

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

18 September 2018

Agenda Item 10.3 2018 Planning Scheme Review Report

Attachment 1 Greater Shepparton Planning Scheme Review 2018 456



GREATER SHEPPARTON PLANNING SCHEME

PLANNING SCHEME REVIEW REPORT

AUGUST 2018

TABLE OF CONTENTS

1.0	EXECUTIVE SUMMARY	3
2.0	INTRODUCTION.....	7
3.0	STATE STRATEGIC CONTEXT	11
4.0	LOCAL STRATEGIC CONTEXT	27
5.0	PROGRAM OF CONTINUOUS REVIEW	34
6.0	REVIEW OF VCAT DECISIONS AND PANEL REPORTS	41
7.0	PLANNING SCHEME ISSUES.....	53
8.0	HOW THE GSPS IMPLEMENTS STATE PLANNING POLICY.....	57
9.0	THE EFFECTIVENESS OF THE GSPS LPPF	61
10.0	THE EFFECTIVENESS OF THE ZONES AND SCHEDULES	67
11.0	THE EFFECTIVENESS OF THE OVERLAYS AND SCHEDULES	73
12.0	SPECIFIC PROVISIONS AND REFERRALS	84
13.0	FURTHER STRATEGIC WORK PROGRAM	87
14.0	CONCLUSIONS AND RECOMMENDATIONS	92
APPENDIX 1:	AMENDMENT VC142	95
APPENDIX 2:	VPP PRACTICE NOTES	96
APPENDIX 3:	STATE AMENDMENTS SINCE LAST REVIEW	101
APPENDIX 4:	SUMMARY OF CHANGES IN AMENDMENT VC148	112

1.0 EXECUTIVE SUMMARY

This *Greater Shepparton Planning Scheme Review Report* (“the 2018 Review”) provides Council with:

- an overview of the performance of the Greater Shepparton Planning Scheme (GSPS) since the last review in 2014;
- and understanding of the state, regional and local policy changes that have occurred since the last review;
- an ‘audit’ of the existing strategic and statutory provisions in the GSPS (based on the GSPS which was in operation on 1 January 2018);
- a review of relevant VCAT decisions and Panel reports; and
- a program for implementing future action.

This Review Report contains five key sections including:

- Strategic Context
- Review Consultation
- Planning Scheme Performance Audit
- Future Strategic Work Program
- Conclusions and Recommendations

1.1 Review Report Conclusions

The content of the GSPS, especially its MSS, has been kept quite ‘fresh’ over the last 15 years by virtue of an extensive rolling program of review and amendment implementation.

The content of the Municipal Strategic Statement (MSS) in the GSPS has been continually updated since its major ‘refresh’ in 2008 as part of **Amendment C69**. Significant amendments in the last 10 years (Regional Rural Land Use Strategy, Housing Strategy, Investigations Areas Review, Commercial Strategy etc) have considerably improved the strategic direction in the scheme.

Perversely, this amount of important strategic change has overwhelmed the structure of the MSS which was last redone in 2009 arising from **Amendment C108**.

The MSS now reads as long, cumbersome and cluttered.

While structured in accordance with ‘best practice’ at the time, the existing MSS has grown so much that pages and pages of objectives and strategies now need to be rationalised. The MSS also contains far too much ‘further strategic work’, some of

which is unachievable, some of which is completed and some of which is now irrelevant.

Accordingly, the MSS structure is now outdated and urgently needs rewriting.

Importantly, the Department of Environment, Land, Water and Planning (DELWP) has recently trialled a new model based on the integration of the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) into a consolidated and rationalised Planning Policy Framework (PPF). The 'PPF' forms part of **Amendment VC148** which was gazetted by the Minister in late July 2018 and which will require every Council to translate its LPPF into the PPF within the next 18/24 months.

Amendment VC148 will inevitably require every Council in the state to restructure its planning scheme. In particular, VC148 will require Councils to 'translate' its existing Local Planning Policy Framework (LPPF) into the new PPF format. In addition, this Planning Scheme review process has confirmed that the zoning and overlay regime reviewed as part of this Planning Scheme Review now also needs to be amended to conform with the latest Ministerial Direction on the Form and Content of Planning Schemes (as modified in July 2018).

Accordingly, the recommended changes arising from this Planning Scheme review relate to the need to translate the 'front end' of the Greater Shepparton Planning Scheme to align with the new state government PPF structure; to review and modify zones, overlays and their schedules in accordance with this report; and to package up all of these changes into a significant amendment which will be exhibited during 2019.

It would be prudent for the PPF translation and the zone/overlay changes to be dealt with as one significant municipal wide amendment during 2019.

1.2 Review Report Recommendations

Based on the analysis and the feedback during the consultation processes, the following recommendations are made.

Review Report

- That Council adopt this report as the Greater Shepparton Planning Scheme Review required pursuant to section 12B (1) of the *Planning and Environment Act*.
- That Council forward the report to the Minister for Planning as required by section 12B (5) of the *Planning & Environment Act 1987*.

Policy Framework

- That Council translates its existing LPPF into the new PPF model, as required by DELWP.

Zones

- That all schedules be modified to comply with the *Ministerial Direction on Form and Content*.
- That Council review PPRZ and PUZ land to resolve anomalies.
- That the SUZ schedules be rationalised and modified to reflect the changes identified in the report including merging Schedules 1 and 2; naming Schedule 6; and possibly aligning SUZ7 and DPO15.

Overlays

- That all schedules be modified to comply with the *Ministerial Direction on Form and Content*.
- That ESO1 be deleted.
- That ESO 2, 3, 4 and 5 be rationalised into one new overlay.
- That VPO2 be deleted.
- That DDO 1, 3, 4 and 5 be deleted.
- That DDO6 be redrafted.
- That DPO 2, 6 and 10 be deleted.
- That parts of DPO3 and 9 be deleted from land that is already developed.
- Investigate rationalising SUZ6 and DPO5.
- Investigate rationalising SUZ7 and DPO15.
- That the EMO schedule be modified to remove redundant provisions.
- That the SMO schedule be modified to remove redundant provisions.
- That the LSIO and FO schedules be modified in consultation with GBCMA.
- That the PAO schedule be modified to remove PAO2, 3, 4, 5, 13, 15 and 16.
- That the DCPO 1 and DCPO2 schedules be modified to extend the expiry date.
- That the EAO (and schedule) be extended to all known EPA registered sites.
- That DDO7 be reworded to remove reference to AEO2.
- That the PO schedule be modified to align with Clause 52.06.
- That the PO be extended to include all the CBD area zoned C1Z and ACZ.

Strategic Work Program***Amendment Implementation***

- Completion and Implementation of Amendments C117, 118, 147, 204, 205, 206, 207.

Need to Complete

- Movement and Place Strategy
- Flooding Investigations
- Investigation Areas subject to third party funding.

Need to Commission

- Significant municipal-wide amendment inclusive of PPF translation in accordance with VC148 and compliance of all schedules with new Ministerial Direction in consultation with DELWP.
- Shepparton North Activity Centre (SNAC) Structure Plan as an outcome of Amendment C192 and C193.

2.0 INTRODUCTION

2.1 The requirement to undertake the Planning Scheme Review

The Greater Shepparton Planning Scheme and Municipal Strategic Statement (MSS) was approved by the Minister for Planning on 29 July 1999. Council is required, under section 12B of the *Planning and Environment Act 1987*, to undertake a review of its Municipal Strategic Statement (effectively) every four years, generally in accordance with the 'Continuous Improvement Review Kit 2006' (DPCD).

The '2006 Review Kit' states that a Review Report must:

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

This 'Review Report' provides Council with an overview of the performance of the Greater Shepparton Planning Scheme since its last planning scheme review report in 2014.

This 'Review Report' focusses on the version of the Greater Shepparton Planning Scheme which was in operation on 1 January 2018.

Once adopted by Council, this report will constitute the formal “Planning Scheme Review” of the Greater Shepparton Planning Scheme as required under Section 12B of the *Planning and Environment Act*.

Given the degree of continuous review and consequent change to the GSPS in recent years, this Planning Scheme Review has been more focussed on a ‘stocktake’ of the important state and local changes that have occurred since the last review. In addition, the Review includes the outcomes from consultations with staff, agencies and stakeholders.

While the Review includes an ‘audit’ of the Local Planning Policy Framework and an ‘audit’ of zone and overlay schedules, it does not include a random audit of planning permit files as suggested by the *Review Kit* as there are other Council processes to undertake this task.

The report contains five key sections addressing:

- Strategic Context
- Review Consultation
- Planning Scheme Performance Audit
- Future Strategic Work Program
- Conclusions and Recommendations

2.2 Scope of the Review

Section 12B of the *Planning and Environment Act 1987* requires Council to regularly review the planning scheme. On the 25 September 2007, section 12B of the *Planning and Environment Act* was changed to provide a timeframe in which a Planning Scheme (and not only the MSS) must be reviewed. Clause 12B(1) of the *Planning and Environment Act 1987* now states that a planning authority must review its planning scheme:

- (a) *no later than one year after each date by which it is required to approve a Council Plan under section 125 of the Local Government Act 1989; or*
- (b) *within such longer period as is determined by the Minister.*

The most recent Council Plan was adopted by Greater Shepparton City Council in June 2017.

This Greater Shepparton Planning Scheme Review report responds to these matters.

2.3 ‘New format’ Greater Shepparton Planning Scheme Panel (1999)

The Greater Shepparton City Council was formed in November 1994 following the amalgamation of the former City and Shire of Shepparton and parts of the former Shires of Rodney, Euroa, Goulburn, Tungamah, Violet Town and Waranga.

The Greater Shepparton Planning Scheme was gazetted on 29th July 1999 and has now been operating for nearly 19 years.

2.4 The First Review (2002)

The first (2002) review of the MSS indicated that although its broad strategic direction remained relevant to the recurrent land use issues affecting the municipality, the base data was already 'stale' and there were emerging and unresolved issues for which further analysis was required or for which clearer direction is needed.

The main outcome of the first review was that Council recognised the need to address these matters and embarked on an extensive program of further strategic work via the *Greater Shepparton 2030* ('GS2030'). This was the most significant strategic review undertaken since the *Integrated Strategy Plan* in 1995.

'GS2030' was brought into the scheme via **Amendment C69** which was gazetted in March 2007. Am. C69 remains as the most comprehensive and significant amendment undertaken by Council since the introduction of the VPPs.

2.5 The Second Review (2008)

In 2008 Council undertook another review of its planning scheme incorporating considerable community consultation as part of the review process.

The second review found that the LPPF was lacking in direction on many day-to-day including rural issues, rural living, medium density housing and activity centres.

A new MSS was prepared and formed the basis of **Amendment C108** which was approved in 2009.

2.6 The Third Review (2014)

The 2014 Review found that there had been considerable and significant change at the state and local level since the previous planning scheme review.

The 2014 Review confirmed that the basis of the Greater Shepparton Planning Scheme (GS2030) was fundamentally sound and did not need to be significantly changed. It became apparent in the 2014 Review that there were further gaps within the strategic work program that need to be completed and adopted by Council. On this basis, the 2014 Review made recommendations regarding the type of strategies/documents that needed to be undertaken to explore the identified land use planning policy gaps.

2.7 The 2018 Planning Scheme Review process

This Greater Shepparton Planning Scheme Review commenced in December 2017. The Review was managed by Council's Strategic Planning Department.

The review was undertaken having regard to the following key documents (among others):

- Greater Shepparton Planning Scheme (as at 1 January 2018).
- The Planning and Environment Act (1987).
- DELWP Continuous Improvement Review Kit (February 2006).
- Ministerial Direction on the Form and Content of Planning Schemes (April 2017).
- DELWP Practice Note (4): Writing a Municipal Strategic Statement (June 2015).
- DELWP Practice Note (8): Writing a Local Planning Policy (June 2015).
- DELWP Practice Note (10): Writing Schedules (May 2000).
- DELWP Practice Note (32): Review of Planning Schemes (June 2015).
- DELWP Practice Note (46): Strategic Assessment Guidelines (May 2017).

The key consultation steps in the Review are detailed in Section 5.

3.0 STATE STRATEGIC CONTEXT

3.1 Overview

There has been an on-going evolution of the state section of all planning schemes since the VPPs were introduced over twenty years ago. However, in the four years since the preparation of the previous GSPS review in 2014, there has been an unprecedented amount of actual and prospective change to policy at the state level, including the introduction of numerous planning policies and initiatives.

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

- The 'Smart Planning' program to operationally and 'electronically' restructure the VPPs.
- 'VicSmart' system which introduces standard State-wide requirements for low impact planning permit applications
- Review of the suite of Residential Zones
- Inclusion of eight Regional Growth Plans
- Melbourne Metropolitan Plan ('Plan Melbourne Refresh')
- Bushfire protection provisions including new areas mapped within the Bushfire Management Overlay (BMO).
- The review of the local development contributions system.
- Introduction of a revised Native Vegetation Framework.
- The prospect of a new 'Planning Policy Framework' (PPF) to merge the existing SPPF and LPPF.
- Modified provisions for intensive animal husbandry.

These initiatives will have significant implications for the GSPS and may require consequential amendments in the future.

The following section provides greater detail on some of the notable state initiatives since the last review.

3.2 Smart Planning

The *Smart Planning* Program is an initiative of the state government arising from a 2016 Budget commitment of \$25.5m to reform the Victorian Planning System for the 21st century.

In launching 'Smart Planning', the Department of Environment, Land, Water and Planning (DELWP) acknowledged that the Victorian Planning System had become large and complex, and was increasingly difficult to navigate and understand. The challenges confronting the Victorian planning system included:

- Recognition that planning schemes, over 15 years since the introduction of the VPP and New Format Planning Schemes, have become too complex and long.
- Watching the digital revolution emerge while nursing ageing systems and manual processes.
- Being unable to provide innovative ways of involving citizens and industry in ongoing and shared conversations about planning issues
- Struggling to provide better access to data and online digital services
- Being unable to reduce the administrative burden for planners in state and local government

While the planning system has generally served the community, industry and local government well, advances in technology and the digital revolution have created opportunities to engage in smarter and more efficient ways. This includes making services and information available in an electronic and accessible form that is simple to understand and interact with.

To address this, the state government *Smart Planning* program is being delivered in 3 stages, from 2016 onwards;

- Improve;
- Reform; and
- Transform.

DELWP has already implemented many of its 'Improve' and 'Reform' stages and also wants to identify and explore more substantial 'transformative' changes from 2018 onwards.

In October 2017, the state government released a discussion paper (*Reforming the Victoria Planning Provisions*) aimed at simplifying and improving the operation of the planning system, and to make it the most efficient and responsive in the country.

The paper noted that the Victoria Planning Provisions (VPP) are the planning policies and controls upon which all land use planning decisions are made. Cumulative amendments to the VPP and local planning schemes over the past 20 years have led to increasingly long and complex planning schemes. This has resulted in complexity, duplication, delays and uncertainty.

The *Reforming the Victoria Planning Provisions* discussion paper focused on the structure and operation of the VPP. The paper is divided into five proposals:

- **Proposal 1:** A simpler VPP structure with VicSmart assessment built in
- **Proposal 2:** An integrated planning policy framework

- **Proposal 3:** Assessment pathways for simple proposals
- **Proposal 4:** Smarter planning scheme drafting
- **Proposal 5:** Improve specific provisions

The 'proposals' seek to simplify and improve the operation of the VPP and to lay foundations for further future transformative initiatives.

Greater Shepparton City Council lodged a detailed submission to the Discussion Paper on 1 December 2017 which noted (among many other things) that while Council broadly supported the proposed reforms, there were a number of specific concerns that needed to be addressed including:

- Making it clear that there was no choice to opt-in or opt-out of *VicSmart* applications (contrary to a recent VCAT decision).
- General support for the PPF model subject to inclusion of the Infrastructure Design Manual (IDM) in the state section.
- Simplification of the MSS.
- Qualified support for including new code based assessment provisions for simple small business proposals.
- Improvements to specific provisions.
- The need for regular reviews of zone performance with particular reference to the commercial zones where a liberal attitude to new uses in the C2Z could easily undermine strategies to promote regional CBDs including Shepparton.

DELWP is currently trialling a new Planning Policy Framework (PPF) based on a model that integrates the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) into a consolidated and rationalised Planning Policy Framework (PPF). DELWP trialled two Councils (Manningham and Ballarat) in early 2018 to determine the suitability of the model.

As noted above, and among other things, the *Smart Planning* program will re-design Victoria's planning system using a number of new digital tools. **Amendment VC133** was gazetted in May 2017 and it prepares planning schemes to enable their migration into the Planning Scheme Information Management System (PSIMS) to house, amend and publish planning schemes on-line. This new platform will:

- Create a central system to store and publish planning schemes online providing improved search capabilities
- Improve accessibility to a greater range of planning information for community, industry and local government
- Enable faster and more efficient and accurate amendment of planning schemes.

Amendment VC142 was another 'Smart Planning' amendment which included a wide range of reforms across the VPP that:

- removed permit triggers,
- expanded permit exemptions for land uses and buildings and works,
- removed superfluous and outdated provisions,
- updated references,
- improved definitions,
- clarified common points of confusion, and
- improved the usability of the VPP.

Some relevant aspects of Amendment VC142 are included in Appendix I.

Amendment VC142 was gazetted in January 2018.

Finally, it is noted that Amendment VC148 (July 2018) introduced significant changes to the structure of all Planning Schemes and this is discussed in detail below at Section 3.11

3.3 VicSmart

The *VicSmart* permit process is another initiative of Victoria's Smart Planning Program which aims to make planning regulation simpler and more accessible for local government, business and the community. *VicSmart* is a simple and fast permit process for straightforward, low-impact planning applications. *VicSmart* was introduced into all Victorian planning schemes by **VC114** in September 2014. Key features of *VicSmart* include:

- A 10-day permit process.
- Applications are exempt from third party notice and review requirements.
- Pre-set information which is required to be submitted with an application (and what council can consider).
- The Chief Executive Officer of the council or a delegate decides the application.
- No consideration of state and local policy frameworks unless specifically nominated.

Since its introduction, DELWP estimate that only about 7% of applications throughout Victoria have been assessed under the *VicSmart* process. This is less than had been anticipated.

In the 2015/2016 financial year, 3848 applications (out of 56,394 statewide) were assessed through the *VicSmart* process (6.85%). The majority of these (81%) were assessed by metropolitan councils and another 11% were assessed by the three largest regional Councils. The take up rate in rural Victoria has been very low, with many rural Councils failing to use the system at all.

VicSmart was initially used to apply for:

- minor subdivision;
- minor buildings and works (up to a value of \$50,000);
- a range of applications for minor works under the Heritage Overlay;
- tree removal and lopping;
- small advertising signs;
- car parking and loading bay waivers.

It originally only applied in the residential, commercial and industrial zones and in a select number of overlays (including the Heritage Overlay).

It was always intended that VicSmart be monitored and possibly extended. In this context, and as part of its initial 'stocktake', a number of opportunities about extending the scope of VicSmart to cover more zones and overlays were identified by DELWP, Councils and other stakeholders.

In particular, DELWP acknowledged that there was considerable opportunity to extend and in that context, in March 2017, **Amendment VC135** was the first extension to the VicSmart program which introduced additional classes of application into the VicSmart provisions (rural zones, special purpose zones etc), and increased the 'cost of development' threshold of some existing VicSmart buildings and works classes of application.

VC135 changed the Victoria Planning Provisions by amending the following provisions to introduce further information requirements and decision guidelines to align with the additional classes of State VicSmart applications:

- Clause 93.01 (Realign the boundary between two lots)
- Clause 93.02 (Subdivision)
- Clause 93.04 (Buildings and works)
- Clause 93.05 (Construct a fence in an overlay)
- Clause 93.10 (Car parking).

VC135 also inserted the following provisions to introduce new information requirements and decision guidelines to apply to additional classes of State VicSmart applications:

- Clause 93.12 (Two lot subdivision in a rural zone).
- Clause 93.13 (Buildings and works in a rural zone).

Amendment VC137 implemented a further extension to the VicSmart permit process by transferring particular classes of application from the standard permit

process to the VicSmart process. VCI37 introduced additional classes of application into the VicSmart provisions for residential zones and changed the Victoria Planning Provisions by amending Clause 92 (State VicSmart applications) to:

- Include the extension of one dwelling on a lot in the Mixed Use, Township, Residential Growth, General Residential and Neighbourhood Residential zones as a VicSmart class of application if certain requirements are met
- Change the existing VicSmart class of application for buildings and works in a Mixed Use Zone from an estimated cost of \$50,000 to \$100,000
- Include buildings and works up to \$100,000 in the Low Density Residential, Township, Residential Growth, General Residential and Neighbourhood Residential zones as a VicSmart class of application if the works are not associated with a dwelling and certain requirements are met
- Correct the numbering of the VicSmart permit requirement provisions to align with numbering changes made in the zones.

VCI37 was gazetted in July 2017.

3.4 Fees

Planning and responsible authorities provide services under the Planning and Environment Act 1987 which attract a fee in accordance with the *Planning and Environment (Fees) Regulations 2016*. These services include:

- planning scheme amendments
- planning permit applications
- certificates of compliance with the planning scheme
- certificates setting out planning provisions that apply to land
- satisfaction matters – where the planning scheme says something must be done to an authority's satisfaction.

Amendments to permits or applications for permits, and combined applications also attract a fee. The state government introduced a range of new planning permit and related fees in October 2016 and these were most recently adjusted in July 2018.

3.5 Development Contributions

The Minister for Planning introduced a new system for Infrastructure Contributions Plans (ICP) effective from 27 October 2016. This system replaces the former Development Contributions Plan.

The new system is based on standard levies that are pre-set for different development settings and land uses to fund the provision of essential infrastructure to support new or growing communities.

From 27 October 2016, the ICP system has applied to metropolitan greenfield growth areas. Metropolitan greenfield growth areas are the first of three identified

development settings in the new system, with regional growth areas and strategic development areas to be added later.

The Ministerial Direction on the *Preparation and Content of Infrastructure Contributions Plans* specifies the development settings and the details of the new system such as levy rates, indexation methodologies and allowable items.

A key component of the system is an 'Infrastructure Contributions Plan' (ICP) which must be incorporated into the planning scheme.

Amendment V9 implemented Victoria's new infrastructure contributions system by introducing a new overlay into the VPP at Clause 45.10 (Infrastructure Contributions Plan Overlay). This overlay presently only applies in metropolitan Melbourne.

The new overlay allows a planning authority to incorporate an Infrastructure Contributions Plan (ICP) and impose an infrastructure levy. The *Planning and Environment Amendment (Infrastructure Contributions) Act 2015* introduced a new system for levying contributions from developers to fund the basic and essential infrastructure needed by new and growing communities.

The new system consists of an infrastructure levy made up of two parts: a standard levy and (where appropriate and justified) a supplementary levy. The standard levy is a pre-set levy rate for funding local infrastructure. The system will provide standard rates for different classes of development such as residential, retail and commercial/industrial development for both metropolitan and non-metropolitan locations in defined development settings. The supplementary levy is an optional levy for use when the standard levy cannot adequately fund the required infrastructure or where additional infrastructure is required to unlock the growth capacity of the area. The supplementary levy may also be used to fund state infrastructure in areas of growth where the Growth Areas Infrastructure Contributions (GAIC) levy does not apply.

The system applies in defined development settings and can only fund specified infrastructure, known as 'allowable items'. The development settings and allowable items are both defined in the Ministerial direction. There will be a separate list of allowable items for each development setting.

Central to the operation of the new system is an infrastructure contributions plan (ICP) which is the statutory document through which an infrastructure levy may be imposed. For an ICP to become operational, the ICP Overlay and schedule must be introduced into a planning scheme via a planning scheme amendment.

Amendment V9 was gazetted in October 2016.

3.6 Intensive Animal Husbandry Advisory Committee

In September 2015, the Minister for Regional Development and the Minister for Planning jointly announced that they were appointing an advisory committee to examine how the planning system can better support Victorian farmers and agriculture, particularly in relation to intensive animal husbandry.

In September 2017, the Minister for Planning announced modified land use definitions, risk based planning controls and a better planning process as an outcome of the *Intensive Animal Husbandry Advisory Committee*.

'*Planning for sustainable animal industries*' is the Victorian Government's response to that Advisory Committee Report and it provides strategic direction for planning for animal industries in Victoria. The response has four key areas of focus and 12 actions centered around more support and clarity for all those involved in animal industries in Victoria. The key pillars of the Government response are:

- Improve strategic planning for animal industries including support for local councils, with access to expertise and information.
- Clarify planning requirements and support early decision-making including introducing clearer land use definitions, taking a graduated approach to planning, and providing assistance through online tools and Agribusiness Development Facilitation.
- Support the planning permit application assessment process including practical support, education through short courses, clear guidance information and a new code of practice for animal industries
- Ensure timely and effective enforcement.

Council made a submission on aspects of the reform package and modified provisions are expected to be approved in September 2018.

3.7 EPA: Assessing planning proposals within the buffer of a landfill

Councils vary in how they address planning applications near landfills. The Victorian Auditor-General's report on '*Managing Landfills*' (2014) identified that this variation is due to different interpretations of EPA guidance, principally the '*Best practice environmental management – Siting, design, operation and rehabilitation of landfills.*' (the 'Landfill BPEM').

EPA has prepared a new guideline to recommend a risk-based approach for councils to use in applying the Landfill BPEM to planning permit applications and planning scheme amendments that would lead to development within the buffer of an operating or closed landfill.

The purpose of the new guideline is to address key questions faced by planners such as:

- Why are landfills (both operating and closed) an important planning consideration?
- What planning provisions and EPA guidance applies to planning around landfills?
- How can I tell if a proposal falls within the buffer of an operating or closed landfill?
- What level of assessment should I require for a development proposal within a landfill buffer?

The guideline clarifies existing obligations and does not impose any additional obligations. The risk-based approach should improve time and cost efficiencies for proposals where the environmental risk can be deemed low.

3.8 Practice Notes

The state government has released a number of new Practice Notes that are aimed at explaining the role of recent zone changes or which explain how certain applications will be assessed. The list of new and modified Practice Notes is included at Appendix 2.

3.9 Regional Growth Plans

Regional Growth Plans (RGPs) provide a 20-30 year land use strategy across Victoria and set out how each region can accommodate a greater share of the state's growth. Relevant directions (which are confirmed by Plan Melbourne) include:

- Rebalancing Victoria's population growth from Melbourne to rural and regional Victoria.
- Integrating metropolitan, peri-urban and regional planning implementation.
- Improving connections between cities.

Amendment VC106 was approved on 30 May 2014 and it amended all planning schemes in Victoria (including Greater Shepparton) to recognise *Plan Melbourne* and Victoria's eight regional growth plans.

'Plan Melbourne' (2017) is the long-term plan designed to respond to the statewide, regional and local challenges and opportunities Victoria faces between up to 2050. It revises the 2014 version of Plan Melbourne to accommodate 8 million people by 2050 by creating certainty for communities, businesses and governments.

3.10 Residential Aged Care Facilities

In December 2017, DELWP released a proposal to reform existing planning controls to support a more streamlined approach to developing residential aged care (RAC) facilities. The proposal was based on data suggesting that Victoria needs more RAC facilities to meet existing and future demand from an ageing population. Supporting

RAC facilities will allow older people to live in appropriate housing and remain in their local community.

The proposed RAC facility reforms will ensure key outcomes from *Homes for Victorians* and *Plan Melbourne* are achieved.

A Draft Particular Provision of the Victoria Planning Provisions (VPP) has been released for consultation and it streamlines the assessment of RAC facilities by using tailored ResCode requirements. The Draft Particular Provision is limited to the design and built form of the RAC facility.

3.1.1 SPPF and LPPF Review

The State Policy Planning Framework (SPPF) was a foundation element of the Victorian planning system and the Victoria Planning Provisions (VPP). It set the key policy directions for state planning issues. A review of the SPPF was undertaken as part of the ‘Smart Planning’ program so as to ensure that all state policy matters align with the key strategic directions. The review aligned it with the newly developed Metropolitan Planning Strategy (*Plan Melbourne*) and with the eight Regional Growth Plans, including the Hume Regional Growth Plan.

The SPPF has now been replaced by the Planning Policy Framework (PPF) via the approval of Amendment VC148 in July 2018.

The Local Policy Planning Framework (LPPF) is the other central element of the Victorian planning system that was introduced at the same time as the Victoria Planning Provisions (VPP). The LPPF consists of two parts:

- A Municipal Strategic Statement (MSS) at Clause 21; and
- Local Planning Policies at Clause 22.

The LPPF is intended to give local expression to the range of state policy issues identified in the SPPF. The MSS identifies key local issues and includes objectives and strategies to address these issues. The MSS also identifies the implementation tools (zones and overlays) that will be used by Council to deliver the objectives and strategies.

‘Local policies’ are another form of implementation tool in addition to zones and overlays. Local policies enable the Council to indicate how they will typically exercise the discretion provided on specific use and development applications. Greater Shepparton does not use Clause 22 and relies on its MSS for all direction.

As part of the 2014 GS Planning Scheme Review, it was noted that the state government announced a review of the SPPF in 2013 and it appointed an Advisory Committee with clear Terms of Reference. As part of its SPPF Review, the state government asked the same Advisory Committee to advise on how a revised LPPF structure might dovetail with any possible new SPPF structure.

The Committee was specifically asked to advise on:

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

The committee released its preferred PPF model on 21 March 2014 for consultation.

The revised PPF format included:

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

All state, regional and local policy on a particular issue is intended to sit within the one Clause, rather than being spread across the SPPF, MSS and Local Policies.

At the time, the draft PPF for all planning schemes included high level state policy about each issue to provide a context for decision making at a macro level.

It was anticipated in the 2014 GSPS Review that the PPF would be introduced. It was not. However, it has now been revived as part of the Smart Planning program and DELWP is currently trialing a new Planning Policy Framework (PPF) based on a metropolitan and regional 'model'. The PPF once again involves the integration of the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) into a consolidated and rationalised Planning Policy Framework (PPF).

DELWP trialled two Councils (Manningham and Ballarat) to determine the suitability of the model and it launched the findings of the trial program in April 2018.

As noted above, the PPF is contained within **Amendment VCI48** which was gazetted on 31 July 2018. VCI48 is on two parts:

- A new Planning Policy Framework (PPF)
- Reformed Victoria Planning Provisions (VPPs).

A summary of the changes introduced by VCI48 is attached at Appendix 4.

3.12 Native Vegetation

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

In 2015, the Victorian Government commenced a review into the operation of native vegetation clearing provisions in the VPP. DELWP undertook an extensive review and consultation process to develop reforms to better protect sensitive

native vegetation. (*Protecting Victoria's Environment - Biodiversity 2037*).

Amendment VC138 implemented the outcomes of the review providing a clear and consistent approach for the removal of native vegetation within the VPP. The review found that there was a need to streamline the processes and procedures for the preparation and assessment of an application to remove, destroy or lop native vegetation. The review also found that changes were required to:

- strengthen the provisions by enabling a broader range of native ecological values and for site specific assessment information to be considered in planning and decision making;
- better account for the environmental value of large scattered trees, endangered vegetation types and sensitive wetlands and coastal areas in decision making;
- make the system fairer, by allowing some site based information to supplement mapped information, and ensuring the information used in the regulations better reflects the vegetation on the ground; and
- improve monitoring and reporting on the implementation of the regulations.

The review identified the need to clarify existing exemptions from the requirement to obtain a permit to remove, destroy or lop native vegetation for certain activities. VC138 changed the VPP as follows:

Clause 12 (Biodiversity)

- Revision of state planning policy implementing the policy, objectives and strategies found in *Protecting Victoria's Environment – Biodiversity 2037*.
- Referencing a new incorporated document, *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)*.
- Modifying application requirements, decisions guidelines and introducing transitional arrangements.
- Modifying exemptions from the requirement to obtain a planning permit to remove, destroy or lop native vegetation.
- Deletion of the Utility installation code of practice from the schedules to Clause 52.17 within affected schemes.
- Amends the type of applications referred to DELWP to align with policy changes.
- Replaces *Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, 2013)* at Clause 81

with the new *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

Amendment VC138 was gazetted in December 2017.

3.13 Bushfire Management Overlay

Significant changes to Victoria's bushfire planning regulations were first announced by the Minister for Planning in May 2014 and were aimed at giving greater certainty to residents and landowners in bushfire designated areas. Key features of the reforms include:

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

Amendment GC13 was approved by the Minister for Planning in October 2017. The amendment affects land in 64 planning schemes across Victoria (including Greater Shepparton) where the Bushfire Management Overlay (BMO) has been applied in accordance with the criteria set out in Planning Advisory Note 46: *Bushfire Management Overlay Mapping Methodology and Criteria*.

The amendment introduced updated BMO mapping and relevant provisions into planning schemes by:

- Inserting BMO maps into 64 planning schemes.
- Inserting schedules to Clause 44.06 in 47 planning schemes
- Deleting redundant references to the Wildfire Management Overlay (WMO)
- Deleting the BMO (maps and ordinance) in some areas where the vegetation no longer meets the criteria as set out in Advisory Note 46

Many parts of Victoria are affected by bushfire and there are significant areas of Victoria still at risk of extreme bushfire which are not included in the Bushfire Management Overlay. **Amendment GC13** updated Bushfire Management Overlay mapping as part of the Victorian Government's commitment to implement all recommendations of the 2009 Victorian Bushfires Royal Commission. It ensured that bushfire hazard was accurately mapped and captured using consistent criteria.

Recommendation 37 of the 2009 Victorian Bushfires Royal Commission was that the BMO mapping be updated and this has been done by DELWP in partnership with the Country Fire Authority (CFA) after consultation with councils who provided feedback on local conditions. The introduced mapping is based on Advisory Note 46: *Bushfire Management Overlay Methodology and Criteria*, which sets a standardised mapping approach across Victoria.

Amendment GC13 deleted redundant references to the Wildfire Management Overlay (WMO) and replaced it with reference to the Bushfire Management Overlay (BMO). The amendment also introduced BMO schedules, 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. Almost 70,000 properties are included in a BMO schedule.

GC13 was gazetted in October 2017.

A companion amendment, (**VC140**) made changes to the *State Planning Policy Framework for Bushfire* (at Clause 13) so as to make it clearer and more directive to enable a resilient response to settlement planning for bushfires.

Amendment VC140 changed the Victoria Planning Provisions by requiring planning authorities and responsible authorities to:

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

Amendment VC140 was gazetted on 12 December 2017.

3.14 Ministerial Direction on Form and Content

In May 2017, the Minister for Planning gazetted a modified Ministerial Direction on the Form and Content of Planning Schemes.

While this was an administrative change, its modified schedules for zones and overlays will have significant impacts on the manner in which the GSPS is rewritten.

3.15 Telecommunications - VC141

Amendment VC141 amended the VPP to more effectively implement three important operational areas within the planning system:

- telecommunications infrastructure facilities;
- improved heritage referrals; and
- changes relating to windfarms.

Mobile phone network facilities exemptions will ensure the timely installation of the new mobile phone towers to isolated communities across Victoria and enable these communities to realise the social, economic and safety benefits of the new facilities. Councils will retain the authority to assess local impacts through the permit application process.

3.16 Heritage - VC141

The amendment effects changes resulting from the Heritage Act 2017 which commenced operation on 1 November 2017. Requirement to obtain permits for certain activities have been removed to align with the processes for the subdivision of land and referral under the Heritage Act 2017 and the P&E Act.

3.17 Windfarms - VC141

The Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017 amended the P&E Act to streamline the process of amending wind farm planning permits that have been issued by the Minister for Planning after being called in for determination.

The Act will enable a planning scheme to specify certain classes of applications to amend called in wind farm permits that will be wholly exempt from the requirement to refer objections to a panel. For those amendment applications, objections may still be lodged, and the Minister will still be required to consider those objections as part of the decision-making process. Amendment VC141 specifies that an application to amend a called in wind farm permit will be exempt from the requirement to refer objections to a panel if it does not seek to increase the total number of turbines or the maximum height of any turbine or change the location of a turbine.

VC141 was gazetted in November 2017.

3.18 Racing Dog Facilities - VC139

Amendment VC139 introduced planning requirements for new and expanding racing dog facilities to ensure a consistent approach to these facilities across Victoria. The planning requirements set out siting and amenity objectives along with approved measures such as setbacks and noise attenuation for kennels.

A permit application for a racing dog facility that meets all of the approved measures is exempt from third party notice and review rights.

Amendment VC139 was gazetted in August 2017.

3.19 Healthy Neighbourhoods - VC139

Amendment VC139 also introduced the 'Healthy neighbourhoods' policy into clause 15.01-6 of the State Planning Policy Framework (SPPF) of all planning schemes. The new policy aligns with *Plan Melbourne, Action 53* – Place making for public spaces.

Amendment VI39 was gazetted in August 2017.

4.0 LOCAL STRATEGIC CONTEXT

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

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

4.1 Council Plan 2017-2021

A revised Council Plan (2017-2021) was endorsed by Council in June 2017 and it articulates the Vision for the municipality as follows:

*Greater Shepparton. Greater Future.
A thriving economy in the foodbowl of Victoria with excellent lifestyles, innovative
agriculture, a diverse community and abundant opportunities.*

The Council Plan notes that Council's *2030 Strategy* details the long-term vision for Greater Shepparton over a 25 year time frame and that the 2017- 2021 Council Plan details the four year objectives to meet the longer term vision of that *2030 Strategy*. The Council Plan is accompanied by the Strategic Resource Plan, 10 Year Long Term Financial Plan and an Annual Action Plan.

Importantly, the Council Plan also now incorporates the Municipal Health and Wellbeing Plan.

The Council Plan has objectives relating to themes including economic, social, built and environment including the following which are directly relevant to the planning scheme:

Economic

- 3.4 *Water is protected and managed to optimise sustainable benefits for industry, the environment and the community.*
- 3.5 *Shepparton is the regional city centre supported by well-planned and designed existing and emerging commercial activity centres.*

Built

- 4.1 *Growth is well planned and managed for the future.*
- 4.2 *Urban and rural development is sustainable and prosperous.*
- 4.3 *Greater Shepparton's heritage places, cultural landscapes, and objects are protected and conserved for future generations.*

- 4.4 *Quality infrastructure is provided and maintained to acceptable standards.*
- 4.5 *Assets are well managed and their renewal is being planned through long term renewal strategies.*
- 4.6 *Accessible digital infrastructure across Greater Shepparton supports connectivity and enterprising capability.*
- 4.7 *Reliable, safe, more frequent and connected local and broader transport system supporting the connection of people within, across and outside of Greater Shepparton.*
- 4.8 *Active transport (cycling, walking) is encouraged through safe, connected and improved linkages.*
- 4.8 *(sic) Freight and logistics infrastructure is developed to accommodate future growth.*
- 4.9 *Transport routes are efficient and local roads are protected from unnecessary freight, through opportunities involving the intermodal hub and Goulburn Valley Highway Shepparton Bypass.*

Environment

- 5.1 *Greening Greater Shepparton has created an attractive, vibrant and liveable place with well-connected green spaces that are valued by the community.*
- 5.2 *The region's environmental assets are planned and managed to ensure they are enhanced and sustainable for future generations.*
- 5.3 *Waste is managed in a sustainable way that is environmentally friendly, reliable and sustainable for future generations.*
- 5.4 *Council has positioned itself to be a leader in building Greater Shepparton's response to climate change issues, in partnership with key stakeholders.*
- 5.5 *Alternative energy sources with both environmental and economic gains are promoted and encouraged.*
- 5.6 *Floodplain management minimises the consequences of flooding to life, property, community wellbeing and the economy.*

4.2 Municipal Health and Wellbeing Action Plan (2016-2017)

In 2008 there were changes to the *Health and Wellbeing Act (2008)* to bring the planning process for Health & Wellbeing Plan in line with council election cycles and to seek enhanced linkages between the Municipal Public Health & Wellbeing Plan, the Council Plan and Municipal Strategic Statement. The clear intention is to place health and wellbeing at the forefront of Council business.

The purpose of the Municipal Public Health and Wellbeing Plan (MPHWP) is to demonstrate how Council would work with the community to promote the health and wellbeing of all residents through creating supportive and inclusive built, social, economic and natural environments.

As noted above, the MPHWP is contained within the new Council Plan. There is also a current Municipal Health and Wellbeing 'Action Plan' which is for a one year period only and clearly demonstrates that Council has set health and wellbeing

strategic goals that address local needs to enable people to achieve maximum health outcomes.

According to the 'Action Plan', Council recognises their four key roles and responsibilities as being planning, advocacy, strengthening community capacity and providing services. Extensive consultation has informed these health and wellbeing priorities that meet the needs of the local community to maximise health outcomes. The Action Plan considered the following key indicators of public health:

- Health protection (food safety, immunisation, water quality, infectious diseases)
- Health development (tobacco control, drug and alcohol abuse)
- Population health strategies (preventative needs of population groups such as children, family, aged care, youth, vulnerable groups)
- Public health emergencies (ambulatory care statistics)
- Community capacity building and general wellbeing (analysis of current data)
- Partnerships with stakeholders (commitment of resources and collaborative effort)
- Promotion of health and wellbeing success and achievements within the community.

4.3 Flooding

The *Shepparton and Mooroopna Flood Mapping and Flood Intelligence Project 2018* and the *Shepparton East Overland Flow Urban Flood Study 2017* variously address and update flood related issues in the municipality.

The 'Intelligence Project' is expected to be presented to Council by mid 2018 after which there will be public consultation with a final draft to follow late in 2018 followed by a planning scheme amendment in 2019.

The 'Flood Study' is complete and will be integrated into the final flood mapping and will form part of the 2019 'flood' amendment.

4.4 Heritage

Heritage Concepts Pty Ltd has prepared the *Greater Shepparton Heritage Study Stage IIC*, December 2017 (the 'Heritage Study'). The main purpose of the Study was to investigate the places of heritage significance across the Greater Shepparton, with a particular focus on rural areas. The Heritage Study identified 180 places across Greater Shepparton to be of heritage significance including five precincts in Dookie and Murchison.

The draft Heritage Study was endorsed by Council on 18 July 2017 and released for public comment. All affected land owners and occupiers of land included in the draft Heritage Study were directly notified to explain that their property had been

identified to inform them of any likely impacts of this, and to provide them with the opportunity to attend one-on-one meetings with Council officers and Heritage Concepts Pty Ltd.

57 submissions were received by Council and Heritage Concepts Pty Ltd reviewed all submissions and revised the Heritage Study accordingly.

The final Heritage Study was adopted by Council on 19 December 2017 and Council will now exhibit a planning scheme amendment (**Amendment C205**) during 2018 to give effect to the findings and recommendations of the Study.

4.5 Transport

AECOM was engaged in 2016 to prepare the *Greater Shepparton Movement and Place Strategy (MAPS)* to provide a framework for positive changes to the physical assets and operations of the transport network. The strategy aims to provide a comprehensive understanding of the existing and future transport requirements for various modes including walking, cycling, public transport, driving and freight movement.

The *Greater Shepparton Movement and Place Strategy Challenges and Opportunities Paper* was informed by consultations in early 2017 which included stakeholder workshops, public drop-in sessions and an online survey.

Based on the survey responses, 98% respondents drive, and 51% of respondents view themselves as someone who walks as a mode of transport, while riding bicycles (11%) and public transport (7%) were significantly less common modes of transport. The key issues that emerged from the stakeholder consultation and survey were:

- a significant demand for improved and safer active travel options for both cycling and walking
- road safety concerns, particularly in relation to freight
- demand for improved public transport – both local and regional bus services and rail links to Melbourne
- requirements for improved parking options, including reducing the impact that on-road parking has on the look and feel of the CBD

The *Greater Shepparton Movement and Place Strategy - Vision and Direction Paper* provided a long-term vision and objectives of the MAPS based on community and stakeholder feedback and analysis of data and trends related to transport in Shepparton. The vision is embodied by three themes:

- Vibrant Centres and Liveable Neighbourhoods
- Sustainable Local Connections

- Effective Broader Connections

In April 2017, Council resolved to note the contents of the *Greater Shepparton Movement and Place Strategy – Consultation Report* and endorse the *Greater Shepparton Movement and Place Strategy – Vision and Direction Paper* as the basis for the *Draft Greater Shepparton Movement and Place Strategy*.

The *Draft Greater Shepparton Movement and Place Strategy* is expected to be provided later in 2018.

4.6 Shepparton Mooroopna 2050: Regional City Growth Plan

Council is currently preparing the *Shepparton Mooroopna 2050: Regional City Growth Plan* in association with the Victorian Planning Authority (VPA). The Growth Plan will provide long term guidance for future land use and strategic planning, investment decisions and approvals in Shepparton and Mooroopna up to 2050.

An outcome of the Review will be modified Framework Plans suitable for inclusion in the policy section of the GSPS.

A draft Plan is expected in early 2019.

4.7 Townships Framework Plan Review

A Review of the Residential Framework Plans for Townships is also underway and is undergoing community consultation and is expected to be finalised in 2018.

An outcome of the Review will be modified Framework Plans suitable for inclusion in the policy section of the GSPS.

The Review is expected to be finalised by the end of 2018.

4.8 Infrastructure Design Manual (IDM)

A key clause in every planning scheme in Victoria is Clause 56 which deals with 'Residential Subdivision'. This clause was introduced into all schemes in 2001 and it contains objectives and standards for a variety of subdivision related issues including lot layout, road design, drainage, open space, landscaping, mobility, stormwater management and utilities. Among other things, Clause 56 provides a commentary on the operation of the clause noting that:

A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

It was immediately apparent to some regional Councils that Clause 56 had a more 'metropolitan' flavour than they required and so some 'alternative design solutions' were considered. In September 2004, Campaspe, Greater Shepparton and Greater Bendigo Councils began to develop a common engineering manual documenting infrastructure standards that could be uniformly used across the borders of the three municipalities. Gradually other Councils have subscribed to the Manual and as of early 2018, it is understood that about 44 rural and regional Councils now use the IDM.

The three foundation Councils have consistently pushed for greater planning scheme recognition and both Greater Shepparton and Campaspe now formally include the IDM in their scheme at Clause 21.

Amendment C112 in 2015 to the Greater Shepparton Planning Scheme was the first attempt to amend an existing Planning Scheme to include references to the Infrastructure Design Manual (IDM).

The C112 Panel found that there was a high level of support for the amendment in submissions, although a number of detailed issues were raised about the proposed Municipal Strategic Statement (MSS) content and some elements of the current IDM.

The Panel was satisfied that the IDM was a useful resource that warranted recognition in the Greater Shepparton Planning Scheme and potentially in other rural and regional planning schemes. The Panel recommended that the IDM should be a 'guideline' document and that compliance with its standards should be discretionary and not mandatory.

In June 2015 the Minister for Planning then appointed an **Advisory Committee** to investigate various issues associated with the broader implementation of the IDM across Victoria.

The **Infrastructure Design Manual Advisory Committee** considered issues associated with the potential implementation of the Infrastructure Design Manual into planning schemes across regional Victoria. The Terms of Reference for the Advisory Committee required (among other things):

- *Advice on the suitability of, and most effective manner for the Infrastructure Design Manual to be included within other regional planning schemes.*

The Committee concluded that the IDM was a technically sound and useful document, the scope of the IDM was appropriate and there were appropriate processes in place to manage, review and update the IDM.

The Committee concluded that the IDM should be implemented in relevant regional planning schemes through the Municipal Strategic Statement, and should be included

as a 'Reference Document'. The Committee believed it was appropriate to implement the IDM on a staged basis utilising the Minister's powers under *Section 20(4) of the Planning and Environment Act 1987*.

The outcomes of Am C112 and the Advisory Committee have now been progressed to the point that another 42 Councils are in the process of seeking to implement the IDM via a state-wide 'GC' planning scheme amendment.

4.9 Current Strategic Projects

Planning is a dynamic process and inevitably further work will be commissioned and completed by Council. This will then need to be absorbed into the Greater Shepparton Planning Scheme. Some of that work will be done within Council, while other work will be from external sources.

Relevant Council projects that are adopted or are currently in preparation include:

- Railway Precinct Master Plan which was adopted in 2017 but is yet to be implemented into the GSPS.
- Bypass Stage 1 connecting Midland Hwy to Wanganui Road
- Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018;
- Shepparton to Melbourne Passenger Rail Corridor Improvements which have been endorsed by Council although not all of these are requiring of changes to the GSPS.
- Amendment C117 – South East Precinct Structure Plan which is expected to be exhibited in late 2018.
- Amendment C118 – North East Precinct Structure Plan – which is on exhibition until April 2018.
- Landscape Plan Guide 2017 is adopted by Council but is yet to be implemented into the GSPS.
- Investigation of fragmented farmland – Tallygaroopna has been adopted but not implemented.
- Review of Growth Corridor Development Contribution Plans for Mooroopna West, Shepparton North and Shepparton South.

5.0 PROGRAM OF CONTINUOUS REVIEW

Continuous Improvement Review Kit requirement:

Outline the consultation process and its outcomes

5.1 Methods of Consultation

This section of the report assesses the performance of the GSPS in terms of the stakeholder consultations.

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

- Community consultation on all strategic work
- Adopted planning scheme amendments
- Current planning scheme amendments
- Commissioning of further strategic work
- Development of an on-going strategic work program
- Developer/stakeholder forums.

There was considerable community consultation as part of the 2017 Council Plan and this is detail in Section 5.4.

5.2 Purpose of consultation

There is no prescribed formal consultation processes associated with the performance review of the GSPS under the provisions of the *Planning and Environment Act 1987*. However, Council considers that consultation is an important part of the monitoring and review process.

In the preparation of this report, general and targeted consultation has taken place with Council officers, agencies and other stakeholders.

5.3 Consultation Process

In terms of engaging with its key stakeholders, and at the start of the review, Council wrote to key stakeholders, all relevant agencies and 'frequent users' of the scheme in December 2017 inviting their contribution in the following terms:

Council is undertaking its formal review of the Greater Shepparton Planning Scheme. Council is required by Section 12B of the Planning and Environment Act to undertake a regular review of its planning scheme. As part of its review process, Council sees the input from relevant agencies and stakeholders as critical.

The key elements of Council's planning scheme that are being reviewed and which Council would appreciate your comments on include:

- What are the key land use issues in the City from your point of view and are these adequately addressed in the Greater Shepparton Planning Scheme (GSPS), in particular, the Municipal Strategic Statement (MSS)?
- Does the GSPS and MSS provide the overall strategic direction that you require?
- Are all of the local provisions still relevant or are more needed?
- Are the zones and schedules in the GSPS appropriate?
- Are the overlays and schedules in the GSPS appropriate?

In addition, issues of **Strategic Direction** which Council would appreciate advice from you include:

- Confirmation that the key issues and influences in the planning scheme are still relevant to you or your organisation.
- Identification of new factors which have emerged since the previous review including (but not limited to) infrastructure planning within towns and growth areas; native vegetation controls; flood mapping and controls; bushfire mapping; the Infrastructure Design Manual; state government initiatives including VicSmart; the implementation of adopted Council strategies etc.
- Where are the pressure points for development or environmental sensitivity in the City?
- Are these adequately addressed in the scheme?

In respect of agencies and government authorities, Council also noted that it:

..... would also appreciate your advice on any further **Strategic Work** undertaken by your organization including identification of:

- What further work has been done?
- Has previously identified work been completed?
- Are there any specific agency issues relating to Section 55 referrals which Council needs to address (including your status as either a 'determining' authority or a 'recommending' authority)?

Council sought written comments on the review by the beginning of February 2018. The outcome of these consultations is addressed in Section 7.

5.4 Community Consultation

Council regularly engages with the community on the preparation of all strategic work. As noted, foremost among these was the community consultation that was undertaken as part of the preparation of the *Council Plan* which was developed through a collaborative process involving Councillors, key stakeholders, community organisations and members of the community.

Community consultation undertaken as part of the Council Plan (2017 – 2021) identified a range of planning scheme related issues that were relevant to the community including:

Heritage and culture

- Recognition and protection of heritage

Transport and communication

- Frequent and reliable passenger rail services from Shepparton to Melbourne
- Advocate for inland freight rail
- Better public transport between smaller communities and Shepparton
- Goulburn Valley Highway Shepparton Bypass – freight links
- Bike and walking tracks, footpaths
- Parking
- Airport

Economy

- Importance of agricultural sector and protecting water
- Economic growth and stability
- Shepparton as a key regional centre
- Importance of the CBD
- Increased tourism, including conferences, events and sports
- Grow local businesses, and continue to attract more industries and employment

Land Use

- Contain urban and town footprints
- Value diversity and opportunities in smaller towns
- Focus on growth in smaller towns
- Impact of flooding
- Affordable living on reasonable sized blocks of land
- Retain neighbourhood character and heritage values

Natural environment

- Access to natural environment - bush and river
- Beautify open spaces
- Alternative energy sources
- Waste diversion and recycling
- Improve Council's energy efficiency

All other strategic and corporate research done by Council is informed by some level of community consultation.

5.5 Adopted Local Planning Scheme Amendments (2014 – 2018)

Since the 2014 Planning Scheme Review, there have been over 30 local planning scheme amendments that have been finalised. The number of Amendments advanced by Council since the last formal review of the scheme has been significant and reflects Council's desire to continually improve and update the scheme based on strategic research. The full list of local amendments finalised since the last review is as follows.

Amendment	Approval	Summary of changes
C173	9 OCT 2014	The Amendment rezones land to Residential Growth Zone, Neighbourhood Residential Zone, introduces Clauses 32.07 and 32.09 (and associated Schedules), replaces the existing Schedule to Clause 32.08, and makes consequential changes to Clause 21.08 and the Schedules to Clauses 43.02, 43.04 and 44.04 of the Greater Shepparton Planning Scheme.
C174	6 NOV 2014	Inserts a new incorporated document titled "SPC Modernisation Project September 2014" in the Schedule to Clause 52.03 and the Schedule to Clause 81.01 to allow land identified in the incorporated document to be used and developed for industrial purposes subject to conditions.
C172	22 JAN 2015	Rezones part of the land at 7720 Goulburn Valley Highway, Kialla from the Rural Living Zone to the General Residential Zone (Schedule 1), removes Schedule 1 to the Development Plan Overlay and applies Schedule 11 to the Development Plan Overlay to part of the land.
C134	26 FEB 2015	Rezones 205 Quarry Road Pine Lodge from Farming Zone to Public Use Zone 6 – Local Government for the purposes of use and development for a municipal landfill, to be operated by Greater Shepparton City Council.
C165	9 APR 2015	Corrects zoning of land erroneously included in Neighbourhood Residential Zone or General Residential Zone when new residential zones were introduced.
C171	21 MAY 2015	Rezones land in Kialla from Farming Zone to Rural Living Zone, amends the Schedule to the Rural Living Zone to reduce the minimum lot size for subdivision to 2 hectares and to reduce the minimum lot size for which no permit is required to use the land for a dwelling to 2 hectares for this area and applies Development Plan Overlay (Schedule 21).
C176	9 JUL 2015	Rezones 8, 10-12 and 16-24 High Street and 155-157 Welsford Street from PUZ3 to PUZ7 and 358-360 Wyndham Street from C1Z to PUZ7 and amends the Schedule to Clause 52.03 and Schedule to Clause 81.01 to facilitate expansion and redevelopment of Shepparton Court, the ongoing use of the police station and establish the area as a legal precinct.
C98(Part 1)	6 AUG 2015	Rezones land at Shepparton North from Farming Zone to Low Density Residential Zone and applies Development Plan Overlay (Schedule 20).
C175	3 SEP 2015	Rezones land at 111-125 Numurkah Road, Shepparton from the General Residential Zone to the Commercial 2 Zone.
C178	5 NOV 2015	Amends the Schedule to Clause 35.03 Rural Living Zone to reduce the minimum lot size for subdivision and minimum lot size for which no planning permit is required to use the land for a dwelling from eight hectares to two hectares for land at Mitchell Road and Archer Road,

		Kialla.
C92	10 DEC 2015	Rezones land in the Shepparton CBD from the Commercial 1 Zone, Mixed Use Zone, Industrial 3 Zone, Residential 1 Zone, Public Use Zone 1, Public Use Zone 2 and Public Use Zone 3 to the Activity Centre Zone and Road Zone Category 2 (in part) and includes the Shepparton CBD Strategy October 2008 as a Reference Document.
C170	10 DEC 2015	Rezones land at 55 Park Street Tatura from the Industrial 1 Zone to the Special Use Zone, inserts a new incorporated document titled "Unilever Tatura Master Plan 2014" in the Schedule to Clause 52.03 and the Schedule to Clause 81.01 to allow land identified in the incorporated document to be used and developed for the purposes of industrial development subject to conditions. Inserts a new Schedule 11 to the Special Use Zone at Clause 37.01.
C179	11 FEB 2016	Amends various provisions of the Greater Shepparton Planning Scheme to correct errors and anomalies including rezoning land to reflect private ownership and public uses, deleting redundant planning controls and correcting zoning and overlay mapping anomalies.
C182	18 FEB 2016	Rezones land at 10 Orchard Court (Lot 10 on LP128818) and 275 Old Dookie Road, Grahamvale (Lot 2 on LP115406) from Farming Zone (Schedule 1) to Low Density Residential Zone and makes consequential changes to Planning Scheme Map 11.
C186	18 FEB 2016	Amends Schedule 1 to Clause 32.09 - Neighbourhood Residential Zone, to increase the maximum building height permitted for a dwelling or residential building and also allows additional building height for any applicable flood level determined by a relevant referral authority.
C143	25 FEB 2016	Corrects spelling errors and inaccurately identified addresses in the Schedule to Clause 43.01 Heritage Overlay and corrects anomalies in the Heritage Overlay Mapping by removing the erroneously applied overlay from places that are not of cultural heritage significance and applying it to the intended places of cultural heritage significance.
C180	25 FEB 2016	Applies the Public Acquisition Overlay (PAO20) and Road Closure Overlay (RXO), Amends the Schedule to the Public Acquisition Overlay at Clause 45.01, inserts a new Clause 45.04 (Road Closure Overlay), amends the Schedule to Clause 61.03 and amends the Table of Contents.
C181	25 FEB 2016	The amendment applies the Public Acquisition Overlay (PAO21) to part of 420A Goulburn Valley Highway, Shepparton North, amends the Schedule to Clause 45.01 - Public Acquisition Overlay, amends the Schedule to Clause 61.03 and inserts Planning Scheme Map No. 14PAO into the Greater Shepparton Planning Scheme.
C183	25 FEB 2016	Rezones part of 15-33 Fordyce Street, Shepparton from the General Residential Zone 1 to the Commercial 2 Zone and removes the Development Plan Overlay Schedule 1.
C162	3 MAR 2016	The amendment updates relevant policies within the MSS, rezones land and amends or applies overlays to a number of sites to implement the findings and recommendations of the Industrial Land Review, City of Greater Shepparton, 2011 (ILR) into the Greater Shepparton Planning Scheme.
C185	10 MAR 2016	Rezones land north east of Tatura from Farming Zone (Schedule 2) to Low Density Residential Zone, Rural Living Zone, Urban Floodway Zone and Public Park and Recreation Zone; deletes the Floodway Overlay from land and applies the Land Subject to Inundation Overlay to part of the land; and applies the Development Plan Overlay (Schedule 20).

C184	19 MAY 2016	Rezones approx. 11 hectares of the northern part of 260 Central Kialla Road, Kialla from Farming Zone (Schedule 1) to Rural Living Zone and reduces the minimum lot size specified in the Schedule to Clause 35.03 Rural Living Zone from 8 hectares to 2 hectares for this land. Corrects a typographical error in the Schedule to Clause 37.08 Activity Centre Zone.
C191	9 JUN 2016	Implements Section 48 of the Heritage Act 1995 to ensure that places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.
C98(Part 2)	1 SEP 2016	Rezones approximately 77 hectares of land at Shepparton North from the Farming Zone (FZ) to the Low Density Residential Zone (LDRZ) and applies the Development Plan Overlay (Schedule 23).
C194	13 OCT 2016	The Amendment rezones part of 310 Bayunga Road, Tatura from the Farming Zone Schedule 2 (FZ2) to the Rural Living Zone (RLZ).
C177	27 OCT 2016	The amendment rezones part of the land at 8025 Goulburn Valley Highway, Kialla from the General Residential Zone to the Commercial 1 Zone.
C187	9 MAR 2017	The Amendment applies the Public Acquisition Overlay (PAO22) to part of 25 Congupna West Road, Congupna and part of 226 Old Grahamvale Road, Congupna to reserve the land for the construction of drainage infrastructure.
C112	6 APR 2017	The amendment provides for revised recognition to the Infrastructure Design Manual in the Greater Shepparton Planning Scheme
C195	17 AUG 2017	The Amendment rezones 474 hectares of land at Kialla, generally bounded by Archer Road to the west, River Road to the south, Doyles Road to the east and the Broken River to the north from Rural Living Zone to Urban Growth Zone to safeguard the area for future development as a strategic residential growth corridor.
C201	6 SEP 2017	The Amendment amends the Schedule to Clause 52.03 Specific Sites and Exclusions and Clause 81.01 Table of Documents Incorporated in this Scheme, to include an Incorporated Document titled SAM Redevelopment Project, June 2017, to exempt use and development associated with the project from the need for a planning permit.
C188	12 OCT 2017	The Amendment rezones 320 Verney Road and 430 Goulburn Valley Highway in the Shepparton North Growth Corridor from Farming Zone Schedule 1 to General Residential Zone Schedule 1; amends Public Acquisition Overlay 21 to provide access to the land from the existing road collector network at part 420A Goulburn Valley Highway and amends the Schedule to Clause 45.01 Public Acquisition Overlay to recognise the purpose of acquisition (in addition to stormwater management) as being for "open space and infrastructure".
C199	15 MAR 2018	The amendment implements the findings of Investigation Area 1 – Feasibility Study and Master Plan, Greater Shepparton City Council, October 2017 as that applies to land at Kialla.
C192	7 JUN 2018	The Amendment updates the Municipal Strategic Statement (MSS) and Schedule 1 to the Activity Centre Zone and rezones land in Wyndham Street North and Benalla Road (Midland Highway) to implement the recommendations of the <i>Commercial Activity Centres Strategy, November 2015</i> .
C193(Part 1)	7 JUN 2018	The Amendment applies the Public Acquisition Overlay (PAO23) to part of 221-229 Numurkah Road, part of 38-50 Ford Road and part of 25 Hawkins Road, Shepparton.

C197	7 JUN 2018	The Amendment corrects spelling, grammar, formatting, zone and overlay errors, clarifies the intent of planning controls and updates the Municipal Strategic Statement to reference adopted strategies and introduce recommendations into the Greater Shepparton Planning Scheme.
C203	7 JUN 2018	The Amendment amends the expiry date at 3.0 of the <i>Shepparton North and South Growth Corridors Development Contributions Plans 2002</i> (revised April 2018) from 15 years to 25 years and amends the Schedule to Clause 81.01 of the Greater Shepparton Planning Scheme.
C209	14 JUN 2018	The Amendment is a corrections amendment that reinstates the correct version of three clauses of the planning scheme that were inadvertently removed at gazettal of Amendment C197. The Amendment replaces Clause 21.06, Clause 21.09 and the Schedule to Clause 37.08 with new clauses, including changes approved as part of Amendment C192.
C196	28 JUN 2018	The Amendment introduces the <i>Addendum to the Urban Design Framework: Shepparton North and South Business Areas, July 2017</i> as a reference document, implements its recommendations by revising Schedule 7 to the Design and Development Overlay and including land at Kialla and introduces a new Design and Development Overlay Schedule 9 for land at Shepparton North.

5.6 State and Regional Planning Scheme Amendments (2014 – 2018)

Since the 2014 Planning Scheme Review, there have also been numerous state and regional planning scheme amendments that have been finalised. Those state and regional amendments of relevance to Greater Shepparton are included at [Appendix 3](#).

Many of these (**VC 133, 135, etc**) relate to significant issues such as bushfire, VicSmart, biodiversity, heritage, telecommunications, VPP structure etc that may have profound effects on the GSPS and these are discussed earlier in Section 3.

6.0 REVIEW OF VCAT DECISIONS AND PANEL REPORTS

Council is conscious of the importance of learning from state government review forums that have occurred during the review period.

6.1 VCAT Decisions

Issue: Signage

There have been two relevant VCAT decisions in recent years relating to permit applications for signs in Shepparton North.

- *O.S.O International v Greater Shepparton CC [2016] VCAT 1709* (195 Numurkah Road. Commercial 2 Zone. No overlays)
- *Popelier v Greater Shepparton CC [2016] VCAT 1228* (Cnr Wyndham and Knight Streets. Commercial 1 Zone. DDO3.)

Both applications were for advertising signs and both were refused by Council.

The Tribunal set aside the Council decision in *O.S.O* noting the site was not within a DDO and had not been identified as being in a gateway location. By contrast, the Tribunal upheld the Council decision in *Popelier* based on (among other things) it being contrary to the preferred signage provisions specified in DDO3.

Partly as a response to these decisions, Planisphere Pty Ltd was engaged in 2017 to review the 2006 UDF. (*Addendum to the Urban Design Framework: Shepparton North and South Business Areas July 2017*) (the 'Addendum').

In respect to the above VCAT decisions in Shepparton North, the Addendum noted that:

In summary, the Tribunal's decisions highlight that a clear and robust policy framework identifying local character, and guidelines that set out how discretion is to be used in determining appropriate and inappropriate development in the subject areas is needed. This applies to both the Shepparton North Gateway Commercial Precinct and the Kialla Lakes Drive subject area, which are not included in the current UDF. (pg 9)

The UDF Addendum was the subject of Amendment C196 which was considered by a Panel in January 2018 which endorsed Council's introduction of a stronger framework to assess signage applications.

Issue: Intensive Animal Industries

Other VCAT appeals of note in the review period included *134th Larena Pty. Ltd. V. Greater Shepparton CC [2014] VCAT 408*, where Council supported a number of objectors and refused an application for a 320,000 bird broiler farm on the Goulburn

Valley Hwy in the Farming Zone. The subject land of about 176ha is located about 1 km south-east of the township of Murchison. The surrounding land is generally used for broad-acre farming, viticulture and horticulture. A 7-shed broiler farm operates roughly 1.9 kilometres further to the east and there is an existing piggery located further north of this 7-shed farm.

Various neighbours objected to the proposed broiler farm raising concerns about the siting of the farm close to Murchison East and areas planned to accommodate the towns expansion and in an area where there is an expanding tourist activity associated with local wineries. They cited concerns with odour and perceptions about the 'industrial' nature of the broiler farm which will adversely impact tourism. Some of the local vineyard owners were concerned that the odours will taint their grapes and ultimately the quality of their wines. Other landholders were concerned that the odours will adversely affect the amenity of their homes.

The Tribunal considered that the key issues to be resolved were as follows:

- The degree of strategic planning policy support for the proposal.
- Whether the proposal would be too close to the Murchison township.
- Whether the stormwater drainage aspects of the proposal are acceptable or present unacceptable risks to local water quality.
- Whether the proposal would have unacceptable amenity impacts on the neighbouring properties, most notably in relation to odours.
- Whether the proposal would present any credible risk of the 'tainting' of neighbouring vineyard products.

The Tribunal concluded (at para 25):

Our overall finding is that the proposal is acceptable, when assessed against each of these key factors. We consider there to be strong strategic planning support for the proposal in this location. While we acknowledge that Council and the objectors would prefer 'soil-based' farming activity for the review site, the reality is that both the planning framework and previous Tribunal decisions have accepted that broiler farms are a legitimate form of agricultural use per se on land zoned Farming Zone. This does not automatically bestow a right for such a use of course. Such use is subject to the right design and being in the right location to avoid a range of potential amenity impacts. We are persuaded that the concept plans tabled on the final hearing day demonstrate capacity to adequately address 'drainage' issues. We accept that the proposal will not have any unreasonable amenity impacts on the neighbouring properties because it has demonstrated full compliance with the Code of Practice requirements developed to address these issues. With respect to the issue about 'tainting' of the nearby vineyard products, we find that inadequate reliable evidence has been provided that would persuade us to refuse the proposal on this basis. In fact material presented for the applicant indicates that broiler farms and vineyards / wineries can co-exist.

Issue: Host Farm

In *Hamilton v Greater Shepparton CC [2014] VCAT 1613*, the Tribunal considered an appeal against the failure of Council to decide on application to use a 104ha property at 215 Mitchell Road Kialla West for the construction of a caravan and camping park and host farm comprising 272 accommodation units, 63 caravan sites, farm/store café, workshop, office, dairy, machinery shed, community centre, market garden, agricultural activities and landscaped open space and gardens. The land was within the Farming (2) Zone and was part affected by numerous 'flooding' controls including the Urban Floodway Zone, the Floodway Overlay and the Land Subject to Inundation Overlay.

The Tribunal rejected the application and concluded (among other things) that the amount of accommodation to be provided on the site was out of proportion with the agricultural activities on the land and could be as high as 670 people on the site. The Tribunal noted:

One of my major concerns with the proposal is the intensity of built form and the extent of non-agricultural activity in the middle of the site. I acknowledge that the majority of the land will continue to be used for agriculture, with only approximately 10 hectares given over to the more intensive caravan and camping park and associated facilities such as the farm store/café and community/education centre. However, it is still the case that the small area of 10 hectares in the centre of the site has the potential to accommodate people at a density of approximately 70 persons per hectare - well beyond the population density in a suburban area with 15 dwellings per hectare and 3 persons per household. Although the accommodation pods are well back from Mitchell Road and largely hidden from the Goulburn Valley Highway by the vegetation along Seven Creeks, the central part of the site will have a character and appearance more akin to an urban area.

I am not persuaded that a caravan and camping park of the scale proposed is consistent with the purposes of the Farming Zone and that it will introduce an intensity of built form and provide for a very large number of people more suited to an area zoned for residential or rural residential use.

Issue: Rural Subdivision

In *Zandstra v Greater Shepparton CC [2-16] VCAT 1900*, the Tribunal considered a refusal of Council to grant a permit for the consolidation and re-subdivision of four lots to create 2 lots at 380 Turnbull Road Ardmona with an area of about 47.3 ha. One lot was a vacant farming lot of approximately 46.6 hectares and the other of approximately 0.72 hectares contained an existing dwelling.

The Tribunal noted that the existing dwelling is no longer required by Mr Zandstra or his family as they occupy other houses at the southern end of the property. The dwelling to be excised has evidently been rented for the past 15 years to the Thomas family. The reason behind the consolidation and excision is to allow the house to be sold to the Thomas family.

The Tribunal acknowledged that there can be no guarantee that the dwelling when excised will be retained by the Thomas family. However, it stated that “...ownership is not relevant to my consideration of whether the land should be consolidated and resubdivided based on the controls and policies in the Shepparton Planning Scheme”.

Council had refused the application as the proposal was contrary to state and local planning policy for subdivision of farming land. Council was concerned that the subdivision would create a lot to be used for a lifestyle dwelling not associated with agriculture and that it would permanently fragment and remove land from agricultural production. Council was also concerned about potential future conflicts between occupants of the dwelling and nearby agricultural activities.

The Tribunal overturned the decision and noted, in granting a permit:

I consider that on balance there is a net community benefit in consolidating four relatively small rural lots to create one large balance lot that can continue to be used for agricultural purposes and a second, much smaller lot for the existing dwelling.

The Farming Zone purposes are focussed on agriculture and do not specifically provide for, or encourage, the residential use of land. The minimum subdivision lot size and minimum size of lots for dwellings in the Farming Zone 1 are aimed at protecting land from smaller lot subdivision and the use of land for rural residential or rural lifestyle purposes. However, the subdivision provisions at clause 35.07-3 do allow for a two-lot subdivision to create a lot for an existing dwelling or for the resubdivision of existing lots provided the number of lots is not increased.

Importantly, local policy at clause 21-06 recognises the agricultural and financial benefits of lot consolidation and draws a distinction between small lot subdivisions for new dwellings and excisions for existing dwellings.

Clause 21.06-1 makes reference to the Regional Rural Land Use Strategy 2008 (RRLUS) and notes that the RRLUS has identified three new categories of farming areas in the municipality – Growth Areas, Consolidation Areas and New Areas. The review site and the area around Ardmona, west of Mooropna is in a Consolidation Area. As the name suggests, these are areas that were subdivided into relatively small lots as former closer settlement areas, where lot sizes are no longer reflective of current farm sizes and where consolidation of lots will provide opportunities for the expansion of continuing agricultural businesses.

Ultimately, the Tribunal concluded that:

I accept Mr Zandstra’s submission that excising the existing dwelling assists in the use, sale and reduction in the number of lots and preserves the balance lot for agricultural purposes. In practical terms, it removes an unnecessary asset from the land being used for agricultural purposes. To that extent, it responds to one of the aims for consolidated areas which is: The use of re-subdivision and excisions within consolidation areas will be

considered in recognition that the excision of a dwelling from a farm can provide businesses an opportunity to consolidate property holdings based on the value of land for agriculture. (Tribunal emphasis)

A summary of some other relevant VCAT activity in the review period is as follows:

- An enforcement order application was lodged at VCAT seeking an order to cease the illegal use of part of the land at 85-95 High Road, Murchison for materials recycling. VCAT directed that the use must be reduced in size (to an area of existing use rights) by June 2016.
- An enforcement order application has been lodged against a cool store operation at 25 Doyles Road. The permit holder has failed to undertake road safety works, being a left turn lane into the land from Doyles Road. A VCAT hearing was held on 15 January 2016 with direction from VCAT pending.
- Council's Building and Planning Department has received a complaint from the Commonwealth Bank of Australia in relation to failure to comply with a section 173 agreement at 290 and 300 Central Avenue, Shepparton East. The agreement required the construction of a fire wall within an existing shed; officers have observed that this fire wall has not been erected. As the owners have failed to comply with requests to construct the wall, an enforcement application has been lodged at VCAT. A Practice Day VCAT hearing is scheduled for 22 January 2016.
- A VCAT hearing to re-consider an extension of time request for a planning permit for a service station at 309 Midland Highway was held on 9 May 2016. The tribunal dismissed the application for extension of the permit following a submission from the applicant that an extension to the permit would no longer be beneficial.
- An appeal was lodged at VCAT against a decision to refuse a planning permit application for a major promotion sign at 195 Numurkah Road, Shepparton. VCAT set aside the decision of the DHP and ordered that a permit issue.

6.2 Panel (PPV) Reports finalised in the Review period

As noted in Section 5, there have been about 30 local planning scheme amendments since the last Review. This is an unusually high number and is indicative of a Council committed to commissioning and implementing strategic planning projects. The following is a brief overview of the main Panels and any relevant outcomes.

Amendment C98

Amendment C98 (Part 2) applied to land north of Grace Road in Shepparton North generally in an area between the Goulburn Valley Highway, Verney North Road and

the future Shepparton Bypass Public Acquisition Overlay. The Amendment rezoned the land to the Low Density Residential Zone and apply the Development Plan Overlay (DPO) with a schedule to guide and coordinate future development.

The Panel recommended that the amendment be approved as exhibited but subject to some changes to the Development Plan Overlay Schedule.

Amendment C112

Amendment C112 revised existing Planning Scheme references to the Infrastructure Design Manual (IDM). The IDM is a joint initiative of rural and regional Councils (including Greater Shepparton) to formulate and maintain a set of consistent standards and guidelines for the design and development of infrastructure. The IDM is owned and maintained by the Local Government Infrastructure Design Association Incorporated (LGIDA).

In addition to preparing Amendment C112, Greater Shepparton City Council also requested that the Minister for Planning appoint an Advisory Committee to investigate various issues associated with the broader implementation of the IDM within Victoria. The Minister agreed to this request and appointed an Advisory Committee in June 2015 following the Hearings for Amendment C112.

The C112 Panel was satisfied that the IDM is a useful resource that warrants recognition in the Greater Shepparton Planning Scheme and potentially in other rural and regional planning schemes. It also agreed with Council, the LGIDA and other submitters that the IDM should be a 'guideline' document and that compliance with its standards should be discretionary and not mandatory.

In 2015 the Minister for Planning also appointed an Advisory Committee to investigate various issues associated with the broader implementation of the IDM across Victoria. As a result, the *Infrastructure Design Manual Advisory Committee* was required to undertake:

- *An assessment of the scope of the Infrastructure Design Manual and whether it is appropriate given that it addresses residential, commercial, industrial and rural subdivision and development.*
- *Identification of the extent and scope of any change to the exhibited Infrastructure Design Manual and any recommendations in relation to the Infrastructure Design Manual content.*
- *Assess the merits of adopting a state-wide model for infrastructure standards to reflect the different standards that have evolved in areas of the state since the introduction of Clause 56.*
- *Identification and assessment of other planning scheme implementation options including, but not limited to, Municipal Strategic Statement, Local Planning Policy,*

Reference Document, Incorporated Document, Schedule to Clause 56, new stand-alone Clause 57.

- *Advice on the suitability of, and most effective manner for the Infrastructure Design Manual to be included within other regional planning schemes.*

The Advisory Committee invited submissions from all non-metropolitan Councils; regional service authorities and referral authorities; and over 530 regional consultants, developers, practitioners and peak industry groups; as well as all of the submissions that had been made in relation to Greater Shepparton Am. C112.

The Advisory Committee noted that all but one submission provided general support for the IDM, including support for its broader implementation. Submissions commented on the IDM's relationship to Clause 56 and some submissions supported a review of Clause 56.

The Advisory Committee found that while the existing Clause 56 remained relevant to regional Victoria, it should be reviewed, particularly with respect to the currency and completeness of standards. The Advisory Committee also concluded that the introduction of the IDM into regional planning schemes 'should not be delayed' pending any review of Clause 56.

The Advisory Committee concluded that the IDM was a technically sound and useful document which should be implemented on a staged basis under section 20(4) of the Act in relevant regional planning schemes as a 'Reference Document' and through the MSS.

The Advisory Committee recommended the following:

- *The Infrastructure Design Manual be introduced in the Municipal Strategic Statement of regional council planning schemes....*
- *The Minister consider the implementation of the Infrastructure Design Manual into regional council planning schemes utilising powers under Section 20(4) of the Planning and Environment Act 1987.*
- *The Department of Environment, Land, Water and Planning review Clause 56 of the Victoria Planning Provisions, particularly with respect to the currency and completeness of standards.*

A subsequent 'roll out' of the IDM across the state in a 'GC' amendment is proposed.

Amendment C155

Amendment C155 proposed to rezone a portion of the land at 72A Riverview Drive, Kialla from Residential 1 Zone (R1Z) to Commercial 1 Zone (C1Z). The Amendment also proposed to amend the Shepparton North and South Growth Corridors, Development Contributions Plans – December 2002 (updated October

2003). The Amendment included a Planning Permit Application No 2013/129 under section 96A of the Planning and Environment Act 1987.

The Panel concluded that the exhibited proposal should be supported subject to some minor variations.

Amendment C162

Amendment C162 implemented the recommendations of the *Industrial Land Review*, (2011). The Amendment proposed a number of changes to the Municipal Strategic Statement in relation to policy for industrial land and identified several areas for further investigation. The Amendment also proposed to rezone land in North Shepparton from Industrial I Zone to General Residential Zone and land in Mooroopna from Neighbourhood Residential Zone to Industrial I Zone.

While the Panel found that the Amendment was strategically well founded and should be supported it did not support the rezoning of all of the area proposed in North Shepparton.

Amendment C170

Amendment C170 introduced controls (Special Use Zone) to allow the 'Unilever' facility in Tatura to respond in a timely manner to emerging trends and challenges. The Panel found that the MSS made it clear that the manufacturing industry (including around Tatura) is strongly supported and that it needs protection for the long-term economic benefit of Tatura and Greater Shepparton. The Panel found that the Unilever facility is an important local employer whose future in Tatura is actively encouraged by State and local government and by the industry and other stakeholders. The Panel concluded that while the proposed Special Use Zone will provide certainty for surrounding residents of the likely use mix and the location of future buildings on the site, it needed some change to ensure more flexibility to achieve better outcomes could be delivered.

Amendment C182

Amendment C182 sought to rezone approximately eight hectares of land from the Farming Zone to the Low Density Residential Zone at 10 Orchard Court and 275 Old Dookie Road, Grahamvale, which is five kilometres north-east of the Shepparton city centre.

The Panel found that the subject land appears like a 'missing piece' of the surrounding estate. The Shepparton East Framework Plan in the MSS and the Greater Shepparton Housing Strategy 2011 each identify the subject land for low density residential development in the next 5 years. These strategies provide strong

strategic justification for applying the Low Density Residential Zone on the subject site.

The Panel recommended that Amendment C182 be adopted as exhibited.

Amendment C183

Amendment C183 sought to rezone land from the General Residential Zone Schedule 1 to the Commercial 2 Zone and remove Development Plan Overlay Schedule 1 from part of a 4.6ha site on Benalla Road to facilitate the development of a Bunnings Warehouse. A concurrent application for a planning permit was made in conjunction with the Amendment.

The Panel found that the Amendment was supported by, and implemented, the relevant sections of the State and Local Planning Policy Framework and that it was well founded and is strategically justified. The Panel concluded that the Amendment should be adopted.

Amendment C184

Amendment C184 proposed to rezone part of 260 Kialla Road, Kialla from Farming Zone to Rural Living Zone and apply a 2 hectare (ha) minimum lot size to the Rural Living zoned parcel. Planning Permit Application No 2014-353 sought to subdivide the land into 6 lots comprising 5 Rural Living zoned lots each of minimum 2 ha and one remnant Farming zoned lot of approximately 65 ha.

The Panel found 'clear and unambiguous strategic planning support' for the Amendment given that the framework plan in the MSS depicts that part of the subject site proposed for rezoning as being within the Shepparton (Urban) Settlement Boundary and described the Amendment area as part of an area designated "Potential Rural Living".

The Panel recommended that Amendment C184 be adopted as exhibited; and that Planning Permit No 2014-353 be issued.

Amendment C188

Amendment C188 sought to rezone approximately 37 hectares of land in the Shepparton North Growth Corridor from the Farming Zone Schedule 1 (FZ1) to the General Residential Zone (GRZ) and to amend the Public Acquisition Overlay Schedule 21 (PAO21) to facilitate access to the land from an existing road collector network.

The subject land had been identified as an urban growth area within the Greater Shepparton 2030 and the Greater Shepparton Housing Strategy, 2011 (GSHS) which

identified that the land could be considered for development within a 5-10 year horizon. Land to the north and south of the site is GRZ, and the rationale for PAO21 is to facilitate the realisation of a collector road from Warrumbungle Drive to the proposed residential land.

The Panel supported the submission of Council that the PAO21 extension is warranted to facilitate future access to the land proposed to be rezoned and recommended that Amendment C188 be adopted as exhibited

Amendments C192 and C193

Amendment C192 implemented the *Commercial Activity Centres Strategy*. Amendment C193 related to a proposal by to rezone land in Shepparton North near the corner of Numurkah Road and Ford Road from the Commercial 2 Zone to the Commercial 1 Zone and was accompanied by a planning permit application that sought to develop a supermarket with an associated packaged liquor store, retail specialty shops, car parking, and advertising signs. Additionally, Amendment C193 proposed a Public Acquisition Overlay for drainage purposes on land nearby and adjacent to the site. The amendments were heard together by the one Panel.

The Panel noted that over the years, Council had undertaken a number of strategic planning projects that had resulted in ongoing opportunities for growth in residential areas and for supporting infrastructure. Council recognised that extensive retail and commercial growth has occurred, retail trends have changed, new zones have been introduced and there is a need to provide a new strategy that provides for commercial development in the expanding activity centres in the municipality. This work resulted in the Council adopted *Commercial Activity Centres Strategy 2015* that is broad in its scope and defined in its direction. This strategy is the subject of Amendment C192.

The Panel acknowledged that the ‘...key and unequivocal direction for Shepparton’ is to maintain the primacy of the CBD to encourage further development in that important precinct. The Panel found that the Strategy was ‘...a robust and comprehensive document that, subject to some minor recommendations, should be supported and adopted’.

While the exhibition period for Amendment C192 was in mid-2016, Council opted to hold off referring that Amendment to a Panel for resolution until Amendment C193 was exhibited. The retail component of Amendment C193 was ‘hotly contested’. The Panel noted that while the competing parties generally agreed that Shepparton North could support a second full line supermarket in the short term future, there was significant debate about the location of that supermarket. The key issue related to whether the supermarket should be co-located with an existing supermarket, or on another site as part of a potential activity centre.

Ultimately the Panel found that an opportunity should be provided for Council to properly define a Shepparton North Activity Centre and prepare a considered Structure Plan for the centre.

Amendment C195

Amendment C195 sought to rezone land in 'Investigation Area 3' from the Rural Living Zone (RLZ) to the Urban Growth Zone (UGZ) at Kialla, about seven kilometres south of Shepparton. The amendment affected about 474 hectares of land and proposed to amend the MSS to provide interim guidance for planning permit applications until a Precinct Structure Plan (PSP) is prepared and implemented for the area including allowing for house excisions to a maximum lot size of two hectares.

The preparation of a PSP and Development Contributions Plan (DCP) to fund future development would follow. Council submitted it had commenced a longer term approach to implementing a PSP on the land, and to do so required a UGZ to be implemented. Council had prepared a 'Conceptual Masterplan' for the area and stated that the application of the UGZ was necessary to safeguard the area until detailed planning occurs.

The Panel supported the amendment and concluded that it was the first step in a targeted strategic planning exercise for an identified growth area of Shepparton. Retaining the land in the RLZ was not supported, as the purpose of the UGZ is better suited to future plans for the corridor.

Amendment C196

Amendment C196 proposed to introduce the 'Addendum to the Urban Design Framework: Shepparton North and South Business Areas July 2017' to the Planning Scheme as a reference document and to implement its findings to provide guidance for the design and development of land in Kialla and Shepparton North. It did this by amending the existing Design and Development Overlay Schedule 7 and the introduction of a Design and Development Overlay Schedule 9.

The Amendment applies to Kialla Park Boulevard Precinct; Kialla Lakes Drive Entrance; and the Shepparton North Commercial Gateway Precinct.

The overlays were intended to improve the entrances to the town by providing built form guidance for development along and adjoining the Goulburn Valley Highway.

The Panel found that the key issues raised in submissions focused on the setback and landscaping requirements contained in the overlays. Council had revised the *Addendum to the Urban Design Framework: Shepparton North and South Business Areas July 2017* and both overlays in response to submissions and to provide flexibility for

gateway sites to achieve good urban design outcomes. The Panel concluded that the *Urban Design Framework: Shepparton North and South Business Areas July 2017* was well founded and an appropriate strategic basis for the controls proposed in the overlays.

Amendment C199

Amendment C199 also related to an 'Investigation Area' in the vicinity of the existing Kialla Greyhound and Harness facility. It sought to vary Schedule 4 to the Special Use Zone (SUZ4) to better facilitate and safeguard the ongoing use and development of the land for the purpose of greyhound and harness racing and to retain the existing zonings in the Investigation Area 1.

Key issues raised in submissions included the scope and status of the *Goulburn Valley Harness and Greyhound Master Plan* (the Master Plan) and 'flooding'.

The Panel found that while there was no doubt that the land within the investigation area had flooded in the past and will do so again during significant flood events, it acknowledged that Council and the GBCMA were in the process of finalising updated flood modelling, and that the updated flood studies would not significantly change the situation with regard to any future overlays. The Panel supported the Amendment subject to modifications.

7.0 PLANNING SCHEME ISSUES

Continuous Improvement Review Kit requirement:

Identify the major planning issues facing the municipality.

7.1 Submissions

A diverse range of planning issues and gaps have been identified through the consultation with Council staff and key stakeholders as well a review of strategies and policies since the last review.

The following provides a summary of the major planning issues for the City that the planning scheme should address. It includes a range of new initiatives that the planning scheme does not address or issues that need to be updated.

Developers/Agents

- There is a demand for 'out of town' living close to Shepparton on 1 to 4ha blocks around Congupna and Tallygaroopna where there are all community facilities available.
- Land on the east side of Doyles Rd between Old Dookie Rd and Benalla Road could be considered for industrial/commercial growth given the extent of development on the western side.
- The market would benefit from an increase in LDRZ in rural townships in the municipality.
- The land which is currently designated as Farming (FZ) to the east of Shepparton would be an optimal candidate to accommodate either new industrial or residential development.
- There has been considerable interest in industrial development in the last decade and there is insufficient land available.

Goulburn Broken CMA

- Loss of native vegetation and biodiversity is a key risk to landscape values.
- Local Floodplain Development Plans and the flooding schedules need review and rewrite.
- Managing the effects of climate change and bushfire are key issues.
- The contextual elements of the planning scheme need updating to provide an overview of areas of bushfire risk and give a spatial and strategic perspective to bushfire risk.
- Significant changes have occurred in the planning scheme at Clause 13.05 (Bushfire) and Clause 10 (decision making) and these will need to be considered.
- Flooding studies have been completed and should be implemented into the Planning Scheme.

Goulburn Valley Water (GVW)

- Council needs to advise GVW on major residential and non-residential development areas to allow GVW to prepare and develop a Master Planning and Infrastructure Program.
- The current ESOs do not align with GVW Wastewater Buffer Zones which may create some confusion.
- The Schedules in the ESO also require wording improvements
- Requests for six additional GVW properties to be rezoned to PUZ.
- Council should protect existing uses through the application of reverse buffers when considering potential amenity conflicts, where sensitive uses encroach upon existing industry.

Victoria Planning Authority

- The VPA is working with Council to prepare a Shepparton Mooroopna 2050: Regional City Growth Plan.
- The Plan will set a vision to guide growth to the year 2050.
- Issues to be addressed include settlement boundaries, population growth, housing, open space, servicing, employment and major infrastructure.
- The Framework Plan is a cooperative process that will be developed through 2018.

EPA

- The most effective means of mitigating environmental risk and amenity conflict is to provide separation buffers based on evidence.
- Encroachment on existing industry and existing major utilities is a major concern.
- EPA encourages Council to protect existing uses through applying 'reverse buffers' as nominated in the EPA guide '*Recommended separation distances for industrial residual air emissions*'.
- EPA encourages Council to ensure that strategic planning projects consider the interface with other land uses.

CFA

- Future planning for the municipality will be heavily influenced by bushfire considerations arising from the 'Regional Bushfire Planning Assessment'.
- While there is a moderate level of bushfire and grassfire risk compared to some others, there remains a risk to life and property near unmanaged fire prone areas.
- Severe fire locations include the Goulburn and Broken Creek corridors; and areas (including townships) close to the Shepparton Regional Park.
- The 'drying off' of land near townships also increases grassfire risk.
- The GSPS needs updating to provide an overview and clearer decision-making framework to address fire risk.

- Possible measures include separation distances to forested areas, minimum lot sizes and the use of perimeter roads.
- Uses such as nursing homes and child care centres need to be planned away from the interface with bushland and grassland.

Goulburn Murray Water (GMW)

- GMW requires that development does not impact on its infrastructure (especially channels and drains) or on the flow and quality of surface water and ground water.
- The expansion of some townships has led to issues with rural irrigation and drainage.
- GMW does not support rural infrastructure in urban areas and it requires a 30m setback from open channels and drains.
- It prefers piped infrastructure in urban areas.
- These and other issues should be dealt with up-front by Development Plan Overlays (DPOs) rather than by leaving them to planning permit conditions.

Transport for Victoria (TFV)

- The regional rail revival program will upgrade rail services to Shepparton.
- TFV and PTV will continue to develop and review bus services within the municipality.
- Integration between land use zoning and transport services is crucial.
- TFV encourages appropriate zonings within 400/800m of public transport.
- Cycling and walking facilities are encouraged especially linking community facilities and public transport.
- In this context, Clause 21.07 (Infrastructure) needs updating.

7.2 Planning Issues

Renewable Energy

- Council is in receipt of four applications for renewable energy facilities (solar farm). The applications represent an investment of hundreds of millions of dollars in the municipality.
- The affected land is typically within the Farming Zone (FZ).
- Objections have been received relating to issues including proximity of the land to townships; creation of an eyesore in a rural environment; creation of a micro climate as a result of the solar farm (the heat island effect); and loss of productive agricultural land.
- The key issue for Council is whether the loss of productive agricultural land in a food bowl of national significance for a solar farm is acceptable.
- The Planning Scheme places a strong emphasis on the retention of agricultural land and the discouragement of non-agricultural uses in farming areas.

- The applications all propose to remove many hectares of land from agriculture.
- The FZ does not prohibit renewable energy facilities such as solar farms.
- The state planning policy seeks to promote and facilitate renewable energy facilities. Clause 19.01-1 (provision of renewable energy) objective is 'To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met'.
- Clause 52.42 (renewable energy facility) of the scheme seeks to 'facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area'.
- Council is required to consider conflicting policies between agriculture and state policy support for renewable energy facilities and decide in the favour of the net community benefit and sustainable development for the benefit of present and future generations.
- The Minister for Planning has 'called in' the four applications which were considered by an Advisory Committee in May 2018.

Bushfire

- VC140 includes (among other things) a provision that opposes any residential rezoning that would result in housing development in excess of BAL 12.5.
- All Framework Plans in the Planning Scheme will need to be reviewed in light of this.

Commercial

- VC142 makes museum and art gallery 'as of right' uses in a Commercial 2 zone which means that the former B4Z land in Shepparton can now host things that should go in the CBD.
- This means Council should review/rezone all C2Z.
- The precinct boundaries of the ACZ may need to be reviewed as uses bleed into one another (ie education and health precincts).

Residential

- The residential zones are poorly mapped and need to be revisited.
- In some cases all three zones are near one another (eg near the intersection of Corio and Granthorn).
- There does not seem to be a need for a RGZ in Shepparton, especially with the ACZ being able to accommodate increased housing densities.

Precinct Structure Plans (PSPs)

- None have been approved as yet but some are underway including Toolamba (Investigation Area 6); North East PSP (1600 lots); and South East PSP (2200 lots)

Infrastructure

- The proposed passenger rail upgrades (approx \$300m) and the By Pass commitments (\$10m) have introduced more certainty and this will have planning scheme implications.

8.0 HOW THE GPS IMPLEMENTS STATE PLANNING POLICY

Continuous Improvement Review Kit requirement:

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

8.1 Planning Policy Framework

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

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

As discussed earlier, the former SPPF was under review as part of the Smart Planning program. The following analysis of the PPF has taken place based on the former SPPF structure and has not taken account of any anticipated changes. Overall, the analysis reveals that the Greater Shepparton Planning Scheme and MSS do not align well with the objectives and strategies contained within the PPF.

While some clarity and consistency between the state and local sections has been achieved by restructuring the MSS as part of **Amendment C108**, further use of the key MSS themes that are linked to the Planning Policy Framework would make for a more seamless connection between state and local policy.

8.2 Planning Policy Framework Analysis

The following table highlights the key elements of the PPF and the corresponding references in the Greater Shepparton LPPF. It identifies any inconsistencies between the two and any actions that would improve the performance of the LPPF in implementing the PPF.

PPF Theme	LPPF References	Comment	Further Action
Clause 11 Settlement – provides the settlement pattern vision for Victoria	Clause 21.04 addresses ‘Settlement’ over 30 pages under headings including	While the clause is generally consistent with the themes in Clause 11, it is too long and repetitive. It needs to be updated following strategic	Edit down the narrative. Rationalise and consolidate objectives and

PPF Theme	LPPF References	Comment	Further Action
and gives direction to the location and form of urban settlement	Urban consolidation and growth; Housing change areas; rural residential; urban design; community life; non-residential uses; and 12 Town Framework Plans.	work (investigation areas etc) and contains elements like urban design and community life which may belong elsewhere. It will require significant change to all Framework Plans once current strategic projects are completed. Issues related to dwellings in rural areas is dealt with under Clause 21.06 (Economic Development).	strategic consistent with the Ministerial Direction. Relocate some parts (urban design) to the Built Environment theme. Edit down the Strategic Work Program to a realistic and achievable list. Insert revised Framework Plans.
Clause 12 Environmental and landscape values – provides direction to the protection, conservation and sustainable management of Victoria's environmental and landscape assets.	Clause 21.05 addresses 'Environment' over 17 pages under headings including Natural environment and biodiversity; Floodplain and drainage management; Best practice land management; and Cultural heritage complete with detailed precinct based heritage 'policies'.	While this clause addresses the key aspects of Clause 12, it trespasses into areas that are best dealt with by other parts of the SPPF especially floodplains (environmental risk) and heritage (built environment and heritage).	Edit down the narrative. Rationalise and consolidate objectives and strategic consistent with the Ministerial Direction. Relocate some parts (flooding, heritage) to other SPPF themes. Edit down the Strategic Work Program to a realistic and achievable list.
Clause 13 Environment risk – provides direction for the management of man-made and naturally occurring environmental risks	None	There is no specific clause relating to environmental risk with issues like flooding dealt with at Clause 21.04 and issues like bushfire and salinity not addressed at all.	Restructure the MSS to align with SPPF themes and include a 'Environmental Risk' clause. Relocate other clauses.
Clause 14 Natural resource management – provides direction to the sustainable use and management of natural resources which support and foster economic growth.	None	There is no specific clause relating to Natural resource management with issues like agriculture dealt with at Clause 21.06.	Restructure the MSS to align with SPPF themes and include a 'Natural resource management' clause. Relocate other clauses.
Clause 15 Built environment and heritage – provides direction to the design of buildings	None	There is no specific clause relating to Built environment and heritage with issues like urban design at 21.04 and heritage dealt with at Clause	Restructure the MSS to align with SPPF themes and include a 'Built environment and

PPF Theme	LPPF References	Comment	Further Action
and places and the protection and conservation of cultural heritage values.		21.05.	heritage' clause. Relocate other clauses.
Clause 16 Housing – provides direction to the provision and diversity of housing.	None	There is no specific clause relating to Housing with issues like 'housing change areas' included at Clause 21.04 and rural dwellings dealt with at Clause 21.06.	Restructure the MSS to align with SPPF themes and include a 'Housing' clause. Relocate other clauses.
Clause 17 Economic development – provides direction to transport planning and development.	Clause 21.06 addresses 'Economic Development' over 18 pages under headings including agriculture, subdivision in rural areas, dwellings in rural areas, industry, commercial activity centres and tourism. It includes three Framework Plans addressing Shepparton industry, Shepparton business and Tatura industry and these seem out of date	While this clause addresses the key aspects of Clause 17, it includes extensive references to themes that are best dealt with by other parts of the SPPF especially agriculture and rural dwellings.	Edit down the narrative. Rationalise and consolidate objectives and strategic consistent with the Ministerial Direction. Relocate some parts (agriculture) to the Natural resource management theme. Edit down the Strategic Work Program to a realistic and achievable list. Insert revised Framework Plans.
Clause 18 Transport – provides direction to transport planning and development.	None	There is no specific clause relating to Transport as it is included at Clause 21.07 (Infrastructure).	Restructure the MSS to align with SPPF themes and include a 'Transport' clause. Relocate other clauses. Update to reflect current MAPS project.
Clause 19 Infrastructure – provides direction to the planning and development of social and physical infrastructure.	Clause 21.07 addresses 'Infrastructure' over 6 pages under headings including transport, urban and rural services, urban stormwater management, and infrastructure planning, design and construction.	Like other clauses, this clause addresses the key aspects of Clause 17, but it includes extensive references to themes that are best dealt with by other parts of the SPPF especially transport.	

This analysis indicates that the PPF and Greater Shepparton LPPF are now broadly inconsistent with the apparent weaknesses in linkages between the PPF and the LPPF including:

- No specific clause for environmental risk, natural resource management, built environment and heritage, housing and transport.
- No reference to important issues (that are implemented elsewhere in the GSPS) such as bushfire, salinity etc

9.0 THE EFFECTIVENESS OF THE GSPS LPPF

Continuous Improvement Review Kit requirement:

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

9.1 The role of the MSS

The Practice Note (No. 4), “Writing a Municipal Strategic Statement” discusses the role of the Municipal Strategic Statement (MSS). The MSS establishes the strategic framework for the municipality and it should support and implement state policy. State and local policy together provide the strategic basis for the application of zones, overlays and particular provisions in the Greater Shepparton Planning Scheme. As noted above, there is some ‘disconnect’ between the two at present.

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

The role of an MSS is different from the role of a Local Planning Policy which is used by many Councils for day to day decision making. Notably, there are no local policies in the GSPS as these are all included in the MSS as ‘policy guidelines’.

9.2 MSS Structure

The structure of the MSS has remained the same for about ten years and is now at odds with the MSS Practice Note. It is not only too long and wordy, it contains long lists (sometimes pages) of unstructured objectives and strategies. Best practice is to have one objective and then some pointed strategies that directly relate to it. The narrative in each section is overly long and wordy and needs to be edited. The General Implementation clause no longer complies with the Practice Note.

Accordingly, it is evident from the above analysis that the format of the Greater Shepparton MSS now bears little relationship to that of the VPP Practice Note.

At the very least, the Greater Shepparton MSS will need to be completely restructured to be consistent with the latest departmental Practice Note.

9.3 MSS Content

This section provides a brief analysis of Clause 21 of the Greater Shepparton Planning Scheme.

As noted above, the Local Planning Policy Framework (LPPF) is made up of the following clauses;

- Clause 21.01 – Municipal Profile
- Clause 21.02 – Key Influences and Issues
- Clause 21.03 – Vision, Sustainability Principles and Strategic Directions
- Clause 21.04 – Settlement
- Clause 21.05 – Environment
- Clause 21.06 – Economic Development
- Clause 21.07 – Infrastructure
- Clause 21.08 – General Implementation
- Clause 21.09 – Reference Documents

Clause 21.01 provides a profile (3 pages) of Greater Shepparton under headings of location, people, settlements, economy and environment. These emerge as the five key strategic land use planning themes used later in the LPPF. There is an attached municipal plan with limited information in place of a Strategic Framework Plan.

Comment:

Staff advise that while this clause helps “set the scene” it is out of date and is rarely used other than for a VCAT submission. The Framework Plan in the clause serves no useful purpose. The map should either be improved or deleted.

Clause 21.02 identifies the ‘Key Influences and Issues’ on land use planning in Greater Shepparton.

Comment:

This clause contains two pages of unstructured bullet points and evidently this clause is also sometimes used in VCAT and panel submissions. Staff note that the clause does not provide much decision-making assistance and it could easily be merged with Clause 21.01 as part of the ‘Profile’ and may be able to be absorbed into the new PPF ‘context’ section.

Clause 21.03 contains the ‘Vision, Sustainability Principles and Strategic Directions’ from the 2006-2010 Council Plan and links it with five strategic directions that are explored further in the Planning Scheme.

Comment:

While this clause will need updating to reflect the new Council Plan, it is unclear where, if at all, it will have a place in the new PPF. As is common elsewhere, the clause is of little practical value. It serves no useful purpose.

Clause 21.04 is the most detailed clause in the MSS (at 31 pages) and describes Council’s strategic directions for *Settlement*. It also includes fourteen (14) Framework Plans for most of the townships in the municipality. The sub headings discussed in the clause include:

- Urban consolidation and growth
- Housing changes areas
- Rural residential
- Urban design
- Community life
- Non-residential uses

The clause also has an extensive Strategic Work Program.

Comment:

While this clause contains important directions on a number of recurrent issues, it is much too wordy and as a result important messages are lost under layers of narrative. The objectives and strategies are sometimes repetitive of the SPPF or not relevant to decision making. The clause would benefit from a complete and tight edit. All of the Framework Plans are under review and may be available for public comment during 2018.

The clause contains a list of six 'investigation areas' for residential expansion and these should be included on the 'Further Strategic Work' list.

Aspects of it are repeatedly used by decision makers including the 'non-residential uses' clause which has proved especially useful when dealing with medical centres and child care facilities. While the clause is helpful on the direction for medium density housing, this is also repetitive as this is covered off by the residential zones. The urban design provisions need rewording for advertising signs including an update to include electronic signs.

Clause 21.05 describes (in 17 pages) Council's strategic directions for the *Environment* under the themes of Natural Environment and Biodiversity, Floodplain and Drainage Management, Best Practice Land Management, and Cultural Heritage.

Comment:

The only aspect of this clause that is repeatedly used is the 'heritage' clause which was introduced by **Am C110** in October 2013. Its Statements of Significance are well used but will be included in an Incorporated Document as part of **Am C205** which Council is aiming to exhibit in mid 2018. In the meantime, interim controls by way of **Am C204** have been requested.

Other than the heritage provisions, the clause is of little practical assistance to Council officers.

Clause 21.06 describes (in 11 pages) Council's strategic directions for *Economic Development*, under the themes of Agriculture, Subdivision in Rural Areas, Dwellings in Rural Areas, Manufacturing and Freight, Commercial/Activity Centres and Tourism.

Comment:

The clause was updated to reflect the outcomes of the Regional Rural Land Use Strategy by **Am C121** and it provides officers with clear direction for subdivision and dwellings applications in the rural areas.

The clause contains a list of seven 'investigation areas' for industrial expansion and these should be included on the 'Further Strategic Work' list with priorities for Tatura, Murchison and Merrigum.

The Commercial hierarchy is being updated by **Am C192** while there are numerous examples of strategies which could be absorbed into the ACZ schedule (such as 'encourage cafes etc in Fryers St' etc). Staff advise that while it remains an economic driver, the 'Tourism' section is not used at all.

Clause 21.07 describes Council's strategic directions for *Infrastructure* under the themes of Transport, Urban and Rural Services, Infrastructure Planning and Urban Stormwater Management.

Comment:

Other than the new IDM clause (**Am C112**), the clause remains very general and of little assistance in day to day decision making.

The whole clause is likely to be overhauled by the 'Movement and Place Strategy' and by the various Flooding strategies which will be considered in 2018 and implemented later.

Clause 21.08 is a consolidated 'General Implementation' clause that describes the manner in which Council will apply zones and overlays.

Comment:

Based on the likely new PPF format, this clause might now be deleted.

Clause 21.09 lists a number of 'Reference documents' that have influenced the strategies contained within the MSS.

Comment:

Some of the reference documents could be deleted or later versions included (Regional Catchment Strategy etc). It is unclear where this clause will sit in the new PPF format, but all documents will now be referred to as 'Background documents'.

Interestingly, the reference document for the *North and South Growth Corridors Outline Development Plan* is dated 2014 at Clause 21.09 as it was updated as part of **Am C155**. However, the document is made up of a number of different reports with dates ranging from 2003 to 2014 meaning that it is not one 'holistic' document.

This 'evolution' of reference documents also occurs from time to time with heritage related studies. Any such examples should be merged into one consolidated document with one date.

9.4 Other Comments - Gaps

Based on consultation and as discussed in Section 7, the content within the MSS could benefit by addressing themes including:

- Renewable energy
- Township growth plans
- Bushfire management
- Transport improvements especially the freight network and the rail network
- Protection of native vegetation

Current pieces of strategic work can also be implemented in the scheme (at the MSS) so long as the supporting strategic work has been adopted.

9.5 Conclusions Regarding the MSS

The structure and format of the MSS was significantly modified by **Am C108** to better reflect state current government 'best practice' and to better reflect adopted strategic work of Council. That said, the structure will now need to be significantly changed as a result of the State Review into the LPPF/SPPF structure.

Overall, and based on discussions with planning staff, there are consistent attempts to use the "strategic end" of the scheme (Clauses 21). This has been supported by the Tribunal. However, staff advise that, there are aspects of the MSS which are typically not used at all (21.01, 21.02, 21.03 and 21.08). It has also become a quite 'bulky' document, at about 80 pages. The MSS bundles many objectives and strategies together and this needs to be separated.

Despite modifications to the scheme as a result of Amendment C108, the current MSS still contains some information that is descriptive in nature and which does not assist in decision making. The removal of much of this descriptive content will be required as part of the new PPF format.

Staff consultations also suggest that the MSS is helpful in applications involving medium density housing, rural housing and small lot excisions. That said, there is some confusion in the small lot provision regarding how the 'balance' lot size is to be assessed. It is also apparent that the rural sections are already dated by virtue of the recent changes in the Farming Zone (FZ). There is considerably more scope to apply for non-agricultural uses in the FZ and the MSS provides no direction on this at the moment.

The Town Structure Plans remain useful and clear direction is provided for advertising signs and tourism.

The environment section is not of much assistance other than in a narrative sense. While a new Environment Strategy has been prepared it is doubtful it will be of much specific use unless it is implemented via new overlays. The new PPF format will avoid the need for much of the environmental narrative.

In a more specific sense, while Council is implementing the new native vegetation controls, staff are experiencing difficulties in working out the fine detail, especially the offset provisions.

10.0 THE EFFECTIVENESS OF THE ZONES AND SCHEDULES

Continuous Improvement Review Kit requirement:

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

10.1 Zone Selection

There is a total of 20 zones in the Greater Shepparton Planning Scheme as follows (* New Zones added since the last Review):

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

All of these zones have attached schedules (other than the Commercial 2 zone and the Road Zone) which vary in complexity from 'none specified' to more complex provisions.

A revised Ministerial Direction on Form and Content was released by the Minister in April 2017 and the suite of zone schedules will all need reviewing (and possible rewriting) in light of the new direction.

10.2 Zone Issues

The application of the zones and the detail of the schedules are as follows.

Residential Zones

The GSPS uses six residential zones.

- Low Density Residential Zone
- Mixed Use Zone
- Township Zone
- Residential Growth Zone
- General Residential Zone
- Neighbourhood Residential Zone

The following commentary arises from observations and consultations.

The Low Density Residential Zone (LDRZ) has been applied to areas in Shepparton, Mooroopna, Kialla and Tatura.

The schedule to the LDRZ was modified some years ago and the subdivision provisions include the potential for a reduction in the minimum lot size to 2000m² if the land were sewered. This schedule also the size of outbuildings to be specified.

Despite this potential, the schedule to the LDRZ still includes 'none specified'.

The Mixed Use Zone (MUZ) has been used in small pockets throughout the municipality (such as at Parkside Gardens) and the Vic-Track land around the Shepparton rail station.

The schedule to the MUZ includes 'none specified'.

The Township Zone (TZ) has been utilised in the smaller settlements and this is appropriate. If a town is sewered then it will have demarcated zones; otherwise it will have the TZ.

Murchison and Merrigum are now sewered and would benefit from a zoning review. In particular, given its growth potential and proximity to Melbourne (as well as its bushfire risks), Murchison warrants urgent review. Township framework plans are currently being reviewed (although not their zoning). Merrigum, Tatura and Murchison all need a detailed review regarding their future including residential and industrial land.

The schedule to the TZ includes 'none specified'.

The Residential Growth Zone (RGZ) has been applied to areas of 'substantial' change as identified by the Housing Strategy.

While there seems good reason to have the RGZ near the Shepparton rail station or in areas demanding of units, there are examples (for instance near the junction of

Corio and Granthorn) where all three new residential zones are next to one another and where the RGZ seems out of place.

The schedule to the RGZ has not been adjusted other than to say 'none specified'.

The General Residential Zone (GRZ) has been applied to areas of 'incremental' change as identified by the Housing Strategy. This is the 'default' residential zone and its application is generally considered appropriate.

The schedule to the GRZ has not been adjusted other than to say 'none specified'.

The Neighbourhood Residential Zone (NRZ) has been applied to areas identified as being of 'limited' change by the Housing Strategy and its application is also generally appropriate.

The schedule to the NRZ has not been adjusted other than to say 'none specified'.

Since the last review, the state has introduced the concept of a minimum size 'garden' area (VC110) and this has been an issue with developers as it reduces the amount of developable land.

In addition, the introduction of BMO mapping has had implications for the amount of land available for housing. The 'Housing Strategy' may need to be 'retro-fitted' to align with these changes.

Industrial Zones

The GSPS uses two industrial zones as follows:

- Industrial 1 Zone
- Industrial 3 Zone

The Industrial 1 and 3 zones have been applied, with most land covered by the Industrial 1 zone.

While consultations (Shepparton Real Estate) suggest that there needs to be more industrial land, this is not borne out by the data. The Industrial Land Review was completed and implemented by Amendment C162.

The demand in Shepparton is for very large (10ha) lots. Conversely, there is demand in Tatura for smaller light industrial areas and there are two investigation areas already identified in the MSS.

Commercial Zones

The GSPS uses two commercial zones as follows:

- Commercial 1 Zone
- Commercial 2 Zone

A Commercial Activity Centre Strategy has been adopted and implemented by Amendment C192 with a new retail hierarchy. The schedule to the Commercial 1 zone will change as a result of **Am C192**.

There has been significant change to C2Z as a result of various VC amendments. However, the change on Benalla Rd to ACZ instead of the C2Z has removed much of the pressure for change as a result of this zone.

Some of the entry points into the city (from south, north and east) are in the C2Z and these may need to be revisited with a view to an alternate zone (IN3Z) to remove the prospects for unwanted retailing. This review is not considered urgent.

Rural Zones

The GSPS uses two rural zones as follows:

- Rural Living Zone
- Farming Zone

The Rural Living Zone applies to extensive areas within the municipality (Tatura, Kialla etc)

The Farming Zone (FZ) roll out and schedules were introduced by the Rural Land Use Strategy are still considered appropriate.

The schedule to the Rural Living Zone needs to reword references to specify Mitchell Rd (not Central Kialla Road) and the land at Old Toolamba. The statewide RLZ has introduced 2ha as the default lot size and some stakeholders assume that this figure is now in the schedule whereas 8ha remains until locally changed. Evidently there is no plan to do a blanket change of the RLZ from 8ha to 2ha.

Public Land Zones

The GSPS uses four public land zones as follows:

- Public Use Zone
- Public Park and Recreation Zone
- Public Conservation and Resource Zone
- Road Zone

Public land zones have been appropriately applied to various sites within the municipality.

The PUZ schedule overlaps with DPO18 and there is scope to rationalise these and expand the PUZ schedule.

The PPRZ schedule needs to 'turn on' the advertising controls especially to control signage around public sports fields. The new sports stadium in Shepparton might be a candidate for this zone.

Special Purpose Zones

The GSPS uses four special purpose zones as follows:

- Special Use Zone
- Urban Floodway Zone
- Urban Growth Zone
- Activity Centre Zone

The Special Use Zone has been used extensively within the Greater Shepparton Planning Scheme with ten schedules to the zone.

Based on consultations with staff, a review of the extent of use of this zone might be required. For instance, one change could be the possible rationalization of Special Use Zones 1 and 2 into the one 'showgrounds' zone and schedule. The zone schedules all need review as permits are presently being required for numerous events that could be (or should be) 'as of right'. As was found in the last review, Council may be issuing unnecessary permits for numerous functions that should not require permit.

SUZ6 does not have a name (presumably GV Freight Logistics Centre) although this will be picked up in the 'anomalies' Amendment C197 in 2018. DELWP have already suggested a number of changes to this schedule.

SUZ7 needs an overhaul and rationalisation with DPO15. The schedule specifies (for instance) that the 'total number of stock items shall not exceed 2000' and provisions such as this suggest it is in urgent need of review.

SUZ8 applies to private schools and the intention was to exempt these institutions from small buildings. While **SUZ10** for Kialla also relates to a private school, it has an inbuilt concept plan which justifies its own schedule.

SUZ9 is new and affects Tatura Milk. **Am C197** (anomalies amendment) tidies up aspects of the schedule. Similarly, **SUZ11** is recent and addresses Unilever in Tatura.

The schedule to the Urban Floodway Zone includes 'none specified' and this is satisfactory.

The Activity Centre Zone (ACZ) has worked very well. New precincts have been modified by **Amendment C192** and staff consider that the schedule is very clear to understand. There is potential to extend the ACZ to more commercial areas in the city (including some C2Z areas). The exemptions from notice are working well. In terms of its application, the ACZ needs some minor review where the education precinct (Precinct 6 – STEP) could be extended.

10.3 Conclusions regarding the Zones and Schedules

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

- A review of commercial zones in light of the recent changes to the detail of the zone and its schedule (especially C2Z post **Am C142**).
- Review of PPRZ and PUZ land to resolve anomalies.
- That the SUZ schedules be modified to reflect the above changes.
- All schedules be modified to comply with the Ministerial Direction on Form and Content.

11.0 THE EFFECTIVENESS OF THE OVERLAYS AND SCHEDULES

Continuous Improvement Review Kit requirement:

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

11.1 Overlay Selection

There is a total of 16 overlays in the Greater Shepparton Planning Scheme as follows (with the number of schedules):

- Environmental Significance (5)
- Vegetation Protection (1)
- Heritage (1)
- Design and Development (6)
- Development Plan (22)
- Erosion Management (1)
- Salinity Management (1)
- Floodway (1)
- Land Subject to Inundation (1)
- Bushfire Management (1)
- Public Acquisition (1)
- Airport Environs
- Environmental Audit
- *Road Closure* *
- Development Contributions (3)
- Parking (1)

(* New Overlay added since the last Review)

All of these overlays (other than the Environmental Audit and Road Closure overlays) have at least one attached schedule which, like the zone schedules, also vary in complexity. A brief overview of the overlays and schedules is as follows.

11.2 Ministerial Direction (April 2017)

A revised Ministerial Direction on Form and Content was released by the Minister in April 2017. One of the most significant impacts of the Direction will be that the suite of overlays will need reviewing (and possible rewriting) in light of the new direction.

Specific comments regarding the Direction are included in the following overview.

11.3 Overlay Commentary

Environmental Significance Overlay

This overlay has been applied to the following areas.

- Schedule 1 Radio Australia site
- Schedule 2 Shepparton Wastewater Treatment Plant
- Schedule 3 Mooroopna Wastewater Treatment Plant
- Schedule 4 Tatura Wastewater Treatment Plant
- Schedule 5 Murchison Wastewater Treatment Plant

The previous review found that ESO1 needs considerable review as it has no exemptions and a referral to an agency not listed at Clause 66. There has been no change to this overlay since the last review. In addition, Broadcast Australia still does not appear in the schedule to Clause 66.06

However, the **ESO1** land is now under contract for sale. This will mean the site will be decommissioned and so the overlay can be removed. The ESO also extends to residential land and this should be removed as it requires a permit for a dwelling and other domestic applications in the underlying GRZ.

ESO2, 3, 4 and 5 all relate to buffer issues surrounding wastewater treatment plants. There is great potential to rationalise these into the one 'Treatment Plant' ESO.

Agencies are increasingly seeking planning scheme protection around the perimeter of their major infrastructure items (usually wastewater treatment plants). Agencies usually prefer to apply an ESO around the plant to a dimension to accord with EPA guidelines (or based on more specialised research).

Accordingly, Council should retain the ESO as the appropriate tool to manage buffer issues around these existing (and future) sensitive land uses adjoining public infrastructure assets. That said, there clearly the potential to rationalise these four schedules into the one schedule.

Staff advise that these overlays have worked well and they want to keep them (albeit rationalised). The sites are mapped according to a nominated buffer dimension although Goulburn Valley Water evidently have some updated mapping that needs to be absorbed.

The 'Ministerial Direction' specifies that there be only one objective for each schedule. ESO1 has five objectives and the others have at least two. At the very least, these schedules will need to be rewritten.

Recommendation:

- That the schedules be modified to comply with the Ministerial Direction on Form and Content.
- That ESO 1 be deleted.
- That ESO 2, 3, 4 and 5 be rationalised into one new overlay.

Vegetation Protection Overlay

This overlay (VPO2) addresses the Calder Woodburn Avenue of Honour which is already covered by the Heritage Overlay (HO22). The last review suggested that this overlay may be able to be removed as it is a duplication of the HO.

Staff suggest that, subject to consultation with the National Trust, this is essentially a heritage matter which means that the overlay could now be removed.

There is a Council advisory committee looking at this and there is considerable scope to rationalise the planning controls on this 20km strip including the zone (RDZ1), two overlays and **Am C197** (an anomalies amendment) which includes the Conservation Management Plan 2001 as an Incorporated Document in the scheme.

Recommendation:

- That VPO2 be deleted.

Heritage Overlay

The Heritage Overlay has one schedule which lists heritage places which vary from a building to a precinct to a bridge. The overlay was significantly updated by **Amendment C110** in October 2013. That amendment not only increased the number of protected places from 149 to 205, it also linked the schedule to the *Greater Shepparton Heritage Incorporated Plan* (May 2013).

Some mapping errors have emerged since this amendment and this was rectified as a correction amendment (**Am C143**) as part of a Section 20(4) request.

Proposed **Am C205** will extend the number of properties by about another 180 places arising from the 2017 Stage 2 Heritage Study. (**Am C204** is an application for interim controls until mid 2019.)

Recommendation:

- That the schedules be modified to comply with the Ministerial Direction on Form and Content.

Design and Development Overlay

This overlay has grown considerably in use since the last review and now has eight schedules as follows:

- Schedule 1 East Shepparton Industrial Area
- Schedule 2 Airport Environs
- Schedule 3 Shepparton Town Entry North Precinct
- Schedule 4 Shepparton Civic North Precinct
- Schedule 5 Lakeside Precinct
- Schedule 6 Shepparton South Village Precinct
- Schedule 7 Kialla Park Boulevard Precinct
- Schedule 8 Mooroopna Town Entry West Precinct
- Schedule 9 Shepparton North Commercial Gateway Precinct

Amendment C196 proposes extending and changing **DDO7**; and introducing **DDO9** to extend controls along the northern entrance to complement **DDO3**.

DDO1 tries to guide industrial development in the area but it is nearly all developed and it can now be removed. Council is committed to a review of this area and more tailored planning controls may emerge.

DDO2 should stay as it covers the airport.

DDO3 can be deleted as it will be replaced by the ACZ in **Am C192**.

DDO4 is now gone and can be deleted.

DDO5 is covered by the ACZ and can now be deleted.

DDO6 needs a total redraft in accordance with the new Ministerial Direction. All the diagrams should go and the images need to link back to the reference document.

DDO7 is to be retained and extended in accordance with **Am C196**.

DDO8 needs to be extended to the west.

DDO9 was recently approved and affects land in Shepparton North and was the subject of a favourable Panel report arising from **Amendment C196**.

There is also a need to investigate a DDO over the hospital site to be consistent with the recent GC49 in November 2017.

There is scope to rationalise all of the 'entry' DDOs and reduce the number of overlays (DDO 7, 8 and 9)

The Ministerial Direction specifies that there be a maximum of five objectives for each schedule. At the very least, these schedules will need to be rewritten to accord with the Direction.

Recommendation:

- That the DDO schedules be modified to comply with the Ministerial Direction on Form and Content.
- That DDO 1, 3, 4 and 5 be deleted.
- That DDO6 be redrafted.

Development Plan Overlay

This overlay has also grown considerably in use since the last review and now has twenty three schedules as follows:

- Schedule 1 (no name)
- Schedule 2 Tatura Golf Club
- Schedule 3 Shepparton South Growth Corridor
- Schedule 4 Shepparton North Growth Corridor
- Schedule 5 Freight Logistics Centre
- Schedule 6 Parkside Estate
- Schedule 7 Parkside Gardens
- Schedule 8 Malboro Drive
- Schedule 9 Shepparton South East Growth Corridor
- Schedule 10 Channel Road Development Plan - Feiglin
- Schedule 11 Kialla Lakes Extension Development Plan
- Schedule 12 Goulburn Hwy (Airport) Development Plan
- Schedule 13 Murchison – Tatura Road Development Plan
- Schedule 14 Mooroopna West Growth Corridor
- Schedule 15 Emerald Bank Development Plan
- Schedule 16 None
- Schedule 17 Shepparton Railway Development Plan
- Schedule 18 Development Plan – River Road and Wisely Road
- Schedule 19 Southdown Street
- Schedule 20 Verney North Growth Corridor - South
- Schedule 21 River Road Rural Living Precinct
- Schedule 22 Tatura North East
- Schedule 23 Verney North Growth Corridor - North

Staff consultations suggest that these DPOs typically work quite well especially where there is a need for agreements on servicing and infrastructure of new subdivisions. The DPOs generally are considered important as they lock developers into basic concepts and includes infrastructure provision agreement.

Specific comments and recommendations on the DPOs are as follows:

- **DPO1** can be reviewed and a more tailored site specific controls can be used including applying UGZ (eg Tatura North). The long term aim will be to remove DPO1.
- **DPO2** can now be removed as a permit has been issued.
- **DPO3** needs to stay on the land that is yet to be developed or as part of **Amendment C117** (South East PSP). DPO3 can be removed from the land that is already developed.
- **DPO4** will stay for time being until fully developed.
- **DPO5** is needed but new flood data (possibly Am C142) may have implications for the development plan (and the complementary SUZ). There is scope to rationalise the SUZ6 schedule and incorporate it into a modified DPO5.
- **DPO6** is developed and can be removed.
- **DPO7** has to be retained for the moment.
- **DPO8** is being developed and should be retained.
- **DPO9** has to be retained other than the Lifestyle estate area which can go.
- **DPO10** can go as it is now developed although it is considered that all of its 'left over' bits of this and other redundant DPOs could be bundled into a general reworded DPO1.
- **DPO11** is being developed and should stay.
- **DPO12** needs to stay
- **DPO13** needs to stay
- **DPO14** needs to stay although it can be retracted when developed. There will be a need to investigate the quantum of infrastructure required when the new flood data is available,
- **DPO15** needs to be rationalised with its SUZ7 schedule and also needs to be redrafted
- **DPO17** needs to stay but needs updating to align with the relevant 2017 Master Plan.
- **DPO18** was to facilitate a prohibited use and it is covered by a PUZ.
- **DPO19** needs to stay.
- **DPO20** needs to stay.
- **DPO21** is recent and needs to stay.
- **DPO22** needs to stay.
- **DPO23** needs to stay.

Recommendation:

- That all the schedules be modified to comply with the Ministerial Direction on Form and Content.
- That DPO 2, 6 and 10 be deleted.
- That parts of DPO3 and 9 be deleted from land that is already developed.
- Investigate rationalising SUZ6 and DPO5.
- Investigate rationalising SUZ7 and DPO15.

Erosion Management Overlay

This overlay surrounds Dookie township and has a schedule which states “none specified” meaning that buildings and works permits are triggered in all cases. There has been no change in this schedule since the last review which also found that not only does the schedule serve little useful purpose (as it requires a permit with no exemptions), the basis of the overlay and its mapping was unclear.

One advantage of the EMO according to staff is that it gives control over development on hill tops. While this might be the case, the more transparent overlay would be an SLO.

It is still unclear as to the basis and origins of this mapping.

Recommendation:

- That the EMO schedule be modified to remove redundant provisions.

Salinity Management Overlay

This overlay has been extensively applied across the municipality....

Unlike the EMO, this overlay now has a schedule which exempts a permit for works in accordance with an Incorporated Document. However, it does not exempt buildings.

The SMO applies to land near the Whroo, Murchison, Tatura and Dookie townships.

Staff suggest that this is a poor schedule with considerable scope to exempt out some permits. In particular, they suggest that a schedule is needed to exempt minor applications (such as car ports) in Dookie in the Township Zone.

Recommendation:

- That the SMO schedule be modified to remove redundant provisions.

Floodway Overlay and Land Subject to Inundation Overlay

As was found in the last review, these overlays each have a detailed schedule which was informed by work carried out by the Goulburn Broken Catchment Management Authority (GBCMA) including exemptions and cross reference to various Floodplain Management Plans (FMP).

In its submission to the Review, the GBCMA acknowledged that they need to review the FMPs. Among other things, there have been issues at VCAT with these overlays (see *Thomas v. Greater Shepparton City Council (P769/201)*; and *Director of Housing v. Greater Shepparton City Council (P3260/2005)*) especially the mapping issue with 'islands' of LSIO. The maps suggest that there is development potential on some land yet the access issues have caused VCAT to reject applications.

In the LSIO schedule there is a need for changes to the residential zones (other than TZ) and to remove town names. There is also a need in the same schedule to change the reference to refer to 'one dwelling on a lot' rather than a 'new dwelling'. Finally, there is a need for clarity around some exemptions such as spas, and domestic shed extensions for both the LSIO and FO.

As discussed in Section 4, a significant new amendment (**Amendment C147**) is proposed based on updated flood data to address flooding issues. This will likely include new schedules. There is also a joint Campaspe and Moira project underway with the GBCMA to rewrite schedules.

Recommendation:

- That the LSIO and FO schedules be modified in consultation with GBCMA to comply with the Ministerial Direction on Form and Content.

Public Acquisition Overlay

This overlay has one schedule with nineteen acquisition authorities identified including Council, VicRoads, Goulburn Valley Region Water Authority, Goulburn Murray Water etc

This schedule has evidently worked well and will be modified on an on-going basis to reflect the acquisition objectives of the authorities. In that context, quite a few of the schedules can now be deleted (ie PAO2, 3, 4, 5, 13, 15 and PAO16) as they have been acquired.

Recommendation:

- That the PAO schedule be modified to remove reference to PAO2, 3, 4, 5, 13, 15 and 16.

Development Contributions Overlay

This overlay has three schedules as follows:

- DCPO1 North Corridor
- DCPO2 South Corridor
- DCPO3 Mooroopna West

These are reasonably recent schedules that will form the basis of the future 'roll out' of this overlay. These are indexed annually.

DCPO1 and **DCPO2** expire on 26 November 2018 and **Am C203** has extended these incorporated documents to 2028. **DCPO3** will need to stay. All costings in the DCPs are out of date and are in the process of being reviewed (**Amendments C206 and C207**).

Recommendation:

- That the DCPO 1 and DCPO2 schedules be modified to extend their expiry date.

Environmental Audit Overlay

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

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

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

So far, the overlay has only been applied in the southern growth corridor and has found to be an expensive and 'over the top' impost on the developer. It has also been applied to some isolated sites and another as part of **Amendment C162**.

At the very least, all EPA registered sites need to be included in the EAO.

Recommendation:

- That the EAO and schedule be extended to all known EPA registered sites.

Bushfire Management Overlay

There is one schedule to the BMO (GC13 – October 2017) and **Am VC140** introduced new SPPF provisions which may have a bearing on the extent of township growth. There is also some potential to have some provisions capable of a 'VicSmart' application.

Airport Environs Overlay

This overlay adopts the state-wide standard AEO Schedule 2. The overlay identifies places affected by the operations of the Shepparton airfield. The overlay is essentially a 'use' control and it is complemented by DDOs so as to address buildings and works.

A recent Panel hearing (**Amendment C196**) identified some overlap between **AEO2** and **DDO7** and recommended that DDO7 be reworded.

The Council is the owner of the airport and it is administered by a Committee of management of Council. They are therefore both the owner and the determining authority.

Recommendation:

- That the DDO7 be reworded to remove reference to AEO2.

Parking Overlay

This overlay was introduced as part of Amendment C95 in 2013 and it identifies car parking rates to be provided for the use of land in the Shepparton Central Business District (CBD). Rates include 3 spaces per 100m² for a 'shop' and 4.5 spaces for a department store. A 'cash in lieu' financial contribution is set at \$4,500 per space which is increased annually on 1st July despite this figure being well below the market rate.

The extent of the overlay needs to be enlarged to include all the CBD area that is zoned CIZ (and proposed to be zoned ACZ in Amendment C92) up to Balaclava Road from Knight Street.

The overlay was developed prior to the recent state-wide changes in the parking provisions and these need to be reviewed in some cases, such as medical centres (at Clause 52.06).

Staff also want to ensure reliance on the 'Australian Standard' rather than the planning scheme for aisle widths and parking bays.

It is likely that the overlay will be further updated by the 'Movement and Place Strategy'.

Recommendation:

- That the schedules be modified to comply with the Ministerial Direction on Form and Content.
- That the PO schedule be modified to align with Clause 52.06.
- That the PO be extended to include all the CBD area zoned C1Z and ACZ.

11.4 Conclusions regarding the Overlays and Schedules

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

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

It is also evident that on the basis of further strategic work done by Council and others that further overlays and detailed schedules are likely to be required.

12.0 SPECIFIC PROVISIONS AND REFERRALS

Continuous Improvement Review Kit requirement:

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

12.1 Audit of Specific Provisions and Schedules

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

Clause		Schedule	Comment
52.01	Public Open Space Contribution and Subdivision	5% for Residential, Commercial, Activity Centre and Industrial Zones; and 3% for Rural Living, Low Density and Township Zones.	Originally inserted by Amendment C109 in June 2009 and modified by Am. C92 in December 2015
52.02	Easements, Restrictions and Reserves	None Specified	But Am C202 will modify and specify land in Kialla.
52.03	Specific Sites and Exclusions	Lake Mokoan Dhurringile Prison Extension GM Water Connections and Modernisation Project SPC Ardomna Modernisation Project Shepparton Law Courts Unilever, Tatura SAM Redevelopment Site* (*Since last review)	Possible sites to be added include: <ul style="list-style-type: none"> • Shepparton Sports and Events Centre • Munarra Regional Centre for Excellence
52.05	Advertising Signs	None Specified	
52.16	Native Vegetation Precinct Plan	None Specified	
52.17	Native Vegetation	Arcadia section of GV Hwy Congupna section of Shepparton by pass	
52.27	Licensed Premises	Business 1 Zone BYO Licence	Change of name is needed to the Commercial 1 Zone ACZ Precinct 1 could be added.
52.28	Gaming	Marketplace Shopping Plaza Safeway Shopping Plaza	
52.32	Wind Farms	Land within 5kms of urban area	
52.37	Dry Stone Walls	None Specified	

66.04	Referral requirements	ESO2 ESO3 ESO4 ESO5 DDO2 AEO	All need review
66.06	Notice requirements	None Specified	Needs review Check ACZ, DPOs and other overlays

While Council has taken the opportunity to include local content in many of these schedules, there still remains significant opportunity to use these schedules, including revision of existing information. Consultations noted that the schedule to Clauses 52.01 and 52.27 needed updating to refer to commercial zones (instead of Business zones).

In addition to these, the Schedule to Clause 61.03 identifies map references and this may need modification in the event that any consequential zoning and overlay changes are made. The Schedules to Clauses 66.04 and 66.06 include referral and notice requirements and these too will need modification and updating to reflect other recommendations arising from the review (such as ESO1).

12.2 Audit of Incorporated Documents

There are 15 local 'Incorporated Documents' listed in the Schedule to Clause 81.01 of the Planning Scheme as follows:

Dhurringile Prison Extension, Incorporated Document, December, 2013	GC4
Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire, August 2010	C138
Goulburn Murray Water Connections and Modernisation Project Incorporated Document, Moira and Greater Shepparton Planning Schemes, June 2012	C166
Goulburn-Murray Water Native Vegetation Code of Practice, February 2011	C161
Greater Shepparton Floodplain Development Plan – Precinct of Mosquito Depression, October 2006	C32
Greater Shepparton Floodplain Development Plan –Precinct of Broken River, October 2006	C32
Greater Shepparton Floodplain Development Plan –Precinct of Broken Creek, October 2006	C32
Greater Shepparton Floodplain Development Plan –Precinct of Goulburn River, October 2006	C32
Greater Shepparton Floodplain Development Plan –Precinct of Honeysuckle and Seven Creeks, October 2006	C32
Greater Shepparton Floodplain Development Plan –Precinct of Lower Goulburn, October 2006	C32
Greater Shepparton Heritage Incorporated Plan, May 2013	C110
Greater Shepparton Planning Scheme Tatura Milk Industries Master Plan	C151

2012	
Lake Mokoan Decommissioning Project Planning Scheme Incorporated Document	C113
Mooroopna West Growth Corridor Development Contribution Plan, July 2013	C167
SAM Redevelopment Project, June 2017	C201
Shepparton North and South Growth Corridors, Development Contribution Plans – December 2002 (updated October 2003)	C11
Shepparton Law Courts Redevelopment Project Incorporated Document, March 2015	C176
SPC Modernisation Project Incorporated Document, September 2014	C174
Unilever Tatura Master Plan 2014	C176

12.3 Conclusions regarding Specific Provisions, Referrals and Incorporated Documents

It is apparent from consultation that all schedules to the Specific Provisions, Referrals and Incorporated Documents need to be reviewed to ascertain whether they are achieving their intended purpose, or whether they are still relevant.

In particular, the Schedules to Clauses 66.04 and 66.06 may need modification and updating to reflect other recommendations arising from the review and to reflect the changes introduced by the amendments to the Planning and Environment Act which introduced the concepts of a determining and recommending referral authority.

12.4 VicSmart

To date there have been very few applications received under 'VicSmart' and there are no local schedules in the GSPS.

Staff have identified minor areas of concern with VicSmart warranting DELWP attention relating to setbacks and decision guidelines for industrial applications.

13.0 FURTHER STRATEGIC WORK PROGRAM

Continuous Improvement Review Kit requirement:

Document the strategic work that has been completed or carried out since the approval of the scheme and any additional work required to strengthen the strategic direction of the planning scheme.

Council is already committed to undertaking a range of strategic projects within the next review period. Some of these projects are listed below.

13.3 Existing MSS Work Program

The existing MSS has an extensive program for further strategic work listed at Clauses 21.04 to 21.07 (inclusive). The status of this work is contained in the table attached.

MSS Further Work Program	Status/Comment
<p>Settlement (21.04)</p> <p>Monitor housing trends.</p> <p>Monitor 'supply triggers' for development based on land take-up rates that indicate when the identification and planning of new land should commence.</p> <p>Investigate variations to Clauses 54 and 55 of the Planning Scheme to reflect Housing Change Areas.</p> <p>Investigate opportunities for the continued improvement of the residential development assessment process.</p> <p>Investigate different zone options for implementation in growth areas.</p> <p>Further assess the Rafferty Road Corridor for potential for more intensive rural living or low density residential development and zoning.</p> <p>Develop policy guidelines to restrict inappropriate development within and immediately surrounding areas which are liable to flooding.</p> <p>Develop and integrate into the planning process a connectivity assessment tool such as a Connectivity Index to require a minimum level of connectivity in all residential neighbourhoods.</p> <p>Identify opportunities for (re)development at increased densities to create a diversity of housing options.</p> <p>Identify development opportunities for special housing types such as aged care in appropriate locations.</p>	<p>Done as part of other exercises with idConsulting.</p> <p>Done as part of other exercises with idConsulting.</p> <p>Overtaken by the introduction of the new residential zones and schedules. (C93)</p> <p>N/A</p> <p>Done as part of PSP process especially with the use of the UGZ.</p> <p>Being done as part of Investigation Area 2</p> <p>Amendment C147</p> <p>Not done but still required and is consumed as part of PSP planning.</p> <p>Done as part of ACZ (Am. C92)</p> <p>Not done but still required.</p>

MSS Further Work Program	Status/Comment
Review the Recreation and Open Space Strategy to identify open space requirements and develop strategies for creating an open space network. This should include design guidelines to ensure open space is attractive, accessible and safe.	Not done but still required although the Landscape Guidelines provide advice on specie type.
Prepare Development Contributions Plans incorporating community infrastructure in growth corridors.	Done as part of PSPs.
Prepare a land use strategy for Tatura.	Not done but still required and should be incorporated with Merrigum and Murchison as they are all sewered.
	On going
Prepare Structure Plans for the residential corridors for Shepparton/Mooroopna, and proposed development areas at Tatura.	Required as part of open space strategy
Devise landscaping themes throughout the municipality to create a unified identity whilst retaining individual township character.	Done as part of Amendment C196
Review the Shepparton Urban Design Framework to prepare urban design guidelines and directions for other areas that are not included in the "Urban Design Framework – Shepparton North and South Business Areas".	Done as part of PSP work
Prepare design guidelines for residential development.	Partly addressed by MAPS
Develop a tool for ensuring adequate connectivity within and between residential developments.	Amendment C147
Develop a policy that restricts inappropriate development within and surrounding areas which are liable to flooding.	Being done
Prepare a Precinct Structure Plan and, where relevant, a Development Contributions Plan to facilitate development in areas within the Urban Growth Zone.	
Environment (21.05)	
Prepare an Environmental Strategy incorporating Local Biodiversity Action Plans.	Environment Strategy adopted in 2014 and Amendment C197 absorbed relevant components into the MSS.
	Done by state as a result of VC140.
Apply the Wildfire Management Overlay after consultation with the CFA.	Not done but still relevant.
Undertake floodplain management studies for the smaller rural townships and villages.	Not done but still relevant.
Prepare an integrated effluent disposal strategy in conjunction with relevant agencies.	Not done but still relevant.
Prepare a Municipal Domestic Wastewater Management Strategy.	Completed and MSS updated by C197.
Update the Economic Development strategy.	
Prepare cultural heritage design guidelines for development applications involving places identified as being of cultural heritage significance.	Amendment C205
Identify and assess cultural heritage places in rural areas, in particular settlement associated with Closer Settlement and Soldier Settlement.	Amendment C205

MSS Further Work Program	Status/Comment
Identify and assess cultural heritage places in Mooroopna and Murchison.	On-going
Translate the precinct classification from the <i>City of Greater Shepparton Heritage Study Stage II</i> to accord with the recommendations of the 2007 Steering Committee for the <i>Greater Shepparton Heritage Study II</i> .	Still to be done
Re-format all heritage Statements of Significance to accord with current practices.	Not done
Review the RRLUS recommendation in relation to the protection of land with high conservation values to the south and west of Murchison and in the Dookie Hills area to determine the best Zone or Overlay to achieve the conservation outcomes.	Adopted by Council
Economic Development (21.06)	
Update the Economic Development Strategy, incorporating a review of the Tourism Strategy; and trends in the agribusiness sector.	Amendment C162
Update and review as appropriate, the Greater Shepparton Industrial Development Guidelines 1998.	Being done on a five year rolling review.
Undertake regular monitoring of industrial land supply and demand to maintain a 15 year supply.	Amendment C162
Work with existing industrial land stakeholders to facilitate improvements to existing industrial areas and developments and to consider strategic issues.	Amendment C197
Prepare urban design guidelines for development and signage of visitor services, particularly future highway service precincts at the access points to the Goulburn Valley Highway Shepparton Bypass.	Amendment C197
Prepare a series of broad urban structure plans to guide future development of the municipality's urban areas with a focus on improved road connectivity and reduced interface issues between potentially conflicting land uses.	PSPs
Investigate the possibility of establishing a resource recovery precinct or precincts.	Completed
Investigate the rezoning of the Unilever site in Tatura to a Special Use Zone subject to the satisfactory completion of a site Master Plan.	Completed C171
Investigate application of noise attenuation controls surrounding industrial sites in Tatura.	Done as part of TMI and Unilever sites (Amendments C151 and C171).
Undertake a Rural Living review.	Review as required.
Infrastructure (21.07)	
Develop a statutory plan for the Shepparton Alternate Route.	VicRoads received funding to undertake works.
Develop a parking precinct plan for the CBD to establish a set of appropriate rates for the future provision of parking in the CBD, including cash-in-lieu contributions as part of major developments where there is an identified need.	MAPS
Prepare a strategy for future use of remnant parcels of land created by the construction of the Goulburn	To be done subject to funding

MSS Further Work Program	Status/Comment
<p>Valley Highway-Shepparton Bypass.</p> <p>Undertake a traffic study investigating the options for the development of a north-south arterial road network to comprise Archer Street, Lockwood Road, Andrew Fairly Avenue, Hawdon Street and Verney Road to complement the current north-south arterial road network.</p> <p>Provide for the future expansions of the Cosgrove landfill site by identifying a Public Acquisition Overlay.</p> <p>Provide for a Murchison waste transfer station site north of Murchison by identifying a Public Acquisition Overlay.</p> <p>Prepare stormwater management plans all major subdivisions and building construction sites of greater than 1,000 sqm.</p> <p>Develop a Transport Strategy for the Shepparton CBD to allow safe and efficient movement for all users, including pedestrians.</p> <p>Investigate the feasibility of, and the site and location requirements for, a relocated regional airfield.</p> <p>Undertake a feasibility analysis of a rail link to the GV Link freight logistics centre at Mooroopna.</p> <p>Investigation of a rail bypass around the Shepparton town centre, along a similar route to the Goulburn Valley Highway-Shepparton Bypass.</p> <p>Support and encourage the investigation of a fast train link.</p> <p>Facilitate the extension of natural gas to remote townships, through continued liaison with power servicing authorities.</p> <p>Ensure new developments cater for telecommunications infrastructure.</p>	<p>No longer required as an alternative route has been devised (see above).</p> <p>Still required.</p> <p>Need to investigate</p> <p>Done as a matter of course</p> <p>MAPS</p> <p>Completed</p> <p>Still required</p> <p>Long term project and dependent on demands and upgrades elsewhere</p> <p>Underway</p> <p>Not done</p> <p>Done as a matter of course</p>

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

Council must be careful not to over commit in its proposed strategic work plan. Prioritisation and scheduling of tasks is considered essential to ensure that issues are addressed in a comprehensive and co-ordinated manner. The sequencing of work and corresponding implementation of the work through Amendment preparation is of critical importance.

13.2 Conclusions regarding Further Strategic Work Program.

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

Amendment Implementation

- Completion and Implementation of Amendment C117, 118, 147, 204, 205, 206 and 207.

Need to Complete

- Movement and Place Strategy
- Flooding Investigations
- Investigation Areas subject to third party funding.

Need to Commission

- Significant municipal-wide amendment inclusive of PPF translation in accordance with VC148 and compliance of all schedules with new Ministerial Direction in consultation with DELWP.
- Shepparton North Activity Centre (SNAC) Structure Plan as an outcome of Amendment C192 and C193.

14.0 CONCLUSIONS AND RECOMMENDATIONS

14.1 Review Report Conclusions

The content of the GSPS, especially its MSS, has been kept quite 'fresh' over the last 15 years by virtue of a rolling program of review and amendment implementation.

The content of the Municipal Strategic Statement (MSS) in the GSPS has been continually updated since its major 'refresh' in 2008 as part of **Amendment C69**. Significant amendments in the last 10 years (Regional Rural Land Use Strategy, Housing Strategy, Investigations Areas Review, Commercial Strategy etc) have considerably improved the strategic direction in the scheme.

Perversely, this amount of important strategic change has overwhelmed the structure of the MSS which was last redone in 2009 arising from **Amendment C108**.

The MSS now reads as long, cumbersome and cluttered.

While structured in accordance with 'best practice' at the time, the existing MSS has grown so much that pages and pages of objectives and strategies now need to be rationalised. The MSS also contains far too much 'further strategic work', some of which is unachievable, and some of which is now irrelevant.

Accordingly, the MSS structure is now outdated and urgently needs rewriting.

Importantly, the Department of Environment, Land, Water and Planning (DELWP) is currently trialling a new model based on the integration of the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) into a consolidated and rationalised Planning Policy Framework (PPF). The 'PPF' forms part of **Amendment VC148** which was gazetted by the Minister in late July 2018 and which will require every Council to translate its LPPF into the PPF within the next 18/24 months.

Given the 'freshness' of the strategic content in the GSPS and the introduction of the PPF, the major outcome of this Planning Scheme Review will be to completely restructure the 'front end' of the Planning Scheme so as to make it compliant with the new PPF using the recommendations arising from this Review.

The Planning Scheme Review process has also identified that the Zoning and Overlay regime in the Greater Shepparton Planning Scheme needs to be reviewed especially in terms of its selection and its cluttered schedules, many of which do not conform with the latest *Ministerial Direction on the Form and Content of Planning Schemes* (updated in July 2018).

It would be prudent to combine the PPF re-write and the zone/overlay re-write into the one significant amendment so as to comply with Amendment VCI48 during 2019.

14.2 Review Report Recommendations

Based on the analysis and the feedback during the consultation processes, the following recommendations are made.

Review Report

- That Council adopt this report as the Greater Shepparton Planning Scheme Review required pursuant to section 12B (1) of the *Planning and Environment Act*.
- That Council forward the report to the Minister for Planning as required by section 12B (5) of the *Planning & Environment Act 1987*.

Policy Framework

- That Council translate the existing LPPF into the new PPF model, as required by DELWP.

Zones

- That all schedules be modified to comply with the *Ministerial Direction on Form and Content*.
- That Council review PPRZ and PUZ land to resolve anomalies.
- That the SUZ schedules be rationalised and modified to reflect the changes identified in the report including merging Schedules 1 and 2; naming Schedule 6; and possibly aligning SUZ7 and DPO15.

Overlays

- That all schedules be modified to comply with the Ministerial Direction on Form and Content.
- That ESO1 be deleted.
- That ESO 2, 3, 4 and 5 be rationalised into one new overlay.
- That VPO2 be deleted.
- That DDO 1, 3, 4 and 5 be deleted.
- That DDO6 be redrafted.
- That DPO 2, 6 and 10 be deleted.
- That parts of DPO3 and 9 be deleted from land that is already developed.
- Investigate rationalising SUZ6 and DPO5.
- Investigate rationalising SUZ7 and DPO15.
- That the EMO schedule be modified to remove redundant provisions.
- That the SMO schedule be modified to remove redundant provisions.
- That the LSIO and FO schedules be modified in consultation with GBCMA to comply with the Ministerial Direction on Form and Content.

- That the PAO schedule be modified to remove PAO2, 3, 4, 5, 13, 15 and 16.
- That the DCPO 1 and DCPO2 schedules be modified to extend the expiry date.
- That the EAO and schedule be extended to all known EPA registered sites.
- That DDO7 be reworded to remove reference to AEO2.
- That the PO schedule be modified to align with Clause 52.06.
- That the PO be extended to include all the CBD area zoned C1Z and ACZ.

Strategic Work Program

Amendment Implementation

- Completion and Implementation of Amendments C117, 118, 147, 204, 205, 206, 207.

Need to Complete

- Movement and Place Strategy
- Flooding Investigations
- Investigation Areas subject to third party funding.

Need to Commission

- Significant municipal-wide amendment inclusive of PPF translation in accordance with VCI48 and compliance of all schedules with new Ministerial Direction in consultation with DELWP.
- Shepparton North Activity Centre (SNAC) Structure Plan as an outcome of Amendment C192 and C193.

APPENDIX I: AMENDMENT VCI42

- Makes 'Art gallery' and 'Museum' Section 1 (permit not required) land uses in Clauses 32.04 (Mixed Use Zone) and 34.02 (Commercial 2 Zone).
- Makes 'Art and craft centre' a Section 1 (permit not required) land use in Clauses 34.01 (Commercial 1 Zone) and 34.02 (Commercial 2 Zone).
- Makes 'Warehouse' (other than Mail centre, Fuel depot or Shipping container storage) a Section 1 (permit not required) land use in Clause 33.03 (Industrial 3 Zone) with conditions.
- Introduces a permit requirement for a 'Dependent person's unit' in Clauses 44.03 (Floodway Overlay), 44.04 (Land Subject to Inundation Overlay) and 44.05 (Special Building Overlay).
- Revises Clause 43.01 (Heritage Overlay) to provide further exemptions from a planning permit.
- Revises Clause 52.06 (Car parking) to remove the requirement to provide car parking to the satisfaction of the responsible authority for a temporary portable land sales office use.
- Removes permit requirements related to the loading and unloading of vehicles by deleting Clauses 52.07 (Loading and unloading of vehicles), 93.11 (Loading and unloading facilities) and 92.05 (Table 3 Classes of application under particular provisions – loading and unloading of vehicles).
- Renames Clause 52.11 from 'Home Occupation' to 'Home Based Business' and revises the clause to increase the number of allowable people who do not live in the dwelling to work in the home based business; increase the floor area used to store goods or materials; change the measurement of floor area from gross floor area to net floor area.
- Replace the land use term 'Home occupation' with 'Home based business'.
- Expands the permit exemptions in Clause 62 (Uses, buildings, works, subdivisions and demolition not requiring a permit).
- Introduces new permit exemptions in Clause 62 (Uses, buildings, works, subdivisions and demolition not requiring a permit).
- Revises the definitions for 'Research and development centre', 'Adult sex bookshop' (replaced with 'Adult sex product shop'), 'Home occupation' (replaced with 'Home based business'), 'Pleasure boat facility' (replaced with 'Recreational boat facility'), 'Pleasure park' (replaced with 'Amusement park'), 'Warehouse'.
- Deletes the definitions of 'Business college' and 'Cabaret', 'Community market' and 'Trash and treasure market'.

APPENDIX 2: VPP PRACTICE NOTES

PPN01: Applying the Heritage Overlay (2018)

Guidance about the use of the Heritage Overlay.

PPN02: Public Land Zones (2018)

Guidance about the appropriate use of the public land zones.

PPN03: Applying the Special Use Zone (2017)

Advice about the appropriate use of the Special Use Zone.

PPN04: Writing a Municipal Strategic Statement (2015)

Clarifies the role of a Municipal Strategic Statement (MSS), provides guidance on the preferred format of the MSS and on how an MSS should be written.

PPN08: Writing a Local Planning Policy (2015)

Provides guidance on the role of Local Planning Policy in planning schemes, the need for a Local Planning Policy and how one should be written.

PPN11: Applying for a planning permit under the flood provisions (2015)

Provides guidance on applying for a planning permit where flooding is a consideration and explains how an application will be assessed.

PPN12: Applying the flood provisions in planning schemes (2015)

Provides guidance on applying the flood provisions in planning schemes, including preparing policy, identifying land affected by flooding, preparing a local floodplain development plan, and the application and operation of the flood provisions, including the preparation of schedules.

PPN13: Incorporated and reference documents (2015)

Explains the role of external documents in planning schemes, the difference between incorporated and reference documents and when a document should be incorporated or be a reference document.

PPN15: Assessing an application for One or More Dwellings in a Residential Zone (2018)

Provides guidance to responsible authorities assessing a planning application for one or more dwellings on a lot and for residential buildings.

PPN16: Making a Planning Application for One or More Dwellings in a Residential Zone (2018)

Helps applicants make a planning permit application for one or more dwellings or a residential building. Provides advice on the things to look for in the planning scheme that may affect your application, the operation of the residential development provisions and information that needs to be provided with the application.

PPN17: Urban Design Frameworks (2015)

A guide to the preparing and using Urban Design Frameworks. The frameworks are strategic planning tools that set out an integrated design vision for the desired future development of urban places, and provide direction for interventions that shape open space, buildings and landscape.

PPN18: Planning Considerations for Horticultural Structures (2017)

Provides guidance for: the consideration of horticultural structures under planning schemes; how and when policy can be used to improve design outcomes; key considerations to help assessment of development applications; applicant guidance to help develop site-responsive design; and guidance on appropriate planning permit conditions.

PPN22: Using the Car Parking Provisions (2015)

Provides guidance on the use of the car parking provisions in Clause 52.06 and the Parking Overlay. It explains how the car parking requirements are calculated and what information is required to be submitted with an application with car parking.

PPN23: Applying the Incorporated Plan and Development Plan Overlays (2015)

Explains the functions of the Incorporated Plan Overlay (IPO) and Development Plan Overlay (DPO) – the preferred tools for supporting plans – and provides advice about when these tools should be used and guidance on how to use them to achieve site planning requirements.

PPN24: Shipping Container Storage (2015)

Provides guidance to councils, applicants and the community about the consideration of shipping container storage under planning schemes.

PPN27: Understanding the Residential Development Provisions (2015)

Provides guidance to ensure a common interpretation and consistent application of the residential development standards in Clauses 54 and 55 of all planning schemes.

PPN31: Preparing a Green Wedge Management Plan (2015)

Guides preparation of Green Wedge Management Plans and sets out general requirements that should be met. Covers the policy context and basis for the plans, their content and status. Plans need to recognise land management conditions and circumstances, including the area involved, level of information and resources available, range of land uses, condition of the natural resource base and the needs of the local community.

PPN32: Review of Planning Schemes (2015)

Section 12B of the Planning and Environment Act 1987 requires a planning authority to regularly review the provisions of the planning scheme. This planning practice note explains what a planning scheme review is and suggests a process for conducting and reporting the review.

PPN37: Rural Residential Development (2015)

Provides guidance when planning for, or assessing proposals for, rural residential use and development.

PPN42: Applying the Rural Zones (2015)

Provides guidance to planning authorities on the strategic work required to apply the Farming Zone, Rural Activity Zone, Rural Conservation Zone, Green Wedge Zone, Green Wedge A Zone and Rural Living Zone; and the purposes and features of each zone and where they may be applied, to ensure the most appropriate use of the zones to achieve the planning authority's rural strategic planning objectives.

PPN43: Understanding Neighbourhood Character (2018)

Explains for applicants, the community and responsible authorities what is meant by neighbourhood character. Provides guidance on preparing or assessing a proposed residential development so that it meets the neighbourhood character requirements of the residential development provisions in planning schemes.

PPN45: Aboriginal Heritage Act 2006 and the Planning Permit Process (2015)

Describes the key provisions of the Aboriginal Heritage Act 2006 and how it interacts with the planning permit process. It covers: the requirement for, and preparation of, Cultural Heritage Management Plans (CHMPs); the role of Registered Aboriginal Parties and the role of local government; the effect of CHMPs on planning permit applications; enforcing CHMPs; and where to get further information.

PPN46: Strategic Assessment Guidelines (2017)

Minister's Direction No. 11 Strategic Assessment of Amendments requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations. This planning practice note explains what should be considered as part of the direction.

PPN47: Urban Growth Zone (2015)

Explains the purpose and provisions of the Urban Growth Zone (UGZ) and the role of precinct structure plans in the UGZ.

PPN54: Managing Referrals and Notice Requirements (2015)

Provides guidance to responsible authorities and referral authorities on the use of permit application referral and notice provisions in planning schemes, and reviewing existing - or proposing new - permit application referral and notice provisions.

PPN55: Planning in open drinking water catchments (2018)

Informs a responsible authority, water corporation and land owner about how open drinking water catchments are protected through guidelines, codes of practice, legislation, subordinate legislation (planning schemes) and model permit conditions.

PPN56: Activity Centre Zone (2015)

Explains the function of the Activity Centre Zone (ACZ), provides guidance on how to apply the AcCZ and assists councils in tailoring the schedule to the ACZ to accord with their centre's adopted structure plan.

PPN58: Structure Planning for Activity Centres (2015)

Provides guidance to councils on the activity centre structure planning process. Covers the reasons for structure planning in activity centres, the policy context, and possible inputs and outputs of the process. While this advice is designed specifically for principal and major activity centres, the structure planning process can be tailored to all types of centres.

PPN59: The Role of Mandatory Provisions in Planning Schemes (2015)

Planning schemes are predominantly performance based, specify the objective that needs to be achieved and provide a degree of freedom on how it is achieved. Nevertheless, there will be circumstances where a mandatory provision will provide certainty and ensure a preferable and efficient outcome. This planning practice note sets out criteria that can be used to decide whether mandatory provisions may be appropriate.

PPN60: Height and Setback Controls for Activity Centres (2015)

Provides guidance on the preferred approach to the application of height and setback controls for activity centres.

PPN61: Licensed premises: assessing cumulative impact (2015)

Explains cumulative impact in relation to licensed premises in the planning system. Provides guidelines that assist a permit applicant when considering and responding to the potential cumulative impact of their proposal, and support a council when assessing the cumulative impact of licensed premises as part of a planning permit application. Also provides guidance on preparing and assessing an application under Clause 52.27 of the planning scheme.

PPN62: Green Wedge Planning Provisions (2015)

Provides information and advice about Part 3AA of the Planning and Environment Act 1987, Core Planning Provisions for Metropolitan Green Wedge Land, and the application of zones to green wedge land in the context of the reformed rural zones September 2013.

PPN63: Applying for a Planning Permit to Farm Chickens (2015)

Provides advice on the preparation and assessment of a planning permit application for a broiler farm, to upgrade an existing broiler farm, the addition of an outdoor range area to an existing broiler farm, or for a free-range chicken meat farm (defined as Intensive animal husbandry). It does not apply to poultry for egg production, poultry hatcheries or the raising of pullets and broiler breeders, or to non-broiler poultry species such as quail, duck, turkey and geese.

PPN64: Local planning for bushfire protection (2015)

This planning practice note provides guidance on local planning for bushfire protection, assists councils to tailor the Local Planning Policy Framework in response to bushfire matters where necessary, and provides guidance on how to prepare schedules to the Bushfire Management Overlay.

PPN70: Open space strategies (2015)

An Open Space Strategy (OSS) is a strategic approach for planning the current and future uses of open space within a municipality. This planning practice note provides guidance to councils on preparing an OSS, including reasons to prepare an OSS, and the possible inputs and outputs of the process.

PPN74: Availability of planning documents (2016)

Provides guidance on making planning documents available under the Planning and Environment Act 1987 (PE Act). Public access to these documents promotes a transparent and accountable planning system that encourages informed public participation. At the same time, the requirements of the PE Act must be balanced with rights that are protected by other legislation such as the Privacy and Data Protection Act 2014, Freedom of Information Act 1982 and the Copyright Act 1968.

PPN77: Pre-setting panel hearing dates (2015)

Provides guidance on how to pre-set a date for a directions hearing and a panel hearing in accordance with Ministerial Direction No.15 – The Planning Scheme Amendment Process.

PPN78: Applying the Residential Zones (2015)

Provided information and guidance about the purposes and features of Victoria's residential zones, how to apply the residential zones and the schedules to the residential zones. This practice note was removed after the introduction of revised residential zones on 27 March 2017 by Amendment VC110. A new practice note will be prepared to explain the operation of the new residential zones.

PPN81: Live music and entertainment noise (2016)

Provides guidance on the operation of Clause 52.43 - Live Music and Entertainment Noise.

PPN82: Applying the Metropolitan Planning Levy (2016)

Explains how the Metropolitan Planning Levy works, provides guidance on what is a leviable planning permit, and assists applicants and councils in calculating estimated development costs and the levy amount.

PPN83: Assessing external noise impacts for apartments (2017)

This practice note provides guidance about the operation of Clause 55.07-6 (Noise impacts) and Clause 58.04-3 (Noise impacts) for apartment developments.

APPENDIX 3: STATE AMENDMENTS SINCE LAST REVIEW

VC114	19 SEP 2014	<p>The amendment changes the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes by :</p> <ul style="list-style-type: none"> ▪ Introducing a new Clause 90 to create a new section in the VPP for the VicSmart planning assessment provisions. ▪ Introducing a new Clause 91 which sets out the planning assessment process for VicSmart applications. ▪ Introducing a new Clause 92 which sets out the classes of application that are a State VicSmart application and the relevant provision of Clause 93 that contains the information requirements and decision guidelines that apply to each class of State VicSmart application. ▪ Introducing a new Clause 93 which sets out the information requirements and decision guidelines for each class of State VicSmart application. ▪ Introducing a new Clause 94 to provide the ability to specify classes of local VicSmart applications and the relevant clause or schedule that contains the information requirements and decision guidelines that apply to each class. ▪ Introducing a new Clause 95 which sets out the information requirements and decision guidelines for each class of local VicSmart application. ▪ Amending the Schedules to Clause 61.01 to specify the Chief Executive Officer of the council as the responsible authority for deciding a VicSmart application in the planning scheme. For the French Island and Sandstone Island Planning Scheme, Port of Melbourne Planning Scheme and Alpine Resorts Planning Scheme specify the Minister for Planning as the responsible authority for deciding a VicSmart application in the planning scheme. ▪ Making consequential changes to the VPP User Guide to recognise the new VicSmart provisions and to turn off consideration of Clause 65 decision guidelines for a VicSmart application. <p>The amendment changes the Ballarat Planning scheme by:</p> <ul style="list-style-type: none"> ▪ Introducing a schedule to Clause 94 to create local VicSmart classes of application for buildings and works and subdivision affected by Clause 42.02-2 Design and Development Overlay Schedules 1 and 3-16 (inclusive). ▪ Introducing a schedule to Clause 95 to create information requirements and decision guidelines for the local VicSmart classes of application. <p>The amendment changes the Greater Geelong Planning scheme by:</p> <ul style="list-style-type: none"> ▪ Introducing a schedule to Clause 94 to create additional local VicSmart classes of application for the following applications under the Activity Centre Zone: <ul style="list-style-type: none"> · Boundary realignment · Subdivision of an existing building or car space · Subdivision of land into two lots · Buildings and works up to \$250,000 · Advertising signs · Reducing car parking spaces · Licensed premises. ▪ Introducing a schedule to Clause 95 to create information requirements and decision guidelines for the local VicSmart classes of application: <ul style="list-style-type: none"> · Buildings and works up to \$250,000 · Licensed premises. ▪ The State information requirements and decision guidelines set out in Clause 93 are used for the other local VicSmart classes of application.
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VC123	13 NOV 2014	The amendment changes the <i>Victoria Planning Provisions</i> and most planning schemes in Victoria by amending Clause 34.02 – Commercial 2 Zone to make small scale supermarkets (up to 1800 square metres) adjoining, or with access to, a Road Zone not requiring a planning permit in the City of Greater Geelong (consistent with the treatment of supermarkets in this zone in metropolitan Melbourne). Supermarkets greater than 1800 square metres will require a planning permit in the City of Greater Geelong (consistent with metropolitan Melbourne). Other non-metropolitan planning schemes supermarkets larger than 1800 square metres are prohibited in the C2Z.
VC124	2 APR 2015	The amendment changes the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes by: <ul style="list-style-type: none"> ▪ Amending Clause 19.01-1 'Provision of Renewable Energy' to reference the updated Policy and planning guidelines for development of wind energy facilities in Victoria (Guidelines). ▪ Amending Clauses 42.01 'Environmental Significance Overlay', 42.02 'Vegetation Protection Overlay', 42.03 'Significant Landscape Overlay', 44.01 'Erosion Management Overlay', 44.02 'Salinity Management Overlay', 52.16 'Native Vegetation Precinct Plan' and 52.17 'Native Vegetation' to introduce an exemption from requirements to obtain a permit to remove, destroy or lop vegetation and to update references to the name of a government department. The permit exemption applies to vegetation removed, destroyed or lopped on Crown land and by a person acting under and in accordance with an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010. ▪ Amending Clause 52.32 'Wind Energy Facility' to <ul style="list-style-type: none"> · reduce the allowable distance of a turbine to a dwelling from two kilometres to one kilometre (consent is required from the owner of a dwelling to locate a turbine closer than one kilometre to the dwelling) · clarify the application of the one kilometre rule to applications for minor amendments to existing permits · reference the updated Guidelines. ▪ Amending Clause 61.01-1 'Minister is the Responsible Authority' to make 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.
VC119	30 APR 2015	The Amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes by: <ul style="list-style-type: none"> ▪ amending Clause 52.38 (2009 Bushfire recovery) to extend the timeframe for continued use of a building for temporary accommodation without a planning permit to 30 September 2018; ▪ amending Clause 52.39 (2009 Bushfire – Replacement buildings) to extend the timeframe for submitting a site plan to the responsible authority for rebuilding a dwelling, dependent person's unit or building used for agriculture to 30 September 2017.
VC125	11 JUN 2015	The amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes by amending: <ul style="list-style-type: none"> ▪ Amending Clause 19.01-1 'Provision of Renewable Energy' to reference the updated Policy and planning guidelines for development of wind energy facilities in Victoria (Guidelines). ▪ Amending Clause 52.32 'Wind energy facility' to reference the updated Guidelines and update the application requirements to address the electricity transmission or distribution system. ▪ Amending Clause 74 'Land Use Terms' to change the definition of Wind energy facility to include the use of the transmission or distribution system of power lines to connect the wind energy facility to the electricity network.
VC128	8 OCT 2015	The Amendment changes the <i>Victoria Planning Provisions</i> and all

		<p>planning schemes by:</p> <ul style="list-style-type: none"> ▪ Amending Clause 18.04-1 (Melbourne Airport) and Clause 18.04-2 (Planning for airports) to include the National Airports Safeguarding Framework (NASF) as a policy guideline. ▪ Amending Clause 18.04-1 (Melbourne Airport) to update the policy guidelines by replacing Melbourne Airport Master Plan (Australia Pacific Airports (Melbourne) Pty Ltd, September 2008) with Melbourne Airport Master Plan, 2013. ▪ Amending Clause 11.14-1 (Localised planning statements) to include the Bellarine Peninsula Localised Planning Statement (Victorian Government, 2015) (BPLPS) as a policy guideline.
VC101	29 OCT 2015	<p>The Amendment:</p> <ul style="list-style-type: none"> ▪ Removes the following reference documents from the VPP and all planning schemes: <ul style="list-style-type: none"> - A Vision for Victoria to 2010: Growing Victoria Together (Department of Premier and Cabinet, 2005) from Clause 11 (Settlement); - <i>Alpine Development Code 1997</i> from Clause 12 (Environmental and Landscape Values) and from Clause 21.03 (Key planning strategies) in the Alpine Planning Scheme; - <i>Growing Victoria Together</i> (Department of Premier and Cabinet, 2001) from Clause 11 (Settlement); and - <i>Ready for Tomorrow – a Blueprint for Regional and Rural Victoria</i> (State Government of Victoria, 2010) from Clause 14 (Natural resource management). ▪ Updates a number of reference and incorporated documents with new versions in the VPP and all planning schemes, by: <ul style="list-style-type: none"> - Updating the reference document <i>Apiary Code of Practice</i> (May 1997) to <i>Apiary Code of Practice</i> (May 2011) in Clause 14 (Natural resource management) and Clause 62 (Uses, buildings, works, subdivisions and demolition not requiring a permit); - Updating the reference document <i>Alpine Resorts 2020 Strategy</i> to <i>Alpine Resorts Strategic Plan</i> (State Government of Victoria, Alpine Resorts Co-ordinating Council 2012) in Clause 12 (Environmental and landscape values) and in schedules 1 and 2 to Clause 37.02 (Comprehensive Development Zone) in the Alpine Resorts Planning Scheme; - Updating the incorporated document <i>Code of Practice for Fire Management on Public Land</i>, (Department of Sustainability and Environment, 2006) to <i>Code of Practice for Bushfire Management on Public Land</i> (Department of Sustainability and Environment, 2012) in Clause 81.01 (Table of documents incorporated in this scheme); - Updating the incorporated and reference document <i>Code of Practice for Timber Production</i> (Department of Sustainability and Environment, 2007) to <i>Code of Practice for Timber Production</i> (Department of Environment and Primary Industries, 2014) in Clause 14 (Natural resource management), Clause 52.18 (Timber Production) and Clause 81.01 (Table of documents incorporated in this scheme); - Updating the incorporated and reference document Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.2, EPA, 2008) to Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.3, EPA, February 2013) in Clause 19 (Infrastructure) and Clause 81.01 (Table of documents incorporated in this scheme); - Updating the reference document Guidelines for planning permit applications in open, potable water supply catchment areas (Department of Planning and Community Development, 2009) to Guidelines for planning permit applications in open, potable water supply catchment areas (Department of Sustainability Environment, 2012) in Clause 14 (Natural resource management) and Clause 19 (Infrastructure); - Updating the reference document Victorian Cycling Strategy

	<p>(State Government of Victoria, 2009) with Cycling into the Future 2013-23 (State Government of Victoria, 2012) in Clause 18 (Transport).</p> <ul style="list-style-type: none"> ▪ Removes Particular Provisions 52.40 (Government funded education facilities) and 52.41 (Government funded social housing) from the VPP and all planning schemes as these provisions expired on 30 June 2012 and supported the Commonwealth's completed Nation Building Economic Stimulus Plan. ▪ Makes a number of corrections, clarification and updates to the VPP and all planning schemes including: <ul style="list-style-type: none"> • Updating Clause 19 (Infrastructure) and 52.32 (Wind Energy Facility) to insert the publication information for the <i>Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria</i>; • Updating Clause 52.06 (Car parking) to remove a double reference to the car parking demand assessment; • Updating Clause 52.33 (Shipping container storage) to reflect that in addition to land in a Special Use Zone established for port-related activities, the Particular Provision also does not apply to land in the Port Zone; • Updating Clause 52.36 (Integrated public transport planning) and Clause 66 (Referral and notice provisions) to ensure the Public Transport Development Authority is referred to by its correct legal title (rather than Public Transport Victoria); • Updating Clause 62.01 (Uses, buildings, works, subdivisions and demolition not requiring a permit) correct the name of the Urban Floodway Zone; and • Updating Clause 63.07 (Compliance with codes of practice) to remove the repealed Section 55 of the Conservation Forests and Lands Act 1987. ▪ Makes a number of corrections, clarifications and updates to some planning schemes including: <ul style="list-style-type: none"> • Updating Schedule 3 to Clause 37.01 (Special Use Zone) in the Maribyrnong Planning Scheme to correct an error in the land description; and • Updating the schedules to Clause 61.03 (What does this scheme consist of?) in the Banyule, Baw Baw, Boroondara, Campaspe, Casey, Greater Dandenong, Greater Shepparton, Manningham, Melbourne, Monash, and Wodonga planning schemes to ensure the Parking Overlay maps are referenced. ▪ Updates government department names to their current titles as a result of machinery of government changes in the VPP User Guide, Clause 12 (Environmental and landscape values), Clause 14 (Natural resource management), Clause 36.03 (Public Conservation and Resource Zone), Clause 44.01 (Erosion Management Overlay), Clause 44.02 (Salinity Management Overlay), 52.15 (Helicopter landing site), Clause 52.18 (Timber production), Clause 52.24 (Community care unit), Clause 56.07 (Integrated water management) and Clause 66 (Referral and notice provisions). ▪ Updates government department names in the schedules to Clause 66.04 (Referral of permit applications under local provisions) in the Alpine Resorts, Ararat, Ballarat, Bass Coast, Baw Baw, Buloke, Campaspe, Cardinia, Casey, Colac Otway, Darebin, French Island / Sandstone Island, Glenelg, Greater Bendigo, Greater Dandenong, Greater Shepparton, Hume, Kingston, LaTrobe, Macedon Ranges, Manningham, Maroondah, Melbourne, Melton, Mitchell, Moira, Moonee Valley, Moorabool, Mornington Peninsula, Mount Alexander, Moyne, Murrindindi, Port Phillip, South Gippsland, Southern Grampians, Surf Coast, Swan Hill, Wellington, West Wimmera, Whittlesea, Wodonga and Wyndham planning schemes. ▪ Updates government department names in the schedules to Clause 66.06 (Notice of permit applications under local provisions) in the Alpine Resorts, Ararat, Bass Coast, Brimbank, Colac Otway, Greater Bendigo, Horsham, Loddon, Maribyrnong, Melbourne, Mount Alexander, Northern Grampians, Port Phillip, Pyrenees, Queenscliffe, Swan Hill, Wyndham, Yarra and Yarriambiack planning schemes.
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GC35	19 NOV 2015	<p>All seven affected Planning Schemes</p> <p>'Amends the Schedules to Clauses 52.03 and 81.01 to update the address of land and replace the existing incorporated document with a revised incorporated document titled "Goulburn-Murray Water Connections Project Incorporated Document, August 2015" to allow on-farm works forming part of the Goulburn Murray Water Connections Project to occur without a permit subject to conditions.'</p> <p>Campaspe, Greater Shepparton and Moira Planning Schemes (in addition to the above)</p> <p>'Replaces the existing incorporated document with a revised incorporated document titled 'Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and the Moira Shire, August 2015 in the Schedules to Clause 66.04 and Clause 81.01 to exclude works forming part of the Goulburn-Murray Water Connections Project and update references to department names.'</p>
VC107	26 NOV 2015	<p>The Amendment makes changes to the Victoria Planning Provisions (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Amending Clause 19.01-1 (Provision of Renewable Energy) to reference the updated Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (guidelines); ▪ Amending Clause 52.32 (Wind energy facility) to reference the updated guidelines and make changes to wording; ▪ Amending Clause 61.01-1 (Minister is Responsible Authority) to make the Minister for Planning the responsible authority for all new planning permit applications for use or development of land for the purpose of a utility installation and minor utility installation used to transmit or distribute electricity generated by a Wind energy facility; and ▪ Amending Clause 74 (Land Use Terms) to change the definition of Wind energy facility to remove reference to the use of the transmission or distribution systems of power lines to connect the wind energy facility to the electricity network. ▪ Amending Clause 18.04-2 (Planning for airports) to include the recently approved Avalon Airport Master Plan (Avalon Airport Australia Pty Ltd, September 2015) as a policy guideline; and ▪ Amending Clause 45.02 (Airport Environs Overlay) and Clause 45.08 (Melbourne Airport Environs Overlay) to replace reference to <i>Australian Standard AS 2021-2000, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction</i>, with the 2015 revision issued by Standards Australia Limited. ▪ Amending schedules to Clause 81.01 in some planning schemes applying an Airport Environs Overlay or Melbourne Airport Environs Overlay to update the list of incorporated documents to replace reference to <i>Australian Standard AS 2021-2000, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction</i>, with the 2015 revision issued by Standards Australia Limited.
VC121	21 DEC 2015	<p>The amendment changes the State Planning Policy Framework (SPPF) of the Victoria Planning Provisions (VPP) and all planning schemes by relocating an updated Clause 11.04-9 (River corridors) to a new Clause 12.05 (Rivers), and introduces a new Clause 12.05-2 (Yarra River protection).</p>
VC126	28 JAN 2016	<p>The Amendment changes the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Amending Clause 52.32 (Wind energy facility) to: <ul style="list-style-type: none"> - exempt an application to amend a permit for a wind energy facility made under section 97I of the Planning and Environment Act 1987 (the Act) from requirements in section 97E (if the amendment of the permit does not increase the number of turbines or change the location of a turbine in specified circumstances),

		<ul style="list-style-type: none"> · clarify that the location of a turbine is measured from the centre of its tower at ground level for the purpose of provisions relating to the amendment of a permit, · update the reference to the Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (the guidelines), which have been amended to reflect the amendments to Clause 52.32, and · make minor corrections. <ul style="list-style-type: none"> ▪ Amending Clause 19.01-1 (Provision of renewable energy) to update the reference to the guidelines and delete reference to the outdated Renewable Energy Action Plan (Department of Sustainability and Environment, July 2006). ▪ Amending Clause 61.01 (Administration and enforcement of this scheme) to remove the Minister for Planning's designation as the responsible authority for matters under expired Clauses 52.40 (Government funded education facilities) and 52.41 (Government funded social housing).
VC127	4 FEB 2016	<p>The Amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Amending Clauses 11 (Settlement), 12 (Environmental and Landscape Values) and 13 (Environmental Risks) of the State Planning Policy Framework to update reference to the <i>Victorian Coastal Strategy</i> (Victorian Coastal Council, 2008) with reference to the 2014 version. ▪ Amending Clause 52.23 (Shared Housing) to clarify that only the use of land and not development is exempt from a permit under the provision. <p>The Amendment changes the Bass Coast, Bayside, Colac-Otway, Corangamite, East Gippsland, Frankston, French Island and Sandstone Island, Glenelg, Greater Geelong, Hobsons Bay, Kingston, Mornington Peninsula, Moyne, Port Phillip, Queenscliffe, Warnambool, Wellington and Wyndham Planning Schemes by amending any local policies that refer to any outdated Victorian Coastal Strategy with reference to the 2014 version.</p>
VC130	4 JUL 2016	The Amendment changes the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes by amending Clause 52.32 (Wind energy facility) to delete clause 52.32-8.
VC131	24 NOV 2016	The amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes by amending Clause 52.19 - <i>Telecommunications</i> facility, to exempt a permit application for a telecommunications facility funded (or partly funded) under the Commonwealth Government's <i>Mobile Black Spot Programme</i> from the notice and review requirements of the <i>Planning and Environment Act 1987</i> .
VC110	27 MAR 2017	Implements the government's response to the recommendations of the Managing Residential Development Advisory Committee by amending Clause 72 to introduce a new general term, "garden area" and amending the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone and Township Zone.
VC135	27 MAR 2017	The amendment introduces additional classes of application into the VicSmart provisions, and increases the 'cost of development' threshold of some existing VicSmart buildings and works classes of application.
VC134	31 MAR 2017	The Amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes in Victoria by introducing the new Metropolitan Planning Strategy and making corresponding updates to the State Planning Policy Framework. It also restructures Clause 11, includes policy-neutral updates and administrative changes and introduces new and updated incorporated and reference documents.

VC136	13 APR 2017	<p>Amendment VC136 introduces state-wide planning requirements for apartment developments. The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes in Victoria by:</p> <ul style="list-style-type: none"> ▪ Inserting a new Particular Provision at Clause 58 (Apartment developments) to introduce new requirements for apartment developments of five or more storeys (excluding a basement) in a residential zone and all apartment developments in other zones. ▪ Amending Clause 55 (Two or more dwellings on a lot and residential buildings) to include new requirements for apartment developments. ▪ Deleting Clause 52.35 (Urban context report and design response for residential development of five or more storeys). The content of Clause of 52.35 is translated into Clause 58.01. ▪ Amending clauses 32.04 (Mixed Use Zone), 32.05 (Township Zone), 32.07 (Residential Growth Zone) and 32.08 (General Residential Zone) to: <ul style="list-style-type: none"> • Require an application for an apartment development of five or more storeys (excluding a basement) to meet the requirements of Clause 58. • Update the decision guidelines to require the responsible authority to consider the objectives, standards and decision guidelines of Clause 58 before deciding on an application for an apartment development of five or more storeys (excluding a basement). • Specify application requirements for an apartment development in the Residential Growth Zone and the General Residential Zone. • Include transitional provisions for applications lodged before the approval date of this Amendment. ▪ Amending Clause 32.09 (Neighbourhood Residential Zone) to include transitional provisions for applications lodged before the approval date of this Amendment. ▪ Amending clauses 34.01 (Commercial 1 Zone), 37.01 (Special Use Zone), 37.02 (Comprehensive Development Zone), 37.04 (Capital City Zone), 37.05 (Docklands Zone), 37.06 (Priority Development Zone) and 37.08 (Activity Centre Zone) to: <ul style="list-style-type: none"> • Require an application for an apartment development to meet the requirements of Clause 58. • Update the decision guidelines to require the responsible authority to consider the objectives, standards and decision guidelines of Clause 58 before deciding on an application for an apartment development. • Specify application requirements for an apartment development. • Include transitional provisions for applications lodged before the approval date of this Amendment. ▪ Amending Clause 43.05 (Neighbourhood Character Overlay) to prevent Standards B35 to B49 (inclusive) of Clause 55 from being modified in a schedule to the overlay. ▪ Amending Clause 72 (General Terms) to introduce a definition for the term 'Apartment'.
VC133	25 MAY 2017	<p>The Amendment corrects inconsistencies and improves 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.</p> <p>The changes are administrative and technical corrections and will align with a new <i>Ministerial Direction on The Form and Content of Planning Schemes</i> issued under section 7(5) of the <i>Planning and Environment Act 1987</i> (the Act).</p>
VC137	27 JUL 2017	<p>The amendment introduces additional classes of application into the VicSmart provisions for residential zones.</p>
VC139	29 AUG 2017	<p>The amendment:</p>

		<ul style="list-style-type: none"> ▪ Introduces new planning requirements for racing dog keeping and training facilities; ▪ Introduces new guidelines for apartment developments; ▪ Removes redundant references to the <i>Guidelines for Higher Density Residential Development</i> (Department of Sustainability and Environment, 2005), <i>Design Guidelines for Higher Density Residential Development</i> (Department of Sustainability and Environment, 2004), <i>Safer Design Guidelines for Victoria</i> (Crime Prevention Victoria and Department of Sustainability and Environment, 2005) and <i>Activity Centre Design Guidelines</i> (Department of Sustainability and Environment, 2005) in the State Planning Policy Framework (SPPF) and zones and inserts references to the <i>Urban Design Guidelines for Victoria</i> (Department of Environment, Land, Water and Planning, 2017) in the SPPF; and ▪ Introduces a new State planning policy for Healthy neighbourhoods.
VC132	19 SEP 2017	Amendment VC132 is a general amendment that makes a number of administrative corrections and other changes to the Victoria Planning Provisions (VPP) and all planning schemes in Victoria.
GC13	3 OCT 2017	<p>The Amendment updates the mapping and ordinance for the Bushfire Management Overlay across Victoria by:</p> <ul style="list-style-type: none"> ▪ Inserting updated BMO maps into 64 planning schemes. ▪ Inserting schedules to Clause 44.06 in 47 planning schemes ▪ Deleting redundant references to the Wildfire Management Overlay (WMO) ▪ Deleting the BMO (maps and ordinance) in some areas where the vegetation no longer meets the criteria as set out in Advisory Note 46. ▪ Amending schedules to clause 61.03 for planning schemes to update the maps listed in the scheme.
VC141	21 NOV 2017	<p>The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> • Amending Clause 19.01-1 – updating policy guidelines to the revised document Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (Department of Environment, Land, Water and Planning, November 2017) • Amending Clause 43.01 – Heritage Overlay, to ensure that an application to subdivide land for a place which is included in the Victorian Heritage Register is referred to the Executive Director under the Heritage Act 2017. • Amending Clause 52.19 – Telecommunications facility, to exempt a permit application for a telecommunications facility funded (or partly funded) under the Commonwealth Government's Mobile Black Spot Program from the notice and review requirements of the Planning and Environment Act 1987 (the P&E Act). • Amending Clause 52.32 – Wind Energy Facilities, to reflect changes proclaimed through the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017 in relation to an amendment to a planning permit for a windfarm. • Amending Clause 66 – Referral and Notice Provisions, to include the Executive Director specified in the Heritage Act 2017 as a determining referral authority for an application to subdivide a heritage place included in the Victorian Heritage Register. • Amending the VPP to update the style and format based on the revised Ministerial Direction on the Form and Content of Planning Schemes (updated April 2017) issued under section 7(5) of the P&E Act.
VC138	12 DEC 2017	The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes in Victoria to implement reforms relating to the Victorian Government's review of the planning provisions for native

		vegetation removal following the release of <i>Protecting Victoria's Environment - Biodiversity 2037</i> .
VC140	12 DEC 2017	<p>The Amendment makes the State Planning Policy Framework for Bushfire clearer and more directive to enable a resilient response to settlement planning for bushfires.</p> <p>The Amendment makes changes to the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Inserting an updated State Planning Policy Framework at <i>Clause 10 Operation of the State Planning Policy Framework</i> ▪ Inserting an updated State Planning Policy Framework at <i>Clause 13 Environmental Risks</i>
VC142	16 JAN 2018	The Amendment includes a wide range of reforms across the VPP that generally remove permit triggers, expand permit exemptions for land uses and buildings and works, remove superfluous and outdated provisions, update references, improve and update definitions, clarify common points of confusion and improve the usability of the VPP.
VC144	27 FEB 2018	<p>The Amendment changes the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Amending Clause 52.05 (Advertising signs) to: <ul style="list-style-type: none"> · specify 'electronic sign' in Section 2 of Category 3 - High amenity areas (Clause 52.05-9), with a condition that the advertisement area must not exceed three square metres · increase the size of the permitted maximum advertisement area of a 'promotion sign' in Section 2 of Category 3 from two to three square metres. ▪ Amending Clauses 52.05 and 73 to replace the term 'home occupation' with 'home based business'. ▪ Correcting minor errors in Clauses 52.05 and 62.
VC145	28 MAR 2018	<p>The amendment amends the <i>Victorian Planning Provisions</i> (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Amending Clause 11.05-2 – <i>Distinctive areas of state significance</i>, to reference the Yarra Ranges Localised Planning Statement; ▪ Amending Clause 43.01 – <i>Heritage Overlay</i>, to reinstate administrative corrections that were made in Amendment VC132 but inadvertently removed by Amendment VC141; ▪ Amending Clause 52.19 – <i>Telecommunications Facility</i>, to clarify notice and review exemptions for telecommunications facility permit applications that are funded (or partly funded) by the Victorian or Commonwealth government; and ▪ Separating clauses and subclauses into separate documents and the consequential renumbering and rationalisation of certain clauses to enable their migration into the Planning Scheme Information Management System (PSIMS).
VC143	15 MAY 2018	<p>The Amendment changes the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Amending Clause 32.07 (Residential Growth Zone) to remove Food and drink premises and Shop from Section 1 – Permit not required and make them Section 2 – Permit required uses subject to conditions. ▪ Amending Clause 32.08-4 (General Residential Zone) to enable an area to be exempt from the minimum garden area requirement through a schedule to the zone. ▪ Amending Clauses 32.08-3 (General Residential Zone) and 32.09-3 (Neighbourhood Residential Zone) to: <ul style="list-style-type: none"> ▪ Exclude the creation of a vacant lot of 400 square metres or greater from the minimum garden area requirement. ▪ Clarify that the minimum garden area requirement does not

		<p>apply to:</p> <ul style="list-style-type: none"> ▪ The creation of a vacant lot less than 400 square metres where there is a precinct structure plan or equivalent strategic plan. ▪ The creation of a vacant lot less than 400 square metres where there is an incorporated plan or approved development plan. ▪ The creation of a vacant lot less than 400 square metres where there is an approved residential development. <ul style="list-style-type: none"> ▪ Amending clauses 32.08-4 (General Residential Zone) and 32.09-4 (Neighbourhood Residential Zone) to: <ul style="list-style-type: none"> ▪ Remove the minimum garden area requirement from applying to the construction or extension of a dwelling or residential building where a planning permit is not required. ▪ Remove the reference to garden area being required to be provided at ground level. ▪ Clarify that the minimum garden area requirement does not apply to: <ul style="list-style-type: none"> ▪ A medium density housing site in an approved precinct structure plan or equivalent strategic plan. ▪ A medium density housing site in an incorporated plan or approved development plan. ▪ An existing building that did not meet the minimum garden area requirement prior to approval of Amendment VC110. ▪ Amending the Garden area definition at Clause 72 (General Terms) to provide greater clarity about garden area inclusions and exclusions.
VC146	15 MAY 2018	Amendment VC146 implements the Infrastructure Contributions Plan (ICP) public land contributions model by introducing a new overlay, Clause 45.11 (Infrastructure Contributions Overlay), into the <i>Victoria Planning Provisions</i> . The amendment includes consequential changes to the State Planning Policy Framework to recognise the new ICP system.
VC148	31 JUL 2018	<p>The amendment changes to the <i>Victoria Planning Provisions</i> and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Deleting the State Planning Policy Framework (SPPF) and replacing it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19. ▪ Deleting Clauses 1.0 (Preliminary) 2.0 (User Guide). ▪ Moving the planning scheme purposes from Clause 1.0 to new Clause 01 (Purposes of this planning scheme) and inserting new Clause 00 (Purpose and Vision). ▪ Moving the operational provisions for the Local Planning Policy Framework (LPPF) to new Clauses 23.02 and 23.03 and inserting a new Clause 23.01 to explain the relationship between the LPPF and the PPF. ▪ Amending provisions (including schedules) to update references to the new MPS and PPF and as a result of the restructure and reorganising of provisions. ▪ Amending Clauses 37.03 (Urban Floodway Zone); 42.01 (Environmental Significance Overlay); 42.02 (Vegetation Protection Overlay); 42.03 (Significant Landscape Overlay); 43.01 (Heritage Overlay); 43.02 (Design and Development Overlay); 43.04 (Development Plan Overlay); 44.01 (Erosion Management Overlay); 44.02 (Salinity Management Overlay); 44.03 (Floodway Overlay); 44.04 (Land Subject to Inundation Overlay); 44.05 (Special Building Overlay) and 52.28 (Gaming) to enable schedules to specify additional matters. ▪ Amending Clause 43.01 (Heritage Overlay) to require the schedule

	<p>to the overlay to specify a statement of significance for each heritage place included in the schedule and the ability to incorporate heritage design guidelines for a heritage place.</p> <ul style="list-style-type: none"> ▪ Amending Clause 43.04 (Development Plan Overlay) to clarify when an application is exempt from the notice and review requirements. ▪ Introducing the Specific Controls Overlay (Clause 45.12). ▪ Organising particular provisions into three new categories at Clauses 51, 52 and 53. ▪ Inserting a new section, 'Operational provisions' (Clauses 70 to 74) that consolidates operational, administrative and other provisions. ▪ Making various changes to advertising signs provisions at Clauses 32.04 (Mixed Use Zone), 52.05 (Signs), 62.02, 62.01 and at newly numbered Clauses 73.02 (Sign terms) and 73.03 (Land use terms). ▪ Amending Clause 52.29 (Land Adjacent to a Road Zone 1, Category 1, or a Public Acquisition Overlay for a Category 1 Road) to exempt an application from notice and review requirements and to clarify permit exemptions. ▪ Amending Clause 33.01 (Industrial 1 Zone) to remove the requirement to obtain a planning permit to use land for a 'convenience shop' and 'take away food premises'. ▪ Amending Clause 33.03 (Industrial 3 Zone) to remove the requirement to obtain a planning permit to use land for a 'service industry' (in certain circumstances) and a 'take away food premises'. ▪ Deleting Clause 52.12 (Service station). ▪ Amending Clauses 33.01 (Industrial 1 Zone) and 32.04 (Mixed Use Zone) to ensure impacts of service stations are considered. ▪ Deleting Clauses 52.13 (Car wash) and 52.14 (Motor vehicle, boat or caravan sales). ▪ Amending Clause 52.06 (Car parking) to change the planning permit requirements and number of spaces to be provided in certain circumstances. ▪ Introducing incorporated document <i>Principal Public Transport Network Area Maps</i> (State Government of Victoria, 2018). ▪ Deleting the VicSmart provisions in Clauses 90 to 95 and consequently: relocating classes of State VicSmart applications to the applicable zones, overlays and particular provisions; local VicSmart provisions to a new Clause 59 (VicSmart applications and requirements) and operational provisions to new Clause 71.06. ▪ Making consequential changes to the schedules of applicable particular provisions in planning schemes, including inserting new schedules.
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APPENDIX 4: SUMMARY OF CHANGES IN AMENDMENT VCI48

Amendment VCI48 introduces changes to the *Victoria Planning Provisions* (VPP) and all planning schemes arising from the Victorian Government's Smart Planning program. The program aims to simplify and modernise Victoria's planning policy and rules to make planning more efficient, accessible and transparent. The amendment makes the following key changes:

Integrated Planning Policy Framework

- Deletes the State Planning Policy Framework (SPPF) and replaces it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19.

A simpler VPP structure with VicSmart built in

- Deletes Clause 1.0 (Preliminary) and Clause 2.0 (User Guide). The User Guide will continue to be published on the Department of Environment, Land, Water and Planning website. The planning scheme purposes from Clause 1.0 are moved to new Clause 01.
- Inserts new Clause 00 (Purpose and Vision) and Clause 01 (Purposes of this planning scheme).
- Moves the operational provisions for the Local Planning Policy Framework (LPPF) to new Clauses 23.02 and 23.03 and inserts a new Clause 23.01 to explain the relationship between the LPPF and the PPF.
- Organises particular provisions (currently contained in Clauses 52, 53 and 57) into three new categories:
 - Provisions that apply only to a specified area (Clause 51).
 - Provisions that require, enable or exempt a permit (Clause 52).
 - General requirements and performance standards (Clause 53).
- Makes consequential changes to the schedules of applicable particular provisions in planning schemes, including inserting new schedules.
- Deletes the VicSmart provisions in Clauses 90 to 95 and:
 - relocates the tables of classes of State VicSmart applications to the applicable zones, overlays and particular provisions
 - relocates local VicSmart applications and the State and local VicSmart information requirements and decision guidelines to a new Clause 59 (VicSmart applications and requirements)
 - relocates the VicSmart operational provisions to new Clause 71.06.
- Inserts a new section, 'Operational provisions' (Clauses 70 to 74) that consolidates operational, administrative and other provisions as follows:
 - New Clause 71 contains operational provisions for the Municipal Planning Strategy (MPS) and PPF, zones, overlays, particular provisions and VicSmart.
 - New Clause 72 contains the administrative provisions, including the list of documents incorporated in the planning scheme and background documents (a new provision).

- New Clause 73 includes the meaning of terms, including general, sign and land use terms, and nesting diagrams.
- New Clause 74 includes provisions to be used in the future transition of LPPFs to the MPS and PPF.
- Makes miscellaneous amendments to provisions, including schedules, to:
 - update references to the SPPF and LPPF to the new MPS and PPF (for example in the purposes and decision guidelines of the zones, overlays and other provisions)
 - update provisions (for example, references to clause numbers) as a result of the restructure and reorganising of provisions
 - correct errors and improve drafting of provisions. *Improvements to the structure and operation of specific clauses*
- Amends the following clauses to enable their schedules to specify additional matters including purposes, objectives, application requirements or decision guidelines: Clause 37.03 (Urban Floodway Zone); Clause 42.01 (Environmental Significance Overlay); Clause 42.02 (Vegetation Protection Overlay); Clause 42.03 (Significant Landscape Overlay); Clause 43.01 (Heritage Overlay); Clause 43.02 (Design and Development Overlay); Clause 43.04 (Development Plan Overlay); Clause 44.01 (Erosion Management Overlay); Clause 44.02 (Salinity Management Overlay); Clause 44.03 (Floodway Overlay); Clause 44.04 (Land Subject to Inundation Overlay); Clause 44.05 (Special Building Overlay); Clause 52.28 (Gaming).
- Amends Clause 43.01 (Heritage Overlay) to require the schedule to the overlay to specify a statement of significance for each heritage place included in the schedule after Amendment VC148 commences (transitional provisions apply).
- Amends the Clause 43.04 (Development Plan Overlay) to clarify when an application is exempt from the notice and review requirements of the *Planning and Environment Act 1987* (the Act).
- Introduces the Specific Controls Overlay (Clause 45.12), which can be used to apply specific controls designed to achieve a particular purpose in extraordinary circumstances.
- Amends advertising signs provisions as follows:
 - Replaces the term 'advertising signs' with 'signs' throughout the VPP.
 - Amends Clause 62.01 to exempt the display of a sign from any requirement relating to the use of land.
 - Amends Clause 62.02 to clarify that the permit exemptions for signs in

Clause 52.05 apply to all permit requirements in the planning scheme.

- Amends the structure of Clause 52.05 (Signs) so it is clearer and to enable the schedule to the clause to exempt applications for any type of signs from the notice and review requirements of the Act.
- Amends the Mixed Use Zone (Clause 32.04) to enable the schedule to the zone to specify a different sign category from Clause 52.05.
- New Clause 73.02 (Sign terms) includes new definitions for the sign terms 'display area' and 'sign'.
- New Clause 73.03 (Land use terms) lists 'sign' as a land use term in the table without a definition and new Clause 73.04 (Nesting diagrams) lists 'sign' as a land use term that is not nested.
- Amends Clause 52.29 (Land Adjacent to a Road Zone I, Category I, or a Public Acquisition Overlay for a Category I Road) to exempt an application from the notice and review requirements of the Act and to clarify permit exemptions.

Changes that support business by removing unnecessary regulation

- Amends Clause 33.01 (Industrial 1 Zone) to remove the requirement to obtain a planning permit to use land for a 'convenience shop' and 'take away food premises'.
- Amends Clause 33.03 (Industrial 3 Zone) to remove the requirement to obtain a planning permit to use land for:
 - a 'service industry' if the use is setback a specified distance from sensitive zones and uses
 - a 'take away food premises'.
- Deletes Clause 52.12 (Service station) which sets out site layout and other requirements for a service station and makes the following consequential amendments to ensure potential amenity impacts continue to be considered and regulated:
 - Amends Clause 33.01 (Industrial 1 Zone) to specify a general amenity condition opposite this use in Section 1 of the tables of uses.
 - Amends Clause 32.04 (Mixed Use Zone) to apply the existing decision guidelines for industry and warehouses to this use.
- Deletes Clause 52.13 (Car wash) and Clause 52.14 (Motor vehicle, boat or caravan sales) which set out site layout and other requirements for these uses.
- Amends Clause 52.06 (Car parking) to:
 - provide that a planning permit is not required under Clause 52.06-3 to

reduce the car parking requirement for a new use in an existing building in the Commercial 1, Commercial 2 and Activity Centre Zones for up to 10 car parking spaces (subject to meeting specified conditions)

- apply the car parking rates in Column B of Table 1 if any part of the land is identified as being within the Principal Public Transport Network Area as shown on the *Principal Public Transport Network Area Maps* (State Government of Victoria, 2018).
- Incorporates the *Principal Public Transport Network Area Maps* (State Government of Victoria, 2018) in the VPP.