keaney Planning and Development undertook a review of the Municipal Strategic Statement (MSS). At this time, under the Planning and Environment Act 1987 reviews of the MSS were required every three years.

The 2002 Review recommended various amendments to improve the structure and content of the MSS, including:

- Referencing the Regional Catchment Strategy in the MSS
- Incorporating a WMO (completed)
- Incorporating a HO (completed)
- Representing issues in the MSS in plan form where possible to compress contextual material
- Providing appropriate referencing
- Rationalising the MSS and local policies to provide clear guidance for implementation

2.1.2 2005 Review

In 2005 RPD Group undertook another MSS review. This report identified a series of relevant recommendations, building on the findings of the 2002 Review. Recommendations included:

- Reformatting the MSS in accordance with VPP Practice Note 'Format of Municipal Strategic Statements'
- Improving linkages between strategic documents and policy and the Scheme (e.g. Council Plan, Regional Catchment Strategy)
- Considering undertaking the following strategic projects:
 - Rural Strategy
 - Rural Living Strategy
 - Hamilton Residential and Commercial Growth Strategy
 - Landscape Assessments to protect significant landscapes with a SLO or Industrial Strategy (2005, p. 26)

It was also noted that a '*lack of action on a number of the projects ... reflects changes in priorities or the need for additional external funding to support these actions.*' (2005, p. 25).

The report concluded that while '*there are opportunities to improve the Southern Grampians MSS through some reformatting, inclusion of new information and addition of new strategies there is no need for a major overhaul or change of direction. Council is generally still pursuing the same objectives and direction as in 1999.*' (2005, p. 29)

The recommendations of these investigations were implemented to a limited extent.

2.1.3 2010 Review

The Planning and Environment Act 1987 was amended in 2007 to require local government to review its entire Planning Scheme every four years (previously it required only the MSS be reviewed every three years). In this context, the 2010 Review was the first time the entire Planning Scheme had been reviewed since its gazettal in the Victoria Planning Provisions format 1999.

The 2010 Review was undertaken by Council's Planning Department with a focus on community feedback and identifying strategic priorities for the Shire.

A series of major strategic issues facing the Shire were identified as part of the Review. Some of these had been identified in previous work and not yet resolved, others were new considerations arising for a variety of reasons. The large number of issues identified reflected a shortfall in the resources available to Council to resolve these matters. The Review proposed actions to resolve strategic gaps and address predicted future strategic issues. Urgent priorities included:

- Develop Hamilton Airport Master plan (now completed)
- Develop Hamilton Structure Plan, including associated Master plans and feasibility investigation of a potential Transport hub (now completed)
- Develop Dunkeld Structure Plan (now completed)
- Prepare Grampians Significant Landscape Assessment (ongoing)
- Develop Hamilton Flood Study in partnership with GHCMA (now completed)
- Undertake Ministerial Section 20(4) Planning Scheme Amendment to correct zoning and schedule anomalies (now completed)
- Undertake an amendment to the Municipal Strategic Statement to update Scheme content and restructure and simplify MSS and LPPF (now completed)
- Prepare a Grange Burn / Lake Hamilton Neighbourhood Environment Improvement Plan (not commenced)
- Advocate for improvements to Renewable Energy Infrastructure assessment criteria, assessment process and monitoring and enforcement (now completed)

The 2010 Review set out a list of Urgent, Medium and Long Term strategic priorities over a 6 year timeframe. A number of these projects have been completed and their recommendations translated into the planning scheme through changes to policy, zones or overlays. The Municipal Strategic Statement was also re-written (via Amendment C25) and actions identified in the Scheme were imbedded in Clause 21.11 'Implementation' under 'Undertaking further Strategic Work'. A number of projects have been completed and a number have not yet commenced. An audit Clause 21.11 'Further Strategic Work' is provided in **Appendix 2** of this report

2.2 Planning Scheme changes since last Review

2.2.1 State Amendments

Since the 2010 Review, a number of significant changes have been made to the Victoria Planning Provisions which have had a substantial impact on the operation of the Southern Grampians Planning Scheme.

2.2.1.1 Bushfire provisions

Amendment VC83 (November 2011) introduced new bushfire planning policy in the SPPF, a new Bushfire Management Overlay (BMO) to replace the Wildfire Management Overlay and new decision guidelines, permit exemptions for bushfire protection purposes and Amend Clause 52.17 (Native Vegetation) to address vegetation removal when creating defensible space and reducing the risk from bushfire.

VC109 Clause 44.06 'Bushfire Management Overlay' (BMO) moved the application requirements to Clause 52.47 and included a new mandatory condition for bushfire bunkers. It also changed various parts of the scheme in relation to native vegetation and referrals.

Most recently Amendment GC13 was introduced on 3 October 2017 that updated mapping based on a standardised mapping approach outlined in *Advisory Note 46: Bushfire Management Overlay*

Methodology and Criteria. Redundant references to the WMO were also removed and replaced with reference to the BMO. The amendment also introduced a new BMO Schedule 1 for *Balmoral, Coleraine BAL-12.5*, which streamline the planning permit process for applicants and councils by pre-setting bushfire protection measures and not requiring referral to the relevant fire authority if all of the requirements are met.

2.2.1.2 Wind Energy Facility

A number of amendments have been made to Wind energy facilities. Amendment VC91, 31 July 2012, amended Clause 52.32 to clarify the application requirements and require written consent from dwelling owners located within two kilometres of a proposed turbine.

Amendment VC124, approved 2 April 2015 updated Policy and planning guidelines for development of wind energy facilities in Victoria (Guidelines), reduced the allowable distance of a turbine to a dwelling from two kilometres to one kilometre and made the Minister for Planning the responsible authority for all new planning permit applications for the use and development of land for the purpose of a Wind energy facility.

Amendment VC125, approved in June 2015 included transmission infrastructure and distribution lines within the definition of Wind energy facility.

2.2.1.3 Reformed Residential Zones

Amendment V8 introduced a suite of new residential zones that replaced the Residential 1, 2 and 3 Zone and Township Zone. The Amendment introduced three new zones, the Neighbourhood Residential Zone, General Residential Zone and Residential Growth Zone. These were subsequently included in the planning scheme through Amendment C32.

Amendment VC100 changed the Victoria Planning Provisions (VPP) and all planning schemes to introduce reformed zones. It amended Clause 32.03 Low Density Residential Zone and schedules to 10 planning schemes to specify a minimum lot size for land connected to reticulated sewerage and amended Clause 32.04 Mixed Use Zone and schedule to 53 planning schemes and Clause 32.05 Township Zone and schedule to 52 planning schemes to align them with the three residential zones introduced by Amendment V8.

Following consideration of the Minister's Advisory Committee, Amendment VC110 introduced a new general term, "garden area" and amended the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone and Township Zone.

2.2.1.4 Reformed Commercial Zones

A new suite of commercial zones replaced the Business Zones. The Industrial Zones were also revised which increased the range of as-of-right uses in commercial zones and limited retail in the industrial zones (with the exception of within regional areas).

2.2.1.5 Reformed Rural Zones

Amendment VC103 amended the Rural Living Zone, Rural Conservation Zone, Farming Zone and Rural Activity Zone to allow for a greater array of uses that either do not require a planning permit, or require a planning permit and a reduced the number of uses that are prohibited in these zones. The Amendment also reduced the minimum subdivision size for the Rural Living Zone from 8 hectares to 2 hectares. Policy changes were also made to Clause 11 and Clause 16 of the State Planning Policy Framework to support the reformed rural zones and changes were made to the definitions of host farm, rural industry and primary produce sales. The Amendment also removed the mandatory

requirement for a Section 173 Agreement for small lot rural excisions to restrict further subdivision of these lots.

2.2.1.6 South West Regional Growth Plan

Amendment VC106 introduced Plan Melbourne within the State Planning Policy Framework and the **South West Regional Growth Plan** replaced the **Blueprint for Regional Victoria**.

2.2.1.7 VicSmart

Amendment VC114, gazetted September 2014, introduced the VicSmart system, an accelerated assessment process for simple planning permit applications. The VicSmart system requires permits to be issued within 10 working days.

2.2.1.8 Revised Native Vegetation Framework

Amendment VC105 implemented changes to Victoria's native vegetation and biodiversity provisions by amending policy to reflect a new 'no net loss' approach rather than the previous 'net gain' approach. VC105 amended Clause 52.16 (Native vegetation precinct plan) to reflect the intent of the native vegetation and biodiversity reform package and Clause 52.17 to change information requirements, implement new risk-based assessment pathways, include a new approach for applications under a low-risk based pathway and the determination of offset requirements.

2.2.1.9 Form and content

Amendment VC133, gazetted 25 May 2017, an administrative amendment, altered the structure of planning schemes to enable their migration into the Planning Scheme Information Management System (PSIMS) to improve access to, and more efficient amendment of, the planning schemes in Victoria and align with the new Ministerial Direction on The Form and Content of Planning Schemes recently issued under section 7(5) of the Planning and Environment Act 1987 (the Act).

VC140

VC142

2.2.2 Local Amendments

Since the last Planning Scheme review, a number of strategies have been adopted by Council and Amendments have been prepared to implement Council's strategic land use and development priorities as identified in "Further Strategic Work" (established in the 2010 Review). Other Amendments were made to fix errors in the Scheme.

The following Amendments were undertaken:

- **Amendment C14** – Amended the Schedule to the Heritage Overlay to identify those properties included in the Victorian Heritage Register, gazetted 29 September 2016
- **Amendment C15** - Inserted the use "Indoor Recreation Facility" as use that does not require a planning permit (Section 2 Use) in the Table of Uses in Schedule 1 to the Special Use Zone, gazetted 15 January 2015
- **Amendment C17** – Corrected a series of mapping errors, gazetted 17 February 2011
- **Amendment C18** – Applied a permanent Heritage Overlay to the Gringegalgona Hall, gazetted 22 December 2011
- **Amendment C19** – Applied an interim Heritage Overlay to the Gringegalgona Hall, gazetted 31 March 2011
- **Amendment C20** – Rezoned the former St Mary's Primary School, Pope Street, from Special Use Zone to Residential 1 Zone, gazetted 18 August 2011

- **Amendment C23** – Corrected various mapping errors and the Schedule to the Heritage Overlay, 7 February 2013
- **Amendment C25** - Made zone, overlay and local policy changes to implement the *Southern Grampians Shire Council Planning Scheme Review 2010* and *Indicative Strategic Planning Program, Hamilton Structure Plan 2011* and associated documents, *Hamilton Airport Master Plan 2010* and *Southern Grampians Shire Economic Development Strategy 2011-2021* and *Southern Grampians Retail Strategy 2011*.
- **Amendment C28** - Rezoned part of the land at 1068 Hensley Park Road, Hensley Park and 986 Hensley Park Road, Hensley Park from Farming Zone to Special Use Zone Schedule 6 – “Hamilton Airport” to implement the recommendations of the *Hamilton Airport Master Plan* and facilitate the runway extension, 16 April 2015
- **Amendment C29** - Implemented the recommendations of the *Dunkeld Structure Plan, January 2014* and *Dunkeld Urban Design Guidelines, 2012* through various policy, zone and overlay changes including the introduction of Design and Development Overlays, Development Plan Overlay, Environmental Significance Overlay and Vegetation Protection Overlay, gazetted 5 June 2014.
- **Amendment C31** – Removed the Heritage Overlay from 7926 Hamilton Highway, Tarrington, (of no heritage significance) and applied Heritage Overlay 493 correctly to 7906 Hamilton Highway, Tarrington, gazetted 27 March 2014
- **Amendment C32** - Implemented the new residential zones, Residential Growth Zone and associated Schedule 1 (Residential surrounding Hamilton central business district) and Neighbourhood Residential Zone and associated Schedule 1 (Church Hill area). Zone maps were also amended to remove references to redundant business zones and include reference to the Commercial 1 Zone, gazetted 9 October 2014
- **Amendment C33** - Implemented the *Tarrington Structure Plan (2014)* by changing policy, rezoning land from Farming Zone to Rural Living Zone and Township Zone, introducing a new minimum lot size on land in the Rural Living Zone, and inserting Design and Development Overlay Schedule 10, Design and Development Overlay Schedule 11 and Development Plan Overlay Schedule 13 to guide the development of Tarrington, gazetted 2 June 2016
- **Amendment C34** – Amended a series of mapping and content errors, gazetted 11 September 2014
- **Amendment C35** - Made minor changes to Schedule 3 to the Special Use Zone, former joinery works 'Mount Baimbridge Road, Hamilton' to improve the useability of the Schedule and correct anomalies, 6 October 2016
- **Amendment C50** - Applied an interim Significant Landscape Overlay Schedule 6 – ‘Harman’s Valley’ until 31 October 2018, gazetted 27 October 2016

2.2.3 Council Plan 2017 – 2021

Council adopted its new Council Plan 2017-2021 on 26 April 2017. As the Planning Scheme is a key implementation tool for the Council, in terms of land use and development, it is imperative that the planning scheme aligns with the most recent Council Plan. Goals include:

1. Support our Community
2. Develop our Regional Economy and Businesses
3. Plan for our Built Environment Infrastructure
4. Promote our Natural Environment
5. Provide Governance and Leadership

Under *Support our community*:

- An empowered and resilient community
- A healthy and vibrant community
- A growing, diverse and inclusive community
- A safe community
- Support and provide urban design and digital infrastructure that improves the safety of our community
- Provide regulatory services to protect amenity and provide safety in our community

Under *Develop our regional economy and businesses:*

- Attract, support and encourage industries that will drive economic growth throughout the Shire
- Promote the Region's natural advantages of soil, water, topography and climate
- Support opportunities for intensification, diversification and value adding within the agricultural and primary industries sector
- Continue to develop and implement land use planning strategies to support new investments
- Continue to support the development of a skilled workforce and sustainable businesses in all towns in the Shire
- Support, encourage and promote a strong, innovative and distinctive tourism sector that grows the visitor economy

Under *Plan for our Built Environment and Infrastructure:*

- Plan and provide for sustainable assets and infrastructure
- Progress provision of locally and regionally significant projects
- Plan, advocate and provide for safe and well maintained transport routes and infrastructure
- Lobby State Government and Commercial Enterprises for renewal of priority transport routes and infrastructure
- Continue to advocate for improved freight and public transport services and connections including passenger rail services
- Provide infrastructure that support supports an active community.
- Develop and maintain attractive and vibrant Council owned and managed open spaces and streetscapes
- Invigorate and activate public places and spaces
- Develop the CBD of Hamilton and commercial precincts in all towns
- Maintain, promote and celebrate the heritage value of built infrastructure in all towns
- Encourage and support infrastructure for social inclusion and economic growth
- Ensure Council's planning and building processes support infrastructure that is inclusive, accessible and equitable
- Ensure the planning framework is responsive to the needs of businesses and residents and support growth and investment

Under *Promote our Natural environment*

- Promote and support improved biodiversity and the health of waterways, wetlands, soil and air
- Balance environmental protection with Council's support for growth
- Ensure land use planning balances growth with appropriate levels of environmental stewardship

- Ensure protection of the environment and the community through appropriate regulations and collaboration with other government agencies
- Promote and provide sustainable waste management services
- Develop and implement climate change adaptation strategies to prepare for climate change, especially extreme weather events

Under Provide Governance and Leadership:

- Provide transparent and responsible governance
- Continue to increase the transparency of Council's decision making processes
- Deliver efficient and customer focused services

2.2.4 Smart Planning

Since the introduction of the Victoria planning Provisions in mid 1990s, which sought to streamline and standardise planning controls across Victoria, Planning Scheme have gradually amassed more complex controls as issues have emerged and are dealt with over time.

Department of Environment, Land, Water and Planning is undertaking a suite of improvements to the planning system to “peel back” the complexity, streamline decision making and make the planning scheme more user-friendly for Council's, applicants and the wider community.

It is expected that there will be substantial implications for the content and operation of the Southern Grampians Planning Scheme as Smart Planning progresses. However it is not expected to have implications on the strategic direction for land use planning or policy.

3 Planning Issues

This section considers issues, reviews documents, considers feedback from stakeholders and makes recommendations about potential changes to the Planning Scheme or strategic work needed to deal with emerging issues.

Consideration of the Scheme has been considered by 'Issue' in sequence as set out in the State Planning Policy Framework and Local Planning Policy Framework.

3.1 Settlement

3.1.1 Issue

- Whether the zones, overlays and policies in the planning scheme support settlement.
- Whether any blockages in the system prevent development in areas identified for growth.

3.1.2 Policy context and literature review

Victoria in Future (2016) projects population of Southern Grampians Shire from 2011 to 2051 will be stable with a small decline.

The **South West Regional Growth Plan (2014)** identifies Hamilton as a key centre within the region, providing important services, employment opportunities and residences. This is set out in Clause 11.01-1 in the SPPF.

The Planning Scheme implements the **Hamilton Structure Plan (2013)** which provides a 20 year land use and development plan for Hamilton. Amendment C25 implemented zoning changes to establish areas of growth and setting aside areas for growth into the longer term by applying the Rural Living Zone as a "holding zone". A number of provisions within the Planning Scheme have been applied including the Rural Living Zone with a 2 Ha minimum subdivision size on land identified for longer term growth, General Residential Zone in areas of conventional residential and the South East Residential Area, prioritised for short, medium and longer term growth. **Outline Development Plans**, prepared in 2007 and adopted by Council apply to the Rural Living Zone land but they sit outside of the planning scheme.

The **Dunkeld Structure Plan**, completed in 2012, provides a plan to manage and monitor growth and development in Dunkeld for the next 20 years. The Plan provides the basis for future decision making around land use, development, design, environment, bushfire risk and infrastructure. The Plan recommended zoning changes including the reduction in Low Density Residential Zone, increase of Rural Living Zone, introduction of industrial land and commercial land to facilitate retail. The Plan identified urban design and vegetation management strategies for the town.

The **Tarrington Structure Plan**, completed in 2013, also set out land use and development framework for the next 20 years and recommended zoning changes, the introduction of overlays and design controls.

Clause 21.02 "Settlement" includes statements for sequential growth of urban centres and Clause 21.10 "Local Areas" provides more detailed policy statements and strategies for Hamilton and smaller satellite townships and provides a context for growth.

The Planning Scheme implements these strategies through a range of zones, overlays and provisions including:

- The Rural Activity Zone to rural land adjoining the Hamilton and Dunkeld urban areas in order to encourage a mix of small scale horticultural, agricultural, particularly equestrian related activities in Hamilton, and tourism development and recreation land uses.

- Applying the Rural Living Zone to land on the fringes of Hamilton to better manage land supply, growth and infrastructure provision, to provide for rural living lifestyle opportunities and to preserve long term urban expansion options.
- The Low Density Residential Zone and Rural Living Zone towards the threshold of the Grampians in order to create a transition in land use densities.
- The Rural Conservation Zone to heavily vegetated land and land affected by the Bushfire Management Overlay.
- The Low Density Residential Zone to areas of low density housing and to respond to development constraints.
- Applying the Mixed Use Zone to provide greater flexibility for the establishment of a node for convenience retail and associated uses to the east of Hamilton, on the highway, close to RMIT.
- Applying the Environmental Audit Overlay to land in the Fenton Street area that was previously located in the Industrial 1 Zone and has been rezoned to allow sensitive uses.
- Applying the Development Plan Overlay to areas designated for residential development in Hamilton, Dunkeld and Tarrington.
- Apply the Development Plan Overlay Schedule 10 between the Fairburn Street road reserve and Bellicourt Road, south of Recreation Road, Dunkeld to ensure the precinct develops in a coordinated manner, to ensure that infrastructure services in the public realm are unobtrusive, to require development to respond to the existing topography and natural assets of the precinct and to protect long term subdivision and development opportunities.

The Planning Scheme identifies further strategic work:

- Township plans for all of the small towns
- Prepare a discretionary uses policy for the Residential 1 and Township zones to guide the location of non-residential uses.
- Prepare an Open Space Strategy to ensure decision making in relation to facilities is considered in a broader strategic context.
- Investigate need for and prepare policy around settlement planning for settlements in bushfire prone areas.

There are currently no adopted settlement strategies that are awaiting implementation through the planning scheme.

3.1.3 Consideration of issues and discussion

Feedback was received during the data gathering phase that there is generally clear and simple policy statements within the planning scheme for Hamilton, Dunkeld and Tarrington, and the zoning is generally suitable.

However there are some issues that require resolving.

There is still a need to review the township structures for the other smaller towns. In particular the boundaries for Cavendish, Coleraine and Balmoral require reviewing. Some land on the edge of these towns is, for all intents and purposes, being used as rural living rather than for agriculture and their zoning could be potentially reconsidered subject to careful analysis of land supply and demand and use

Schedule 7 of the Development Plan Overlay 'Southeast Residential Precinct, Hamilton' requires a condition on permits that all residential development must be connected to reticulated water, sewerage and electricity. While water and electricity are able to be provided, the provision of reticulated sewerage requires a more co-ordinated approach and prioritisation. In order for Hiller

Lane, lower Hensley Park Road and the South East Residential areas in Hamilton to be fully realised, formal sewerage agreements are needed. Until this happens, Hamilton's designated growth areas will not be realised.

The potential for infill development and growth within towns that are not connected to reticulated sewerage is also constrained as development and land use is often driven by the ability for the property to accommodate waste water generated onsite. There is an inconsistency in the planning scheme whereby typical lots in smaller townships of say, 1,000 to 2,000 square metres do not require a planning permit to develop, however development may not be possible to the extent desired by the landowner, based on the size of the land or the configuration of the development.

In terms of the smaller towns that rely on on-site waste water solutions and are not serviced by reticulated sewerage, Council's Environmental Health Unit have assessed the performance of septic systems which vary markedly. Audits have been completed for Branxholme (2013), Penshurst (2014) Glenthompson (2016), Cavendish (2017) and Balmoral (2017). Since that time Council has also started to investigate waste water solutions that are suitable for each town, depending on the characteristics of the town and environmental conditions.

Council will review its SGSC **Domestic Waste Water Management Plan** in the 2018/19 financial year, replacing the 2006 strategy. It is recommended that the Strategy is aligned with the small township plans. It is critical that policy and controls within the planning scheme reflect the constraints posed on development, including options to apply minimum lot sizes, house configuration or land use to ensure that the land can accommodate onsite waste water, or the viability of whole-of-town infrastructure solutions.

It is noted that Water Corporations also have responsibilities under State Environment Protection Policy **Waters of Victoria**. Clause 32(e) to support Councils in developing and implementing Domestic Wastewater Management Plans.

Water for Victoria Water Plan (DELWP 2016) is the new strategic direction for managing Victoria's water resources. The Plan covers nine key areas including an implementation plan which addresses a) Climate Change, b) Waterway and catchment health, c) Water for agriculture and d) Resilient and liveable cities and towns.

State Government has recently (2017) revised the Environment Protection Act in response to an independent inquiry released in 2016. As a result the Noise SEPPs and regulations for commercial, domestic and industrial noise are being reviewed by the Environment Protection Authority.

The Septic Tank Code 3.6 Land capability assessment states "*Large area LCA is only general guide because soils and landscapes can be highly variable within an allotment and between neighbouring properties*". The Environmental Health Unit are currently preparing a Land Capability Assessment (LCA) policy to focus the requirement for LCAs for developments for that have higher risk but reduce the requirement where it is demonstrated the site can accommodate waste water without impacts. It is expected that this would reduce unnecessary cost for applicants and reduce timeframes.

There is a disconnect between **the EPA Code of Practice – Onsite Waste Water Management** and the Low Density Residential Zone and Township Zone (where generally there is no minimum subdivision size scheduled in the planning scheme). The minimum subdivision size within both of these zones is inconsistent with the Code of Practice. The feasibility of providing a reticulated sewerage system should be seriously considered for the development of individual lots and for subdivision proposals that would result in allotments smaller than 10,000 m² (1 hectare). This area should not be seen as a

minimum lot size but as a risk threshold, as lots smaller than 10,000 m² may be unable to retain all wastewater onsite.

The Domestic Waste Water Management Plan is a key piece of strategic work that can be used to refine policy and schedules in the Planning Scheme. It is recommended that the review of **SGSC Domestic Wastewater Management Plan** in 2018/19 address when a Land Capability Assessment is required to be submitted with Planning Permit applications.

3.1.4 Preliminary findings and recommendations

It is recommended:

- Undertake township plans for Balmoral, Branhholme, Cavendish, Coleraine, Penshurst and Glenthompson to confirm infrastructure needs, zoning regime and lot sizes that support the town's aspirations.
- Council work with Wannon Water and landowners to progress the provision of formal reticulated sewerage within the areas identified for conventional residential growth, in particular Hiller Lane, South East Residential Area and Hensley Park Road south.
- Review the SGSC Domestic Waste Water Management Plan as a high priority, which would inform township plans, minimum subdivision sizes, land use and policy.
- Prepare a policy/protocol based on the reviewed Domestic Waste Water Management Plan to guide where Land Capability Assessments are required to be submitted with Planning Permit applications and expectations for the LCA including responsibilities of developers/landowners.

Other further strategic work identified in Clause 21.11 remain relevant:

- Prepare a discretionary uses policy for the Residential 1 and Township zones to guide the location of non-residential uses.
- Prepare an Open Space Strategy to ensure decision making in relation to facilities is considered in a broader strategic context.
- Investigate need for and prepare policy around settlement planning for settlements in bushfire prone areas.

3.2 Settlement – Development Plan Overlays

3.2.1 Issue

- Whether the Development Plan Overlays are effective in guiding development.

3.2.2 Policy context and literature review

Development Plan Overlays apply to growth areas or areas that are in transition from a rural or lower density environment into a more intensive urban land use (including residential, commercial or industrial).

Twelve Development Plan Overlay Schedules apply in the scheme.

A number of Development Plan Overlays are supported by Masterplans that were prepared with the **Hamilton Structure Plan**, **Dunkeld Structure Plan** and **Tarrington Structure Plan** and are effectively the "Development Plan". These areas include Hensley Park Road, South East Residential area, South Grange Precinct, Saleyards/Industrial Precinct, Picnic Road Tarrington and Recreation Road, Dunkeld.

"Outline Development Plans" – approved by Council in 2007 apply to areas now zoned Rural Living Zone and Low Density Residential Zone in Hamilton and provide a framework for considering

subdivisions and prompt the high level consideration of road, drainage and open space networks when a subdivision plan is submitted.

3.2.3 Consideration of issues and discussion

Although Development Plan Overlays are in place, there are several outstanding issues which are preventing their full benefit. These include:

- No process for registering approved Development Plans in outer areas of Hamilton (DPO3) Infill residential (DPO1), Low Density Residential (DPO11), Township Zones (DPO2), Industrial 1 Zone (DPO4), Hamilton Racecourse or that do not comply with the Development Plans (Masterplans) DPO.
- Mapping of previously approved Development Plans with Section 173 Agreements linking future roads.
- The Outline Development Plans are not referred to in the Planning Scheme and, although they are an adopted document, they are not readily available inform prospective applicants as they design their subdivisions.
- The Development Plans (associated with DPO Master Plans), which identify future access roads, do not provide enough detail to landowners and Council officers assessing applications (ie. road widths and apportionment on each property nor the method of developing the infrastructure).

3.2.4 Preliminary findings and recommendations

It is recommended:

- Review the Outline Development Plans for the Rural Living and Low Density Residential areas in outer Hamilton and include them in the planning scheme under the appropriate schedules to guide the operation of the Development Plan Overlay and facilitate integrated development.
- Establish a register of approved Development Plans and include on IntraMaps.
- Update the “Permit conditions” clause of the Schedule to the Development Plan Overlays to require connection to reticulated sewerage when land is subdivided.
- Update the “Permit conditions” clause of the Schedule to the Development Plan Overlay to reflect that new access roads as designated by the Development Plan are intended to be 50/50 appointment and vested in Council as a road reservation.

3.3 Environmental and Landscape Values – Landscapes

3.3.1 Issue

- Whether the planning scheme supports the management of significant landscapes.

3.3.2 Policy context and literature review

For over 20 years the planning scheme has included statements around recognising, celebrating and protecting significant landscapes, particularly around the Grampians area. Clause 21.03 contains policy statements and guidelines to “*to protect landscape elements that contribute to lifestyle, tourism and amenity*” and calls up the 1991 **Grampians Surrounds Strategy** to be considered. Despite this, there is no statutory mechanism (permit trigger) in the planning scheme to achieve those outcomes.

There are currently four (4) sites within Southern Grampians Shire which are recognised within the planning scheme under a Significant Landscape Overlay, these include the foothills of Coleraine Township (which has been in the Scheme before 1999), Mount Rouse, Nigretta Falls, Wannon Falls

and Buvleot Water Hole (identified in the 2004 **Southern Grampians Heritage Study**) and Harman's Valley (identified in the **South West Landscape Assessment** and currently under an interim SLO).

Clause 21.11-2 '*Undertaking Further Strategic Work*' states that Council will prepare a Grampians significant landscape assessment and a Victorian Volcanic Plains significant landscape assessment.

In 2012 the **South West Landscape Assessment** was prepared by the former Department of Planning and Community Development, in consultation with Councils within the South west. Landscape Assessments were also undertaken in other regions. The South West Landscape Assessment identified landscapes of State, regional and local significance and made recommendations about how they might be recognised in planning schemes and how future development might be designed having regard to the quality of the landscapes.

The Council also separately commissioned a **Grampians Landscape Assessment** which ran in parallel to the South West Study. A draft has been prepared and consultation was undertaken. However it has not been completed.

3.3.3 Consideration of issues and discussion

Officers considered that the significant landscape assessments ought to be progressed however were unsure how to progress them. It was considered that the two landscape studies could be reviewed together and the proposed permit triggers should be consistent. Another view was expressed that the tools to be used could be tailored to the landscape depending on their characteristics, what is proposed to be protected and context. There was also concern about resourcing the assessments.

Regarding significant landscapes, neither of the Studies have been adopted by Council. Further work is required to consult with the community around potential permit triggers.

The majority of the work has been completed. Council is currently undertaking Planning Scheme Amendment C36 to include the Harman's Valley Volcanic Plain within the Significant Landscape Overlay.

The proper recognition of significant landscapes within the Shire, particularly around the Grampians has been a long running issue and requires resolution. To date it remains unresolved due to a mix of factors.

3.3.4 Preliminary findings and recommendations

It is recommended that the following projects be prioritised and finalised:

- Progress the South West Landscape Assessment
- Progress the Grampians Landscape Assessment

3.4 Environmental and Landscape Values – Vegetation

3.4.1 Issue

- Whether the existing vegetation controls are effective.
- Whether the current provisions are still justified.
- Whether other vulnerable flora or fauna require protection.

3.4.2 Policy context and literature review

Clause 21.03 'Environmental and Landscape Values' contains strong policy statements around the contribution of environmental features to the Shire and the importance of protecting them and managing them in a sensitive manner. Area specific references to environment are also made in Clause 21.10.

Clause 52.17

Clause 52.17 'Native vegetation' requires a planning permit for the removal of native vegetation on land over 1 hectare subject to a number of exemptions including size of trees, proximity to dwellings and other matters. This is a state standard provision.

Vegetation Protection Overlay

The Vegetation Protection Overlay (VPO1) was applied to the township of Dunkeld in 2014 as an outcome of the Dunkeld Structure Plan and in response to the significant contribution mature Red Gums make to the environment and township character of Dunkeld. VPO1 applies to Red Gums and triggers a planning permit to remove, destroy or lop regardless of lot size.

Feedback from Council officers is that VPO1 is reasonably effective in managing the retention of the Red Gums within Dunkeld and is an efficient use of the planning scheme. It was noted by Council officers that other townships could benefit from the same approach with a Red Gum VPO to Cavendish and Balmoral where these trees are a feature of the town and a VPO to manage the outstanding Manna Gums, Wattles and understory in Tarrington.

Environmental Significance Overlay

The Environmental Significance Overlay – Eastern Barred Bandicoot area (ESO1) applies to the Grange Burn to protect the habitat of the Eastern Barr Bandicoot. Feedback has been received that the Bandicoot population has declined as a result of predators and there is now little justification for the ESO and its requirements.

Environmental Significance Overlay Schedule 2 applies to the Wannon River and Salt Creek corridors in Dunkeld to maintain the natural drainage function, stream habitat, wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface run-off from adjacent land uses. Similarly the Environmental Significance Overlay Schedule 3 applies to the Wannon River Escarpment precinct in Dunkeld to ensure development reflects the environmental constraints of the Wannon River escarpment, to maintain water quality, prevent erosion of land adjoining the Wannon River and siltation of watercourses, drains and other features, to protect and encourage the long term revegetation of flora and fauna habitat on the escarpment, and ensure that the siting and design of buildings and works addresses other environmental hazards, including erosion and fire risk. No issues have been identified regarding these overlays.

There are however some areas adjoining other waterways which are vulnerable to the spread of weeds as a result of housing and domestic gardens or removal of vegetation. There may be a case however to consider protecting environmental values of the riparian environment from the Wannon Falls to Cavendish as well as ephemeral wetlands throughout the Shire.

The ***Biodiversity Mapping (DSE)*** project was undertaken for the South West by the former Department of Sustainability and Environment in early 2000's. However it was at a scale that is difficult to justify the application of controls and given the time that had lapsed, the data needs to be reviewed.

The ESO is also used as a buffer to protect infrastructure or land uses that may have an environmental impact (such as noise, smell, light spill etc).

Clause 21.11 identifies the following further strategic work:

Complete the sites of biodiversity significance mapping project in partnership with Department of Sustainability and Environment and, based on this information, implement the Vegetation Protection Overlay or Environmental Significance Overlay to protect significant flora and fauna and

Develop a Vegetation Protection Overlay or Environmental Significance Overlay to protect remnant trees across the Township and Rural Living Zones in Tarrington.

Prepare and apply the Environmental Significance Overlay to protect buffer areas around critical infrastructure including declared water storages, water supply and treatment infrastructure, the Hamilton Regional Livestock Exchange (saleyards), and the Hamilton Landfill and Waste Transfer Station.

3.4.3 Consideration of issues and discussion

There are two main issues, management of environmental assets in the context of areas where development and change is expected and planned for, and management of environmental assets in areas of high ecological value, irrespective of the rate of development.

Given the substantial environmental assets within the Shire in the form of wetlands, stands of native vegetation (including grassy ecosystems of high consideration significance) and threatened fauna there are few mechanisms within the existing Planning Scheme that enable practical consideration of environmental features of high significance.

Taking the Dunkeld Structure Plan approach, in areas where there is a high potential for future development, environmental assets should be investigated at the township structure planning stage. Through the structure planning process, one investigates the location for future development, environmental assets within the town and considers how they ought to be managed.

In other areas, where there may be limited development but there is high biodiversity value, assessment of biodiversity significance is required. The **Sites of Biodiversity Significance mapping** undertaken in the early 2000s is not of a scale or detail that would justify application of planning controls. However it is a good first step of sieving process but requires further investigation to ensure accurate and effective use of the Environmental Significance Overlay or other planning provisions that may be appropriate.

3.4.4 Preliminary findings and recommendations

Biodiversity mapping remains an outstanding priority from the 2010 Planning Scheme review and nothing has changed. The following action is recommended:

- Complete the sites of biodiversity significance mapping project in partnership with Department of Environment, Land, Water and Planning and, based on this information, implement the Vegetation Protection Overlay or Environmental Significance Overlay to protect significant flora and fauna.
- Develop a Vegetation Protection Overlay or Environmental Significance Overlay to protect remnant trees across the Township and Rural Living Zones in Tarrington.
- Consider environmental assets in the preparation of small township plans, as relevant.
- Prepare and apply the Environmental Significance Overlay to protect buffer areas around critical infrastructure including declared water storages, water supply and treatment infrastructure, the Hamilton Regional Livestock Exchange (saleyards), and the Hamilton Landfill and Waste Transfer Station.

Environmental Risks – Bushfire

3.4.5 Issue

- Whether the planning scheme adequately considers and manages bushfire risk.

3.4.6 Policy context and literature review

Clause 21.03-4 contains key issues, objectives, strategies and policy guidelines pertaining to bushfire risk and approaches to managing land use and development for this issue.

The Policy Guidelines requires that the **Grampians Regional Planning Bushfire Assessment (2012)** must be considered when assessing permit applications and strategic projects as well as the Municipal Fire Management Plan.

Clause 13.05-1 (updated 12 December 2017 via Amendment VC 142) Bushfire Planning contains very comprehensive policy and assessment guidelines to be applied for planning permit applications and strategic planning.

Clause 21.11-1 states this issue is managed by applying the Bushfire Management Overlay to areas prone to wildfire.

Since the Planning Scheme review in 2010, the Bushfire Management Overlay was introduced into the Planning Scheme initially as the Wildfire Management Overlay and then the Bushfire Management Overlay. Updated maps were recently introduced via Ministerial Amendment GC13 and a new Schedule to apply to Balmoral, Coleraine BAL-12.5.

3.4.7 Consideration of issues and discussion

Consideration of bushfire threat has been factored into more recent settlement planning for the Shire including Dunkeld and Tarrington and it is expected that this approach would continue as further township plans are developed. In addition, recently updated mapping has been introduced and an updated BMO schedule.

The DELWP website explains that the *Regional bushfire planning assessments* (RBPAs) explain how a significant bushfire hazard may affect land use planning, and identify features such as settlements, urban interfaces and single access roads. They are a resource to assist councils to support community resilience to bushfire with their strategic planning such as preparing a planning scheme amendment.

The site advises that *“these maps were developed in 2012 and are intended as a guide only. Refer to the Bushfire Prone Area (BPA) and Bushfire Management Overlay (BMO) maps for the latest information.”*

It is noted that the **Grampians Bushfire Planning Assessment (2012)** in Clause 21.03-4 does not apply to Southern Grampians Shire, and reference instead should be the **Barwon-South West Regional Bushfire Planning Assessment (2012)**. Considering the DELWP advisory note, is not appropriate for the RBPA to be used in considering planning permit applications. However it does have a role in informing strategic planning matters such as settlement and land use planning and therefore should be retained in the Policy Guidelines.

3.4.8 Preliminary findings and recommendations

The Planning Scheme comprehensively considers Bushfire risk and the appropriate planning provisions and policies are in place.

It is recommended:

- At Clause 21.03-4 under Policy Guidelines replace **Grampians Bushfire Planning Assessment (2012)** with **Barwon-South West Regional Bushfire Planning Assessment (2012)**.

3.5 Environmental Risks – Flood

3.5.1 Issue

- Does the planning scheme adequately address flood risk?

3.5.2 Policy context and literature review

Flood risk is included in the Planning Scheme, introduced by Amendment C5 in 2006 which updated the Floodway and Land Subject to Inundation Overlays as a result of more accurate information on flooding obtained under the Flood Data Transfer Project managed by the former Department of Natural Resources and Environment for regional Victoria.

Through undertaking Structure Plans for Hamilton and Dunkeld, it became apparent that some areas are subject to flooding and require assessment. Further, through previous flood events and advice from the Glenelg Hopkins Catchment Management Authority (GHCMA), Coleraine was identified as requiring investigation.

Clause 21.03-3 “Floodplains” contains strategies and policy context. The policy guidelines refers to the requirement for Council to consider “*Any floodplain management strategy, manual, policy and practice, adopted by the responsible floodplain management authority*” and then lists a range of documents.

In undertaking further strategic work:

- *Undertake an updated Coleraine and Dunkeld flood study in association with Glenelg Hopkins Catchment Management Authority.*
- *Undertake flood studies for other affected towns in association with Glenelg Hopkins Catchment Management Authority.*

A key recommendation from the Hamilton Structure Plan, the **Hamilton Flood Investigation Study 2012** was commissioned by GHCMA and co-funded by Southern Grampians Shire Council. It is now completed.

The Flood Study recommends flood controls be put in place by applying a Land Subject to Inundation Overlay and Floodway Overlay. As part of the Study, draft planning scheme Amendment documentation has been drafted. This has not yet been implemented into the Planning Scheme.

The Coleraine Flood Study is currently being undertaken.

3.5.3 Consideration of issues and discussion

Flooding has major economic, environmental and social impacts on communities. In addition to mitigation works and emergency management arrangements, the planning scheme is an effective tool in managing the long term impacts on community and private assets from flooding, as well as protecting the floodplain from inappropriate development.

The **2012 Hamilton Flood Study** identifies areas that are subject to flooding. This information assists landowners and Council to make informed decisions about the location of future development. In this context, it is critical that the information from the Hamilton Flood Study is included in the planning scheme as a matter of priority. Likewise, when completed the Coleraine Flood Study should be included in the planning scheme.

Flood risk should continue to be considered as further small town structure plans or township plans are prepared.

3.5.4 Preliminary findings and recommendations

It is recommended:

- Implement the Hamilton Flood Study 2012 as a high priority including undertaking a planning scheme Amendment to apply the Land Subject to Inundation Overlay and Floodway Overlay as recommended in the Study.
- Undertake the Dunkeld Flood Study as recommended in the Dunkeld Structure Plan.
- Upon completion, implement the Coleraine Flood Study.
- Consider flood risk in the preparation of outstanding small town places, as relevant.

3.6 Natural Resource Management

3.6.1 Issue

3.6.2 Policy context and literature review

The State Planning Policy Framework at Clause 14.01 'Protection of Agricultural Land' and Clause 14.02 'Sustainable agricultural land use' includes strong statements to assist decision making.

Clause 21.04 'Agriculture and rural land use' currently references sheep production and viticulture, olives and agro-forestry. The strategies support sustainable farming practices, discourage dwellings which do not have a direct nexus with agricultural production of the land, support the establishment of more diversified and higher value commodities being established.

The planning scheme applies the Farming Zone to the rural areas of the Shire.

Clause 21.11 'Undertaking Further Strategic work' includes:

- *Prepare a land suitability assessment for rural areas.*
- *Develop a rural strategy program focusing on areas of pressure or opportunity.*
- *Partner with the Department of Primary Industries to undertake a soil and water capacity study for agricultural potential throughout the municipality.*

Climate change is a major challenge on existing and future nature resource management within the Shire. The region is experiencing drier winters and springs and as a result farming is changing from grazing to cropping.

In maximising the opportunities for agriculture, Council completed *the Land Capability Mapping Project (2014)* which modelled eight agricultural commodities considered to be suitable for growing in the Shire based on soil, water, topography and current/future climatic conditions. Five commodities were crops currently grown in the region and three were crops with the potential for value adding, diversification and supporting population growth.

The next stage of the project is to investigate thresholds of economic viability including access to markets, transport, and water infrastructure.

Other emerging issues to consider include regional energy self-sufficiency and energy resilience, including enhancing the capacity of the energy network, increasing decentralisation and alternative energy sources, including bio-energy. Fracking has been a major issue within the region over the last few years and while the Council has a policy position on this, the planning scheme is silent.

3.6.3 Consideration of issues and discussion

As found in the Planning Scheme Review in 2010, there is a lack of guidance in the Planning Scheme around the location of the dwellings and the state standard minimum subdivision within the Farming Zone applies irrespective of local variations in environmental conditions and land capability.

Feedback from Planners is that the current Local Planning Policy Framework does not provide enough guidance around decision making for dwellings in the Farming Zone. There is also a lack consolidated information to assist landowners and Council in developing and interpreting Farm Management Plans.

Clause 21.11 “Further strategic work” commits Council undertake a rural strategy. This work has commenced through the **Land Capability Mapping Project**. This is effectively the first stage of a rural strategy for the Shire. It is critical that the next stages be undertaken including assessments of emerging commodities, access to markets, potential infrastructure needs, analysis of farming systems and new farming systems, intensive animal industry, and settlement. Clearer decision guidelines around proposals for new dwellings within the Farming areas and lot sizes should be an output of this work.

Implications for this work include applying a more strategically based minimum subdivision size. In areas where more intensive farming is viable, strengthened guidelines and tests around the location of intensive agriculture and location of dwellings should be developed.

Following the completion of the Rural Strategy, Clause 21.04 needs to be completely rewritten to reframe policy to support contemporary agriculture and provide a more nuanced and locally relevant approach and provide a context to refine minimum lot sizes and policy around houses in the Farming Zone.

It is noted since the last Planning Scheme Review, the Farming Zone now provides greater flexibility with increased suite of Section 2 uses (uses that require a planning permit). This flexibility assists strategic sites in transition which are well supported by infrastructure such as Iluka.

Finally, it is noted the section that deals with “Agriculture” at Clause 21.04-1, also refers to timber production, which is dealt separately in the next section under Clause 21.04-2 “timber production, processing and agroforestry”. This anomaly can be addressed when Clause 21.04 is revised.

Firewood

Climate is extreme with cold winters and very hot summers. Many houses are not designed to cope with extreme weather and with low incomes, they are poorly insulated and drafty.

Wood heating is more economical, putting pressure on falling timber and standing trees. Shortage of fire wood is a problem, which is exacerbated by the fact there are no commercial firewood plantations. Demand for firewood drives illegal practices, some commercial firewood operators removing trees, police provided with circumstantial evidence from bluegum plantations

While the Shire still allows roadside collections, officer advice is that it is now no longer feasible on low conservation roads given supply. However demand is driving firewood collection “underground” and wood is being collected from high conservation roads which is against policy.

3.6.4 Preliminary findings and recommendations

It is recommended:

- Refine Clause 21.04-1 “Agriculture” removing reference to timber production, which is dealt separately in the next section under Clause 21.04-2 “timber production, processing and agroforestry”.
- Following the completion of the Rural Strategy, Clause 21.04 needs to be completely rewritten to refine minimum lot sizes and policy around houses in the Farming Zone.
- Review the Roadside Firewood Policy.

3.7 Built Environment and Heritage – Urban Design

3.7.1 Issue

Whether the Planning Scheme effectively deals with urban design.

3.7.2 Policy context and literature review

Clause 15 ‘Urban Environment’ contains objectives and strategies. Planning authorities should emphasise urban design policies and frameworks for key locations and precincts.

Policy at Clause 21.05 ‘Built Environment and Heritage’ – Clause 21.05-1 ‘Built Environment’ and Clause 21.05-3 ‘Shopfronts and verandahs’ contain key issues, objectives and policy guidelines. Policy guidelines for shopfronts and verandahs contain specific design solutions that promote traditional shopfront configuration to *“protect and enhance the historic character and unique appearance of shopfronts and verandahs in individual buildings, streetscapes and areas.”*

Built environment policy statements are also included under Clause 21.10 ‘Local Areas’ and are tailored to specific issues in the townships.

Since the last Planning Scheme Review, a number of Design and Development Overlays have been put in place to improve urban design outcomes in key locations in the Shire. These include:

- Design and Development Overlay Schedule 1 which applies to industrial land fronting key gateway roads to improve the presentation of development and reflect the role these areas play as a first impression of Hamilton.
- Design and Development Overlay Schedules 2 and 3 to precincts in the Hamilton city core to guide built form, particularly in relation to larger format retail developments.
- Design and Development Overlay Schedules 5, 6, 7 and 8 to precincts in Dunkeld to ensure development reflects the unique character, landscape setting and environmental content of the town.
- Design and Development Overlay Schedule 9 to 20 Blackwood-Dunkeld Road, Dunkeld (Lot 1 TP563118) to ensure industrial and commercial development is responsive to rural-residential amenity and the unique character, landscape setting and environmental context of the precinct.

Further strategic work is identified in Clause 21.11:

- *Update or develop policy guidelines and works standards to reflect urban design guidelines.*
- *Identify urban design treatments that can be used to differentiate former shops in activity centres that are now dwellings from vacant shops.*

Feedback has been received from officers and community that some of the Design and Development Overlays have had the effect of triggering planning permits for all buildings and works.

3.7.3 Consideration of issues and discussion

Design and Development Overlays in Dunkeld

A suite of Design and Development Overlays were introduced as part of the Dunkeld Structure Plan implementation having regard to the special landscape qualities of the town.

While there is a benefit to the town in facilitating sympathetic and high quality development, the Design and Development Overlays contain many requirements adding an extra layer of complexity.

Schedule 6 to the Design and Development Overlay (Dunkeld Larger Lot Residential Areas)

In the case of Design and Development Overlay 6, the Schedule has been written to require a permit for all buildings and works. This was not the intended outcome of the Schedule. The Schedule needs to be re-written to explicitly state that a permit is not required except for specific works (and these need to be measurable). This is an urgent issue as it is having implications on Council's resources and delaying simple works.

Schedule 5 to the Design and Development Overlay (Dunkeld Township Residential Areas)

A requirement for the development of a shed, garage or car port greater than 10 square metres was included in the Design and Development Overlays within Dunkeld. The basis of the control was the construction of very large sheds in the Dunkeld township that are not residential in scale.

The DDOs have been operational since 2014 and feedback is that 10 square metres permit trigger is too small and is capturing all sheds, even innocuous garages and carports. The Building Department provided feedback that the permit trigger could be increased to 50 square metres or double garage (which average around 36 square metres). Under Building regulations the minimum setback is 4 metres from the local street and 6 metres from Road Zone. The setback to establish a planning permit trigger should be based on the recommendations of the Urban Design Guidelines for Dunkeld.

Design and Development Overlay - DDO1 – Industrial Areas Fronting Key Entry Roads into Hamilton

This DDO was introduced as a result of the Hamilton Structure Plan to improve the presentation of the main roads into Hamilton where industrial uses are located.

The DDO however needs to be explicit that a permit is required for buildings and works (presently a fence is only requires a permit under the DDO). Under the Industrial 1 Zone a permit is required for all buildings and works however the Design and Development overlay gives greater guidance on the form of development and its presentation in this high profile location.

The Schedule should specifically exempt 3rd party notice and appeal any buildings and works permits, consistent with the notice exemptions provisions in the Industrial Zone.

3.7.4 Preliminary findings and recommendations

It is recommended:

- Amend Design and Development Overlay Schedule 1 'Industrial Areas Fronting Key Entry Roads into Hamilton' to require a permit for all buildings and works
- Amend Design and Development Overlay Schedule 6 'Dunkeld Larger Lot Residential Areas' Dunkeld to exempt all buildings and works associated with single dwellings, with the exception of buildings and works associated with large outbuildings, houses over 6 metres in height and high fences.
- Amend Design and Development Overlay Schedule 5 'Dunkeld Township Residential Areas' to increase the minimum floor area for exempted outbuildings from 10 square metres to 40

square metres (just about a standard double garage size) and require exempted outbuildings to be located at minimum setback in-line with the dwelling or to the rear.

- Amend Low Density Residential Zone Schedule 2 'Dunkeld' to increase the minimum floor area for exempted outbuildings from 10 square metres to 40 square metres (just about a standard double garage size)

3.8 Built Environment and Heritage – Heritage

3.8.1 Issue

- Whether the planning scheme adequately protects places of cultural heritage significance.
- Whether the planning scheme and supporting documents adequately support landowners and decision makers to make good decisions.

3.8.2 Policy context and literature review

The former City of Hamilton commissioned the **Hamilton Conservation Study 1991** and heritage controls were applied (now known as the Heritage Overlay) on individual places and precincts.

The **Southern Grampians Heritage Study** was completed in 2004 and identified many individual places and precincts. Following an extensive amendment process, this was implemented in 2011 through Amendment C6.

Clause 21.05-2 "Heritage" contains policy statements and policy guidelines and application requirements and refers to both heritage studies. The Scheme states *"The Shire contains an outstanding array of European and Aboriginal Heritage Features, including some of the State's most important places of cultural heritage significance. The conservation, protection and maintenance of these places have social, community and cultural significance to the Shire's towns and rural areas, and economic benefit for their attraction to tourists."*

540 places are included in the Schedule to the Heritage Overlay including 537 individual places of significance and three precincts in Hamilton (Market Heritage Precinct, CBD Heritage Precinct and Churchill Heritage Precinct).

Policy guidelines and application requirements under Clause 21.05-2 set out the following requirements:

- Applications to develop or rezone land in areas where there is a known Aboriginal archaeological site or the potential for Aboriginal archaeological sites to occur are to include a report from a suitably qualified archaeologist demonstrating that the impacts of the proposal on Aboriginal cultural heritage have been addressed.
- Applications for post contact heritage places must consider the relevant Heritage Study.

The Planning Scheme identifies further work in Clause 21.11 that needs to be undertaken including:

- *Prepare a Shire heritage strategy to guide ongoing protection, management and promotion of heritage.*
- *Investigate requirements for increased protection of aboriginal cultural heritage sites in association with Aboriginal Affairs Victoria and Gunditj Mirring Registered Aboriginal Party.*
- *Consider the preparation of heritage place and precinct guidelines, including adaptive re-use guidelines for heritage places.*

3.8.3 Consideration of issues and discussion

Generally, the identification and protection of places of post-contact cultural heritage significance is well covered within the Shire. Heritage features in the planning scheme as an important contributor to tourism offer, sense of identity and something to be celebrated.

Since the last Planning Scheme review a number of corrections have been made to the Heritage overlay for property addresses and mapping.

There are however, further changes needed, particularly in Hamilton where the Overlay has not been reviewed since 1991. Issues include:

- Mapping of individual places generally does not comply with the Planning Practice Note 'Applying the Heritage Overlay'. Mapping of most individual places currently comprises a small square to indicate the location of the property. The Heritage Overlay should instead apply to all of the land that accommodates the significant building and curtilage. The mapping has the potential to cause confusion with landowners.
- Feedback was received that there are some parts of the CBD where the Heritage Overlay applies however is not clear as some of the areas lack heritage integrity and should be reviewed.
- There are a number of examples of non-compliance within the CBD regarding business signs and paint.
- Painting previously painted surfaces are causing issues for applicants in terms of time delays for simple sympathetic proposals.
- Access requirements under the Building Regulations are also an issue for some heritage buildings. Design guidelines to proactively assist building owners, prospective purchasers and planners will also assist.

The introduction of VicSmart has meant that simple applications including fences, signage, painting and works to non-contributory buildings are "fast tracked" and should be issued within 10 working days. Despite this, however, there are some opportunities to further improve information to applicants and opportunity to create exemptions from permits. For example, exemptions from planning permits could apply for painting a range of colours.

There is also the potential to up skill planners with the use of clear design guidelines, freeing up the Heritage Adviser time to provide advice on more complex applications.

For places of Aboriginal Cultural Heritage Significance some sites are included in the Heritage Overlay however most are listed on the Aboriginal Cultural Heritage Register (ACHRIS) which sits outside the planning scheme and is not publically accessible because it contains culturally sensitive information. ACHRIS can be accessed by Council and landowners upon request.

3.8.4 Preliminary findings and recommendations

It is recommended:

- Review the extent of the Heritage Overlay within the Hamilton CBD, having regard to changes that have occurred since 1991.
- Undertake a Heritage Strategy to prioritise actions across Council and the community to recognise, manage and celebrate heritage.
- Develop guidelines to assist landowners and planners to design and assess changes, including access requirements. This could include a review of the Guidelines within the 1991 Hamilton Conservation Study 1991.

- Investigate requirements for increased protection of aboriginal cultural heritage sites in association with Aboriginal Affairs Victoria and Gunditj Mirring Registered Aboriginal Party.
- Consider the preparation of heritage place and precinct guidelines, including adaptive re-use guidelines for heritage places.

3.9 Built environment and heritage - Signage

3.9.1 Issue

There is an increasing demand for sponsorship signage for sporting clubs within the Shire to raise operational funds. The Planning Scheme currently prohibits much of this signage on land that sporting clubs use, being the Public park and Recreation Zone.

3.9.2 Policy context and literature review

Policy at Clause 21.05 'Built Environment and Heritage' – Clause 21.04-4 'Advertising signs' contain key issues, objectives and policy guidelines.

The policy states *“Advertising signs in association with shopfronts, verandahs and awnings form a major element in the streetscape of urban areas and townships. The installation of inappropriate or unsympathetic advertising signs may be harmful to the appearance of both heritage buildings and to the character and appearance of urban areas. In some instances, such as minor sports grounds, the erection of promotional signs on enclosed land can add visual interest and enhance the character and setting of such arenas and at the same time provide useful revenue for the organisations concerned.”*

The Policy Guidelines refer to display of promotional signs on enclosed land (this would apply to recreation reserves and the like).

3.9.3 Consideration of issues and discussion

An issue was promotional and sponsorship signage in sports facilities. Most recreation assets are located within the Public Park and Recreation Zone which has a signage category 4 (Sensitive areas) which is a maximum limitation of signs. Under the Public Park and Recreation Zone promotional or sponsorship signs are prohibited.

This means that the policy in Clause 21.05 is inconsistent with the signage provisions.

Feedback received by officers and community is that sponsorship signage makes an important and necessary contribution to the ongoing operation of sporting clubs in the Shire. There is also concern that the signage does not overwhelm or commercialise public land which may have environmental, lifestyle or heritage attributions.

The Schedule to the Public Park and Recreation Zone does allow for an alternative signage category to be nominated. By nominating Category 3 (High Amenity Areas), for example, this allows for consideration of such signage but within the context of assessment and permit conditions. This provision should not be applied to all land zoned Public Park and Recreation Zone but specific sites where the context is appropriate.

3.9.4 Preliminary findings and recommendations

It is recommended:

Amend the Schedule to the Public Park and Recreation Zone to apply Category 3 signage provision for specific recreation sites.

3.10 Housing

3.10.1 Issue

- Whether the Planning Scheme provides adequate guidance

3.10.2 Policy context and literature review

In 2013 the MSS was re-written and local policies in Clause 22 were converted into the MSS within Clause 21. One of the key local policies to be shifted was the one that considered rural residential development within the Farming Zone.

Under “Housing” Clause 21.06-1 ‘Small lot subdivisions, house lot excisions and dwellings in the Farming Zone’ provides policy statements on subdivision and rural residential land use within the Farming Zone. This aligns with Clause 16 ‘Housing’ – ‘Rural Residential Development’

As discussed in Section 3.3 (Natural Resource Management) there is a significant gap in literature or strategic direction and guidance in relation to agriculture and the tests that ought to apply to demonstrate the nexus between the agricultural enterprise and the farm.

In the Farming Zone a planning permit is required for a dwelling on a lot less than 40 hectares. As found in the 2010 Planning Scheme Review, this issue is one of the most challenging matters as there is little substantial guidance to test the proposition that a dwelling is required for the operation of the agricultural enterprise.

3.10.3 Consideration of issues and discussion

Considering the format of the SPPF, Clause 21.06 should apply to rural residential development, which is different to the occasional dwelling in the farming zone.

The policy statements at Clause 21.06 should be located in Clause 21.04 (Natural Resource Management) as there is a direct relationship between agriculture and subdivisions, rural lot excisions and dwellings in farming Zoned land and cumulative implications.

Concern was expressed from Planners that strengthened policy is needed to assist in assessing new dwellings in rural areas. It was considered a major strategic weakness of the planning scheme. It was considered that the Agricultural policy within the planning scheme is not robust.

There are a range of actions that can assist this issue:

Strategic

The Rural Strategy (referred to in Section 3.3) will provide data to assist in understanding the nexus between a dwelling and farming operation. Strengthened policy regarding rural lot excisions is required. In addition, the application requirements should require targeted information and specific information to assist assessment.

Technical support

Establishing referral arrangements to DEDIJTR would assist applicants and planners to review Farm Management Plans and business cases. In addition, more training of assessors is required.

3.10.4 Preliminary findings and recommendations

It is recommended:

- Following Rural settlement strategy, re-write policy statements for rural residential development (clauses 21.06 and Clause 21.04)

- Establish referral assistance with DEDJITR.
- Establish in-house expertise with Agriculture Officer to provide independent accurate technical advice.

3.11 Economic Development - Industry

3.11.1 Issue

- Whether the planning scheme supports industry.

3.11.2 Policy context and literature review

Clause 17.02 'Industry' contains policy direction for Industrial land development and Design of industrial development with an objective to ensure available land for industry.

The **Hamilton Structure Plan (2011)** identified there was sufficient supply of vacant industrial land over the long-term in Hamilton (200ha) to meet demand to 2031 (44ha). Average demand was forecast at 4.5 lots per year, equivalent to 2.1ha of land demand per annum. Over the period from 2011 to 2021 and 2031, demand is projected to be 23.1ha and 44.1ha respectively. As a result, based on availability of industrially zoned land, no additional industrial land is required given there is 104ha of vacant land zoned Industrial 1 Zone (38% of total IN1Z land) and 96.2ha of vacant land zoned Industrial 2 Zone (100% of all IN2Z land).

Industrial Land Study 2014 critically assessed the market need for industrial land in the Shire and existing and future industrial precincts within Hamilton. The Study found that there is sufficient supply of land zoned for industrial and employment purposes within Hamilton, however it recommended that Council take a proactive approach in developing suitably sized industrial lots in order to induce demand for business attraction and development by providing (with or without partners) serviced industrial lots that are ready for business investment, but within the framework of maintaining competitive neutrality with other property market participants and addressing market failures where possible. Although the market is providing sub 2,000sqm, Council could have a strategic role in meeting demand for businesses that seek larger lots of over 2,000sqm, complementing the offer.

The Planning Scheme currently implements industry through the following provisions:

The Industrial 3 Zone allows sensitively sited and designed light-industrial development and other commercial uses on land at Lot 1 TP 563118 (20 Blackwood-Dunkeld Road, Dunkeld).

The Industrial 1 and 2 zones to existing and proposed industrial areas. The Industrial 2 Zone has been used to identify suitable land for large scale and potentially noxious industry, with appropriate infrastructure and buffers from residential areas.

The Development Plan Overlay to areas designated for industrial development to facilitate co-ordinated and sequential development.

3.11.3 Consideration of issues and discussion

There is a significant amount of vacant land set aside for industrial and employment purposes within Hamilton. Council is proactively involved in developing land in order to service the market where there are gaps. This is particularly important given the infrastructure required to be provided to date the economies of scale have not attracted a provide party to take on this role.

There are some challenging sites however where the planning scheme may require a zoning review. 35 Mt Baimbridge Road, Hamilton, recently subject to Amendment C35, is zoned Special Use Zone to allow for Joinery and Trade Supplies. The initial Special Use Zone was applied in response to the historical use of the site as a Joinery and its proximity to sensitive uses (residential and open space).

It is a challenging site as it immediately abuts residential land and retail use could undermine the retail hierarchy in Hamilton. However it appears that the Special Use Zone remains too restrictive and further investigation should ensue.

Potential expansion of Farming Zone to Industrial or commercial zone (south east industrial area between Port Fairy Road).

Schedule 9 to the Development Plan Overlay “Saleyards/Industrial Precinct, Hamilton” encourages a sliding scale of lot sizes. Feedback was received during consultation that the lot sizes encouraged in the Schedule were taken literally as the required lot sizes, which caused some confusion.

3.11.4 Preliminary findings and recommendations

Findings:

- The key issues, objectives, strategies and policy guidelines within Clause 21.07-1 pertaining to Industry remain relevant.
- Given the current land supply in Hamilton there is no justification to rezone land. The land supply at this stage is adequate to facilitate development.
- Clause 21.07-1 needs to be updated to mention Dunkeld industrial land. This clause also needs to be updated to reflect new major industries in the Shire (meat processing) and to remove references to Illuka which has ceased operation.

3.12 Economic Development – Activity Centres

3.12.1 Issue

- Whether the planning scheme supports a vibrant and sustainable network of activity centres.

3.12.2 Policy context and literature review

Retail Development Strategy 2011-2031 assessed the land supply and demand for retail and provides guidance for the location of retail land use development throughout the Shire. The strategy is to support existing activity centres to deliver the best possible service to residents and customers, taking advantage of economies of scale and existing private and public investment within the activity centres and work with investors to fill the gaps in retail within existing centres and improve the environment within the centres. The Retail Strategy informed the **Hamilton Structure Plan (2011)** and the **Dunkeld Structure Plan (2012)**. Since the Retail Strategy major developments have included Coles redevelopment and the Hub redevelopment, including an additional 9,000sqm of floorspace. Vacancy rates in the CBD remain stable at 5% however some large vacant parcels remain.

The Planning Scheme currently implements policy through the following provisions:

Clause 21.02-1 “Activity Centres” provides hierarchy of activity centres and sets out high level strategy for supporting retail and commercial development within activity centre framework.

Further, more specific strategies are set out under Clause 21.10, Local areas for Hamilton (CI 21.10-1), introduced via Amendment C25 (2013) and Dunkeld (CI 21.10-3) introduced via Amendment C29 (2014). Retail statements are also included for other townships based on the findings of the Retail Strategy 2011-2031.

The Commercial 1 Zone to land immediately east of the Hamilton city centre promotes mixed use development and an improved appearance at this important gateway.

The Commercial 1 Zone to the 'main street' area of Dunkeld encourages the consolidation of business uses in this area.

The Township Zone applies to smaller towns to facilitate mixed used development, including retail.

3.12.3 Consideration of issues and discussion

Retail policy within the Municipal Strategic Statement (at Clauses 21.02 and within the Local Areas Clause 21.10) are based on the Retail Strategy 2011 and subsequent structure plans.

The policies and strategies are still relevant.

Further direction and zoning reviews within the smaller townships of Cavendish, Balmoral, Peshurst, Branxholme, Glenthompson and Peshurst are still needed to support local communities and grow the tourist offer.

3.12.4 Preliminary findings and recommendations

It is recommended:

- Consider future the commercial and retail in the development of Township Plans for Balmoral, Branxholme, Cavendish, Glenthompson and Peshurst.

3.13 Infrastructure

3.13.1 Issue

Whether the planning scheme supports the provision of sustainable infrastructure.

3.13.2 Policy context and literature review

In the State Planning Policy Framework Clause 19 'Infrastructure' includes policy statement for renewable energy, Community infrastructure, Development infrastructure, Water supply, Sewerage and drainage, stormwater, telecommunications, Waste and resource recovery, pipeline infrastructure and survey infrastructure.

In the Local Planning Policy framework, Clause 21.09 "Infrastructure" contains strategies "co-ordinate the development of urban areas with the extension of infrastructure to minimise community costs and provide sustainable development" and "Ensure residential areas have access to a range of infrastructure and services including reticulated water, sewerage, drainage, power and sealed roads where available. includes focusses in particular on working with Wannon Water to establish reticulated sewerage where feasible and manage waste water on land not connected to reticulated sewerage."

Specific infrastructure projects and items are included in the Planning Scheme under Local Areas (Clause 21.10) based on structure planning.

Clause 21.11 includes the following Further Strategic Work:

- Investigate small town domestic waste water management solutions in consultation with Wannon Water and local communities for the unsewered towns of Balmoral, Branxholme, Byaduk, Cavendish, Glenthompson, Peshurst and Tarrington.

Council's Engineering Department uses the Infrastructure Design Manual to determine standards for subdivision and development. The Infrastructure Design Manual (IDM) is a joint initiative of Victorian rural and regional Councils working together to formulate and maintain a set of consistent requirements and standards for the design and development of infrastructure.

The first version of the IDM came into use in October 2007 by some rural and regional Councils when it was placed online and Southern Grampians Shire has been using the standards since 2010.

3.13.3 Consideration of issues and discussion

Infrastructure Design Manual – Design Standards

Formalising the **Infrastructure Design Manual (IDM)** in the planning scheme will assist applicants/landowners with understanding obligations to contribute to infrastructure as part of their development proposals. It will also provide a consistent approach to applying conditions on permits irrespective of changes of staff.

The IDM needs to be reviewed and amended (by Planning and Engineering) to reflect local conditions (for example standards for heritage infrastructure, rural living areas, small townships and the like).

The IDM should be included in the Planning Scheme as an Incorporated document which will give it statutory effect.

Asset Management Policy

Council's Engineering department have advised that they are currently reviewing the **Asset Management Policy**. This policy should be integrated in the Planning Scheme.

Infrastructure items listed in Planning Scheme

Infrastructure items identified in the township **Structure Plans** are listed in Clause 21.10 'Local Areas'. It is apparent that there is not a strong link between budget preparation and implementing these infrastructure priorities. While this is not an issue about planning scheme content, it is an operational issue which requires regular consideration by Council and the wider community.

Sewerage infrastructure

This matter is considered in Section 3.1.

3.13.4 Preliminary findings and recommendations

It is recommended:

- The Infrastructure Design Manual be updated to reflect local conditions and incorporated in the Planning Scheme.
- Council Asset Management Policy be reflected in the Planning Scheme.

3.14 Car Parking

3.14.1 Issue

- Whether the Car parking provisions in the Planning Scheme working?

3.14.2 Policy context and literature review

Clause 45.09 "Parking Overlay" and Schedule applies to the Hamilton Central Activity District and was introduced via Amendment C25 as part of the Hamilton Structure Plan implementation. The Overlay is based on the findings of the **Hamilton Central Activity District Parking Precinct Plan (2012)**.

The Parking Overlay sets out parking rates for various land uses which are lower than the standard (column A) Car Parking Clause 52.06 under Particular Provisions (which apply across Victoria).

The Overlay requires a financial contribution of \$8,000 (plus GST and adjusted annually using CPI) to be paid to Council in lieu of each car parking space that is required but is not provided on the land. Contributions received will be used to construct car parks within the Melville Oval/Lonsdale Street Precinct and the Cox Street Entry Precinct.

The Parking Overlay has been operational since mid-2013 and is triggered when there is either a change in land use (ie. shop to office to restaurant) or where there is an increase in floorspace.

3.14.3 Consultation and discussion

Feedback from Council officers is that the Parking Overlay has created unintended consequences and is stifling economic development. It does not align with the current economic conditions and retail challenges in Hamilton.

It was considered that the Parking Overlay is necessary to raise funds to improve parking in the CBD as it is the legal mechanism Council can use to collect money in lieu of parking. However the financial contribution trigger should only be linked to expansion of floor area and not changes in land use. As an example, a change of use from office to shop triggers the need to provide car parking and if the required amount of car parking is not provided, a payment of \$8,000 per space is required.

3.14.4 Preliminary findings and recommendations

It is recommended:

- The Parking Overlay be amended to apply to increase in floorspace only.

3.15 Corrections and anomalies

3.15.1 Issue

Whether there are identified errors or anomalies in the Planning Scheme.

A list of corrections have been collated by the Planning Department since 2013 when the last comprehensive planning scheme Amendment was undertaken.

A list of these items is found in Attachment 1.

4 Recommendations

Settlement	Priority	Project type
<p>Undertake township plans for Balmoral, Cavendish, Coleraine, Penshurst and Glenthompson to confirm infrastructure needs, zoning regime and lot sizes that support the town's aspirations.</p> <ul style="list-style-type: none"> - Consider environmental assets in the preparation of small township plans, as relevant. - Bushfire and flooding - Land supply including rural living opportunities - Implement the Hamilton Flood Study 2012 as a high priority including undertaking a planning scheme Amendment to apply the Land Subject to Inundation Overlay and Floodway Overlay as recommended in the Study. 	High	Strategic Project
<p>Council work with Wannon Water and landowners to progress the provision of formal reticulated sewerage within the areas identified for conventional residential growth, in particular Hiller Lane, South East Residential Area and Hensley Park Road south.</p>	High	Operational project
<p>Review the Domestic Waste Water Management Plan, which would inform township plans, minimum subdivision sizes, land use and policy.</p>	High	Strategic project
<p>Based on the recommendations of the Domestic Waste Water Management Plan review, prepare a policy/protocol where Land Capability Assessments are required to be submitted with Planning Permit applications.</p>	High	Strategic project
<p>Prepare a discretionary uses policy for the Residential 1 and Township zones to guide the location of non-residential uses.</p>	Low	Strategic project
<p>Prepare an Open Space Strategy to ensure decision making in relation to facilities is considered in a broader strategic context.</p>	Low	Strategic project
<p>Investigate need for and prepare policy around settlement planning for settlements in bushfire prone areas.</p>	Medium	Strategic project
<p>Review the Outline Development Plans for the Rural Living and Low Density Residential areas in outer Hamilton and include them in the planning scheme under the appropriate schedules to guide the operation of the Development Plan Overlay and facilitate integrated development.</p>	Medium	Strategic project and amendment
<p>Establish a register of approved Development Plans and include on IntraMaps.</p>	High	Operational project
<p>Update the "Permit conditions" clause of the Schedule to the Development Plan Overlays to require connection to reticulated sewerage when land is subdivided.</p>	High	Corrections amendment
<p>Update the "Permit conditions" clause of the Schedule to the Development Plan Overlay to reflect that new access</p>	Medium	Corrections amendment

roads as designated by the Development Plan are intended to be 50/50 appointment and vested in Council as a road reservation.		
Environment and Landscape		
Progress the South West Landscape Assessment	Medium	Strategic project
Progress the Grampians Landscape Assessment	Medium	Strategic project
Complete the sites of biodiversity significance mapping project in partnership with Department of Sustainability and Environment and, based on this information, implement the Vegetation Protection Overlay or Environmental Significance Overlay to protect significant flora and fauna.	Medium	Strategic project
Develop a Vegetation Protection Overlay or Environmental Significance Overlay to protect remnant trees across the Township and Rural Living Zones in Tarrington.	Low	Planning Scheme amendment
Prepare and apply the Environmental Significance Overlay to protect buffer areas around critical infrastructure including declared water storages, water supply and treatment infrastructure, the Hamilton Regional Livestock Exchange (saleyards), and the Hamilton Landfill and Waste Transfer Station.	Low	
At Clause 21.03-4 under Policy Guidelines replace <i>Grampians Bushfire Planning Assessment (2012)</i> with <i>Barwon-South West Regional Bushfire Planning Assessment (2012)</i> .	Medium	Corrections Amendment
Implement the Hamilton Flood Study 2012 as a high priority.	High	Planning Scheme Amendment
Natural Resource Management		
Refine Clause 21.04-1 "Agriculture" removing reference to timber production, which is dealt separately in the next section under Clause 21.04-2 "timber production, processing and agroforestry".	Low	Corrections Amendment
Following the completion of the Rural Strategy, Clause 21.04 needs to be completely rewritten to refine minimum lot sizes and policy around houses in the Farming Zone.	Medium	Strategic project
Review the Roadside Firewood Policy.	Low	Resources
Establish referral assistance with DEDJTR.	Low	Resources
Establish in-house expertise with Agriculture Officer to provide independent accurate technical advice.	Medium	Resources
Built Environment and Heritage		
Amend Schedule to the Public Park and Recreation Zone to apply Category 3 signage to active recreation assets	Low	Planning Scheme Amendment
Amend Design and Development Overlay Schedule 6 'Dunkeld Larger Lot Residential Areas' Dunkeld to exempt all buildings and works associated with single dwellings, with the exception of buildings and works associated with large outbuildings, houses over 6 metres in height and high fences.	High	Corrections Amendment

Amend Design and Development Overlay Schedule 5 'Dunkeld Township Residential Areas' to increase the minimum floor area for exempted outbuildings from 10 square metres to 40 square metres (just about a standard double garage size) and require exempted outbuildings to be located at minimum setback in-line with the dwelling or to the rear.	High	Planning Scheme Amendment
Amend Low Density Residential Zone Schedule 2 'Dunkeld' Areas' to increase the minimum floor area for exempted outbuildings from 10 square metres to 40 square metres (just about a standard double garage size)	High	Planning Scheme Amendment
Undertake a Heritage Strategy to prioritise actions across Council and the community to recognise, manage and celebrate heritage.	High	Strategic project
Review the extent of the Heritage Overlay within the Hamilton CBD, having regard to changes that have occurred since 1991.	Medium	Strategic project
Develop guidelines to assist landowners and planners to design and assess changes, including access requirements. This could include a review of the Guidelines within the 1991 Hamilton Conservation Study 1991.	Medium	Strategic project
Economic Development		
Clause 21.07-1 needs to be updated to mention Dunkeld industrial land. This clause also needs to be updated to reflect new major industry in the Shire, meat processing, and to remove references to Illuka.	Low	Corrections Amendment
Consider future the commercial and retail in the development of Township Plans for Balmoral, Branxholme, Cavendish, Glenthompson and Peshurst.	Medium	Strategic project
Infrastructure		
The Parking Overlay be amended to apply remove 'use' as a trigger and to apply to 'development' (increase in floorspace only)	High	Planning Scheme Amendment
The Infrastructure Design Manual be updated to reflect local conditions and incorporated in the Planning Scheme. Council Asset Management Policy be reflected in the Planning Scheme.	Medium	Planning Scheme Amendment

5 Recommended corrections

The following is a list of anomalies that appear in the planning scheme that have been collated since the last corrections Amendment. It is recommended that a Planning Scheme Amendment be prepared to address them. Where asterix (*) is indicated, the matter will require some strategic work by Council or a proponent:

Clause	Property	Issue	Solution	Date identified
CI 43.01 Heritage Overlay	59 Coleraine-Balmoral Road, Balmoral 'Grassgunyah'	HO applies to the wrong property. Map error and Schedule error Listed in the HO Schedule as HO10 as 61 Coleraine Road-Balmoral Road, the correct property is 59 Coleraine-Balmoral Road	Amend Map and Schedule	29 July 2015
CI 43.01 Heritage Overlay	87-89 Monroe Street, Branxholme 'Free Presbyterian Church'	HO applies the wrong property Map error and Schedule error Listed in the HO Schedule as HO54 as 91 Monroe Street, the correct property is 87-89 Monroe Street The Heritage Citation does not include an address	Amend Map and Schedule	7/03/2016
CI 43.01 Heritage Overlay	2073 Bundoran Lane Woodhouse-Nareeb Soldiers Memorial Hall	Location in schedule – is included under Glenthompson. Should be under Woodhouse.	Amend Schedule to move to "Woodhouse"	15/02/2017
Development Plan Overlay DPO3	Coleraine	DPO3 "Rural Living" applies to LDRZ land in Coleraine however there is no mention of Coleraine within the DPO3 – it only relates to Hamilton	Amend Schedule	26/06/2017
Township Zone and farming Zone	90 Memorial Avenue Glenthompson	Two thirds land is zoned Township Zone and one third is zoned Farming Zone.	Address when Council undertakes a Glenthompson Structure Plan	2/02/2017

Clause 43.02 Development Plan Overlay DPO8	Hensley Park Road Residential Precinct, Hamilton	Typo under Section 2.0 “hte” instead of “the”	Amend schedule in Anomolies amendment	No date
Cl 43.01 Heritage Overlay	Timber cottage 13 Bunbury Street Cavendish	HO102 needs to be removed. Site is vacant, the former timber cottage was blown down in a storm and removed by the owner.	Amend schedule and map to remove HO	No date
Clause 43.02 Development Plan Overlay DPO3	Coleraine land zoned Low Density Residential Zone	Schedule 3 to the Development Plan Overlay “Rural Living” applies to land zoned LDRZ in Coleraine (which has mapped DPO3 land). The zone explicitly states “this area comprises land zoned for rural living purposes in Hamilton” The DPO3 was introduced via C25 to replace the general DPO which applied to LDRZ land across the Shire. The DPO3 was introduced when LDRZ land was rezoned in Hamilton to Rural Living. A consequence of this was that the general DPO schedule disappeared. A new general LDRZ DPO Schedule news to be re-introduced or alternatively, a new DPO drafted for the outer areas of Coleraine when a Structure Plan is prepared for Coleraine.	Address this when Council undertakes a Coleraine Structure Plan. A new DPO Schedule is required for the LDRZ land for Coleraine.	26/06/2017
Cl. 45.09 Parking Overlay PO1	Hamilton CBD	The current Parking Overlay is requiring a financial contribution for change of use or development (irrespective of whether additional parking is required). This is preventing investment and reuse of buildings for different purposes in Hamilton. The Parking Overlay is important as it provides the ability for Council to raise funds to invest in parking infrastructure.	Amend Clause 3.0 of Schedule 1 of the Parking Overlay (Clause 45.09) to remove the word “use”	12 January 2017

		<p>It is recommended that the “use” component be removed.</p> <p>Development, including new buildings and addition of constructed floorspace would still apply.</p> <p>For context refer legal advice: Maddocks dated 12 January 2017</p>		
	Trotting facility, Glenelg Highway, Hamilton	<p>The land is zoned Farming Zone and is currently used as a racecourse (trotting track) which is a Section 2 use. There is interest to have exhibitions and markets on site. Under the zone, these additional uses require a planning permit.</p> <p>Although the Farming Zone would accommodate additional uses, a Special Use Zone could allow for a more tailored approach to the site. Care should be taken to ensure that uses are not too restricted (leading to a similar outcome for the Farming Zone). The SUZ Zone could specify certain uses that do not require a planning permit, subject to conditions. The SUZ option is supported by the Planning Practice Note No. 3 ‘Applying the Special Use Zone’</p> <p>A rezoning to SUZ should be supported by a Masterplan or business plan by the owner of the land.</p> <p>Alternatively, planning permits can be issued for an array of uses. This may be a more straightforward approach with each use considered as required.</p>	<p>Option A: Rezone to Special Use Zone</p> <p>Option B: Do nothing and consider new uses via planning permits</p>	2 June 2016
Clause 21.10 MSS	No property	Typos under “Housing” – dot points 10 and 11	Amend at the next Amendment	
Clause 37.01 Special Use Zone	Hamilton Golf Course, 170 Rippon Road, Hamilton	The current zone Special Use Zone 2 “Private Golf Course” sets out uses and sets out application	Undertake a proponent-driven combined planning scheme	18 March 2017

SUZ2		<p>requirements (although very few) for the development of apartments or dwellings.</p> <p>The Hamilton Golf Club a seeking to rezone part of the land from Special Use Zone 2 to General Residential Zone and subdivide part of the land for residential development.</p> <p>This is can be achieved by a combined planning scheme amendment and planning permit application under Section 96A of the Planning and Environment Act 1987. The use of the Special Use Zone is consistent with Planning Practice Note No.3 “Applying the Special Use Zone” although the zone should be refined to the Golf Course Area and be refined to allow for additional compatible uses. The existing SUZ2 is very restrictive.</p> <p>Rezoning to some residential land is consistent with Hamilton Structure Plan in the context of infill development.</p>	<p>amendment and planning permit application under Section 96A of the Planning and Environment Act 1987.</p>	
Clause 32.03-4 Low Density Residential Zone LDRZ1 & LDRZ2	Hamilton LDRZ and Dunkeld LDRZ	<p>Clause 32.03-4 specifies that a permit is required to construct or carry out “an outbuilding which has dimensions greater than those specified in the schedule to the zone.</p> <p>In LDRZ Schedule 1 (which relates to Hamilton and Coleraine) – there is none specified – this means that no permit is required to construct an outbuilding</p> <p>In LDRZ Schedule 2 (which relates to Dunkeld) - 10 square metres is nominated. Feedback from the</p>		

		<p>community and the Municipal Building Surveyor is that 10 square metres is too small a trigger.</p> <p>LDRZ Schedule 1 - It is recommended that the trigger "None specified" for LDRZ Schedule 1 be retained unless additional evidence is put forward via structure plan or landscape assessment that a size trigger is justified.</p> <p>LDRZ Schedule 2 – Amend the trigger size for outbuildings to 40 square metres (a standard sized double garage)</p>		
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For consultation