

Planning Panels Victoria

Mitchell Planning Scheme Amendment C157 with Planning Scheme Review

Panel Report

Planning and Environment Act 1987

17 January 2023

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.


Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

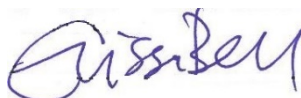
Mitchell Planning Scheme Amendment C157mith

Planning Scheme Review

17 January 2023



Lester Townsend, Chair



Elissa Bell, Member

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Glossary and abbreviations

| | |
|----------------------|---|
| the Amendment | Mitchell Planning Scheme Amendment C157mith |
| Beveridge Committee | Beveridge North West Precinct Structure Plan, Supplementary Levy Infrastructure Contributions Plan and Quarry Permit Application Ministerial Advisory Committee |
| BNW PSP | Beveridge North West Precinct Structure Plan |
| Council | Mitchell Shire Council |
| DELWP | Department of Environment, Land, Water and Planning |
| DJPR | Department of Jobs, Precincts and Regions |
| EPA | Environment Protection Authority |
| GBCMA | Goulburn Broken Catchment Management Authority |
| HO | Heritage Overlay |
| IDM | <i>Infrastructure Design Manual 2019</i> |
| KHRP | Kilmore Historic Recreation Precinct |
| LAS | Landscape Assessment Study |
| LPPF | Local Planning Policy Framework |
| MPS | Municipal Planning Strategy |
| PCRZ | Public Conservation and Resource Zone |
| PE Act | <i>Planning and Environment Act 1987</i> |
| PPF | Planning Policy Framework |
| PPRZ | Public Park and Recreation Zone |
| PSP | Precinct Structure Pan |
| Planning Scheme | Mitchell Planning Scheme |
| <i>Scheme Review</i> | <i>Mitchell Planning Scheme Review 2020</i> |
| SLO1 | Significant Landscape Overlay Schedule 1 |
| UGB | Urban Growth Boundary |
| UGZ | Urban Growth Zone |
| VCAT | Victorian Civil and Administrative Tribunal |
| VPA | Victorian Planning Authority |
| VPP | Victoria Planning Provisions |

Overview

Amendment summary

| | |
|--------------------|---|
| The Amendment | Mitchell Planning Scheme Amendment C157mith |
| Common name | Planning Scheme Review |
| Brief description | Comprehensive scheme review to respond to the requirement for an integrated Planning Policy Framework and recent requirements on form and content of planning schemes |
| Subject land | The Amendment applies to all of the municipality |
| Planning Authority | Mitchell Shire Council |
| Authorisation | 9 August 2021 |
| Exhibition | 14 June to 18 July 2022 |
| Submissions | 16 submissions received (11 submissions seek changes to the Amendment), as shown in Appendix A |

Panel process

| | |
|------------------------|---|
| The Panel | Lester Townsend (Chair) and Elissa Bell |
| Directions Hearing | 16 November 2022 by video conference |
| Panel Hearing | 12 and 13 December 2022 by video conference |
| Parties to the Hearing | <p>Mitchell Shire Council represented by Terry Montebello of Maddocks and Justin Harding of Council calling the following expert evidence:</p> <ul style="list-style-type: none"> - Planning issues related to extractive industry form Chris DeSilva of Mesh Planning. <p>Conundrum Holdings Pty Ltd represented by Eliza Minney and Emily Marson of Best Hooper, calling the following expert evidence:</p> <ul style="list-style-type: none"> - Planning from Andrew Clarke of Matrix Planning Australia <p>Mr Jim Lowden</p> <p>Department of Jobs, Precincts and Regions (Earth Resources – Extractives Planning) represented by Helen Crawford</p> <p>Kilmore and District Residents and Ratepayers Association represented by Anne Radden Rose</p> <p>Aurora Construction Materials Pty Ltd (who made written submissions)</p> |
| Citation | Mitchell PSA C157mith [2023] PPV |
| Date of this report | 17 January 2023 |

Executive summary

Mitchell Planning Scheme Amendment C157mith (the Amendment) seeks to:

- Replace the Local Planning Policy Framework with:
 - a new Municipal Planning Strategy at Clause 02 of the Planning Scheme
 - local policies in the Planning Policy Framework (PPF) at Clauses 11-19.
- Amend a number of schedules to overlays, general provisions and operational provisions consistent with changes to the Victoria Planning Provisions introduced by Amendment VC148.
- Implement several recommendations of the *Mitchell Planning Scheme Review, September 2020* including:
 - replacing schedules 1 and 2 to the Urban Growth Zone
 - translating local policies related to gaming and waterways to relevant Clauses
 - updating planning permit triggers relevant to native vegetation and fencing
 - making Catchment Management Authorities the referral authority for relevant overlays
 - updating the list of further strategic work.

There is a clear obligation on Council to review the Planning Scheme and update it to respond to the requirement for an integrated PPF. The Amendment proposes Council's most significant revision of the Planning Scheme since introduction of the New Format Planning Scheme in 1999.

The Amendment will significantly improve readability and usability of the Planning Scheme for Council Officers, land owners, developers and the community, as envisaged by the State Government's *Smart Planning Project*.

Submissions covered a wide range of issues. The Panel thanks submitters who undertook a thorough review of the planning scheme. The most significant unresolved issues were to do with extractive industry in the growth area.

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and generally implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is generally well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

Extractive industry

The changes that have raised concerns were:

- new policy in the exhibited Clause 11.01-1L-01 (Settlement):
 - Avoid the interim development of land where it may prejudice the longer term strategic role of the land as identified in Precinct Structure Plans.
 - Facilitate growth of housing and employment above other uses that will undermine the delivery of housing and employment, such as extractive industry, within Melbourne's urban growth boundary.
- Changes to the Wallan Structure Plan at Clause 11.03-2L (Wallan) by removing a 'Buffer to proposed quarry' notation.

Submissions on extractive industry referred to growth area policy, but there was confusion at the Hearing as to the applicable policy for the growth area. There are three main policy documents that guide growth area planning:

- Growth Area Framework Plans (2006)
- Growth Corridor Framework Plans (2012)
- *Plan Melbourne 2017-2050*.

The Growth Area Framework Plans are the plans referred to in the Victoria Planning Provisions and are incorporated into planning schemes. Unfortunately the Growth Area Framework Plans are hopelessly out of date and cover only a small portion of the growth corridor. The Growth Area Framework Plans were superseded about 10 years ago by Growth Corridor Plans. Unfortunately, the Growth Corridor Plans are not current either. Critically the North Growth Corridor Plan does not provide any detail for the Wallan area, identifying it as “*Logical inclusions area*”. ‘Logical inclusions’ was an Urban Growth Boundary (UGB) review process that ended in 2012 with the expansion of the UGB.

The Panel does not support the proposed policy changes regarding extractive industry. The exhibited changes were not supported by Council’s expert who proposed a refined policy. Critically the state agency responsible for earth resources did not support the proposed changes (as exhibited and as revised) pointing out how they were contrary to existing State Policy. The Panel is not satisfied that the case for giving up potentially high quality, well located significant resources has been made for all such resources in the growth area. In some cases allowing extractive industry for a defined period of time before urban development will deliver a superior planning outcome. These cases need to be determined on their merits.

The Planning Scheme Review Report usefully tracks where all current policy has landed in the PPF. Essentially, local policy will no longer rely on or reference the North Growth Corridor Plan, focussing instead on the Precinct Structure Plans.

In terms of the Wallan Structure Plan, the permit application for the relevant quarry that gives rise to the buffers is currently being considered by the Minister. Any change to the current policy setting should be informed by the Minister’s decision in that matter.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Mitchell Planning Scheme Amendment C157mith be adopted as exhibited subject to the following:

1. **Make the post-exhibition changes presented in Council’s Part A submission, namely:**
 - a) **Update the Municipal Planning Strategy Clause 2.02 to reflect the *Mitchell 2050 Community Vision Plan*.**
 - b) **Update Clause 13.07-1L-02 (Impact of Truck Movements).**
 - c) **Update Clause 15.01-3L (Subdivision Design).**
 - d) **Update Clause 16.01-5L (Rural Residential Subdivision).**
 - e) **Update the Schedule to Clause 44.03 (Floodway Overlay).**
 - f) **Abandon the changes to the ‘Landscape character objectives to be achieved’ in Significant Landscape Overlay Schedule 1.**
2. **Delete the following strategies from Clause 11.01-1L-01 (Settlement):**

Avoid the interim development of land where it may prejudice the longer term strategic role of the land as identified in Precinct Structure Plans.

Facilitate growth of housing and employment above other uses that will undermine the delivery of housing and employment, such as extractive industry, within Melbourne's urban growth boundary.

- 3. Retain the current version of the Wallan Structure Plan at Clause Clause 21.11-9 in the new Clause Clause 11.03-2L (Wallan).**
- 4. In Clause 11.01-1L-04 include additional text as underlined:**

Facilitate pedestrian cycling and vehicular linkages between growth areas and the established areas of Kilmore, Sydney Street town centre and existing facilities, and to the Kilmore East train station, through an integrated movement network

1 Introduction

1.1 The Amendment

Mitchell Planning Scheme Amendment C157mith) (the Amendment) proposes to:

- Replace the Local Planning Policy Framework (LPPF) with:
 - a new Municipal Planning Strategy (MPS) at Clause 02 of the Planning Scheme
 - local policies in the Planning Policy Framework (PPF) at Clauses 11-19.
- Amend a number of schedules to overlays, general provisions and operational provisions consistent with changes to the Victoria Planning Provisions (VPP) introduced by Amendment VC148.
- Implement several recommendations of the *Mitchell Planning Scheme Review*, September 2020 (*Scheme Review*) including:
 - replacing schedules 1 and 2 to the Urban Growth Zone
 - translating local policies related to gaming and waterways to relevant Clauses
 - updating planning permit triggers relevant to native vegetation and fencing
 - making Catchment Management Authorities referral authority for relevant overlays
 - updating the list of further strategic work.

1.2 Background

Amendment VC148, gazetted on 31 July 2018:

- implemented key recommendations of the State Government's *Smart Planning* program
- introduced major changes to the VPP, including combining state and local planning policies into the PPF.

The *Smart Planning* program requires local government authorities to:

- translate the LPPF contained in Clauses 21 and 22 of the Planning Scheme into the streamlined PPF and MPS
- amend all local Zone, Overlay, General and Operational Schedules in accordance with the revised *Ministerial Direction – Form and Content of Planning Schemes (Ministerial Direction – Form and Content)*.

The Amendment is the result of extensive and detailed policy review work prepared by Red Ink Planning and Elke Cummins Planning with assistance from the Department of Environment, Land, Water and Planning (DELWP) and Council Officers. The Amendment also received support from several State Authorities.

Table 1 Chronology of the Amendment

| When | What |
|-------------------|--|
| 21 September 2020 | Council resolves to: <ul style="list-style-type: none"> - adopt Mitchell Shire Planning Scheme Review prepared by Redink Planning dated September 2020 (Scheme Review) (Attachment 1); and - submit a copy of the Scheme Review to the Minister for Planning in accordance with section 12(b) of the Planning and Environment Act 1987 |
| 28 June 2021 | Council resolves to seek Ministerial authorisation to prepare and exhibit the Amendment |

| When | What |
|-----------------|--|
| 9 August 2021 | Ministerial authorisation received to prepare and exhibit the Amendment |
| 14 June 2022 | Public exhibition of the Amendment commences |
| 16 June 2022 | A notice regarding the Amendment is published in the Government Gazette |
| 18 July 2022 | Public exhibition of the Amendment ends |
| 17 October 2022 | Council resolves to request the Minister for Planning to appoint an Independent Panel to review submissions and authorised Council officers to continue mediating with submitters to resolve concerns prior to commencement of the Panel |

The *Scheme Review* identified minor changes to Local Planning Policy and additional strategic work which was required to be undertaken. Further, the *Scheme Review* made recommendations consistent with the translation requirements of the *Smart Planning* program, the *Ministerial Direction – Form and Content* and Amendment VC148.

Council proposed a number of changes following exhibition in response to submissions. The proposed changes were described by Council as:

- Update Vision Statement in the proposed Clause 02.02 (Vision) to reflect the outcomes of the Mitchell 2050 Community Vision Plan (post exhibition Council update)
- Amend Clause 13.07-1L-02 (Impact of Truck Movements) in accordance with Submission 6 (Environment Protection Authority Victoria (EPA))
- Update Strategy 2 in the proposed Clause 15.01-3L (Subdivision Design) to refer to the retention of canopy trees and for the provision of ultimate infrastructure (post exhibition Council update)
- Insert a fourth strategy in the proposed Clause 16.01-5L (Rural Residential Subdivision) (post exhibition Council update)
- In Clause 42.03 (Significant Landscape Overlay, Schedule 1 (SLO1)), abandon any exhibited changes to Clause 2.0 (Landscape Character to be achieved)
- In Clause 44.03 (Floodway Overlay), update Clause 3.0 (Permit Requirements) in accordance with the submission of Goulburn Broken Catchment Management Authority (GBCMA) (Submission 5).

Council formally resolved:

That Council:

1. Requests the Minister for Planning to appoint an Independent Planning Panel under Part 8 of the Planning and Environment Act 1987 to consider Amendment C157.
2. Submits to the Independent Planning Panel Council's response to the submissions, as generally outlined in Attachment 1 to this report.
3. Requests the Independent Planning Panel to consider unresolved submissions to Amendment C157.
4. Continues mediating with submitters to resolve concerns prior to commencement of the Independent Planning Panel.

The Panel notes that Council did not formally change the Amendment before referring it to the Panel, but the Panel has taken the revised version of the Amendment presented to the Council on 17 October 2022 and presented in Council's Part A submission as the starting point for this report.

1.3 The Panel's approach

Council received 16 submissions in response to the exhibition of the Amendment. Of the 16 submissions received:

- five submissions supported the Amendment
- eleven submissions sought changes to the Amendment.

Issues raised in submissions were:

- Objections to changes to Schedule 1 to Clause 42.03 Significant Landscape Overlay (SLO1 – Kilmore Historic Outdoor Precinct) (Submissions 2, 8, 9, 11, 12 and 13)
- Objections to proposed new extractive industry local strategies under Sub-clause 'Land within the urban growth boundary strategies' at Clause 11.01-1L-01 Settlement (Submissions 3, 4, 10 and 15)
- Objection to the removal of reference to the quarry proposed at 175 Northern Highway Wallan (WA1473) in the Wallan Structure Plan at Clause 11.03-2L Wallan (Submissions 3 and 10).
- Concerns regarding changes to environment, economic development, heritage, and subdivision policy (Submissions 8, 9, 12 and 13).

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, and submissions, evidence and other material presented to it during the Hearing. It has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Council supported changes
- Extractive Industry Policy and the Wallan Structure Plan
- Other submissions.

1.4 Strategic justification

There is a clear obligation on Council to review the Planning Scheme and update it to respond to the requirement for an integrated PPF. The *Scheme Review* is a thorough piece of work that carefully details how existing policy text has been transferred into the new structure. Detailed annotations on the existing and proposed policy frameworks presented in the *Scheme Review* make it easy to determine the source of proposed policy and the fate of existing policy.

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and generally implements, the relevant sections of the PPF
- is consistent with the relevant Ministerial Directions and Practice Notes
- is generally well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

2 Council supported changes

2.1 General refinements

Following exhibition, Council proposed a number of changes to the Amendment either in response to submissions received and in response to feedback received by Council during internal review processes. These changes are in accordance with the Council Report considering submissions of 17 October 2022 (Attachment 5 to Council's Part A submission). None of these changes were opposed by submissions.

(i) Clause 2.02 (Vision)

Council proposes to update MPS Clause 2.02 to reflect the *Mitchell 2050 Community Vision Plan* (Vision Plan), which was adopted by Council at its Ordinary Meeting on 18 October 2021. The potential for this change was noted in the Officer Report seeking authorisation of the Amendment on 28 June 2021. This change will allow for Council's current community vision to be included in the MPS in a timely and efficient manner.

The Panel supports Council's proposal, and recommends:

1. **Make the post-exhibition changes presented in Council's Part A submission:**
 - a) **Update the Municipal Planning Strategy Clause 2.02 to reflect the *Mitchell 2050 Community Vision Plan*.**

(ii) Clause 13.07-1L-02 (Impact of Truck Movements)

Clause 13.07-1L-02 proposes policy regarding minimising the impact of heavy and commercial vehicles. In response to Submission 6 (EPA) it is proposed to reword dot point two under Clause 13.07 from "*Protect the amenity of communities*", which is a broad statement and could apply to any type of amenity impact, to the more specific "*Protect sensitive uses from noise and air quality impacts arising from traffic*". Council submitted that this change provides clear and specific policy guidance.

The Panel supports Council's proposal, and recommends:

- 1 **Make the post-exhibition changes presented in Council's Part A submission:**
 - b) **Update Clause 13.07-1L-02 (Impact of Truck Movements).**

(iii) Clause 15.01-3L (Subdivision Design)

Clause 15.01-3L provides local subdivision design policy. It is proposed to revise the first Strategy to include reference to retaining native and exotic canopy trees and add a new Strategy discouraging temporary infrastructure.

Council submitted that the revisions to Clause 15.01-3L will allow for policy consideration to be given to retaining exotic canopy trees at the design stage of new subdivisions and discourage temporary infrastructure in new subdivisions, such as incomplete roads, which are often sought by developers.

The Panel supports Council's proposal, and recommends:

- 1 **Make the post-exhibition changes presented in Council's Part A submission:**
 - c) **Update Clause 15.01-3L (Subdivision Design).**

(iv) Clause 16.01-5L (Rural Residential Subdivision)

Clause 16.01-5L proposes rural subdivision policy for the Farming Zone and Rural Conservation Zone. It is proposed to revise Clause 16.01-5L to include a fourth Strategy “*Avoid battle-axe subdivision*”. Rural battle-axe subdivisions provide poor safety, lot design, agricultural use and land fragmentation outcomes and are not supported by Council.

The Panel supports Council’s proposal, and recommends:

- 1 Make the post-exhibition changes presented in Council’s Part A submission:**
 - d) Update Clause 16.01-5L (Rural Residential Subdivision).**

(v) Schedule to Clause 44.03 (Floodway Overlay)

In response to Submission 5 (GBCMA) it is proposed to split dot point 3 under Sub-clause 3 (Permit Requirement) to improve readability and correct a minor spelling error at dot point 9.

The Panel supports Council’s proposal, and recommends:

- 1 Make the post-exhibition changes presented in Council’s Part A submission:**
 - e) Update the Schedule to Clause 44.03 (Floodway Overlay).**

2.2 Significant Landscape Overlay Schedule 1 (Kilmore Historic Recreation Precinct) Submissions

(i) The issue

The Amendment proposes to update the ‘Landscape character objectives to be achieved’ of SLO1 to reduce the number of character objectives from eight to five and remove duplicate and unnecessary policy wording.

The Amendment also proposes to relocate referral provisions under Sub-clause 5 (Decision Guidelines) to the Schedule to Clause 66.04 (Referral of Permit Applications Under Local Provisions), in accordance with the requirements of the *Ministerial Direction – Form and Content*.

A number of submissions are opposed to this.

(ii) Background

SLO1 applies to the Kilmore Historic Recreation Precinct (KHRP). The KHRP includes the Kilmore Golf Club, Kilmore Hospital Reservoir Reserve, Kilmore Cricket Club, Monument Hill Reserve and the Hume and Hovell Monument.

SLO1 has covered Monument Hill since introduction of the New Format Planning Scheme in 1999. SLO1 was extended west to cover the Kilmore Golf Course, Cricket Club and Hospital Reservoir Reserve by way of Amendment C056 in September 2015.

Figure 1 Significant Landscape Overlay Schedule 1 Extent, Zoning and Heritage Overlay

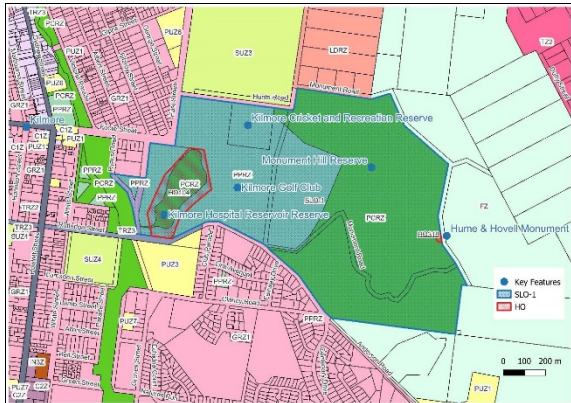


Figure 2 Significant Landscape Overlay Schedule 1 Extent Aerial Plan



The KHRP is publicly owned land in the Public Park and Recreation Zone (PPRZ) and Public Conservation and Resource Zone (PCRZ). The extent of SLO1 matches the PPRZ and PCRZ zoning together with a small section of General Residential Zone road reserve but does not cover any privately owned land.

Within the SLO1, the Heritage Overlay (HO) applies to the Kilmore Hospital Reservoir Reserve (HO104) and the Hume and Hovell Monument (HO318). Vegetation Protection Overlay Schedule 1 (Roadside and Corridor Protection, VPO1) and Design and Development Overlay Schedule 8 (Kilmore Hospital Emergency Service Flight Path (Outer)) also apply to part of the SLO1 extent but are not of relevance to the issues raised.

The proposed change is to ensure the SLO1 is in accordance with the *Ministerial Direction – Form and Content* which limits the number of objectives to 5. This Ministerial Direction was modified on 30 July 2018 after the SLO1 was updated via Amendment C56 on 24 September 2015.

Council has appointed Claire Scott Planning to prepare a Landscape Assessment Study (LAS) for the Shire. The scope of the LAS project includes reviewing existing Significant Landscape Overlay extents and provisions. The LAS project is well advanced with a major component, the Landscape Significance Report, scheduled to be placed on public exhibition for community consultation in early 2023.

(iii) Evidence and submissions

Submissions 2, 8, 9, 11, 12 and 13 oppose the proposed changes to SLO1 on the following grounds:

- The application of the SLO1 and provisions were agreed through the Amendment C056 Panel review process. Amendment C056 updated the extent and provisions of SLO in 2015.
- The proposed changes, including removing referrals, would diminish or “water down” the provisions of SLO1.

Submitter 11 raised additional concerns regarding views from the Hume and Hovell Monument, vegetation management and pedestrian safety. These concerns relate to management of the KHRP and are not relevant to the Amendment as they cannot be addressed via changes to the Planning Scheme.

Council submitted that as the provisions of SLO1 were reviewed and updated in 2015 and will be reviewed and updated soon via the LAS project it is appropriate to withdraw changes to Sub-

clause 2 of SLO1 proposed by the Amendment. A focused review of all Significant Landscape Overlays by a landscape expert will provide the opportunity for best practice provisions.

Council advised that DELWP Hume and Metropolitan State Planning Services Officers have verbally advised Council officers that they support retaining Sub-clause 2 of SLO1 as the LAS project is well advanced.

(iv) Discussion and conclusion

Revising Sub-clause 2 to SLO1 is not fundamental to the strategic intent of the Amendment. The extent of SLO1 is limited to public land within Kilmore and does not affect privately owned land. The Panel understands that Council currently has no major works or projects planned for land within the KHRP or SLO1 extent that would trigger a Planning Permit as per the exhibited Amendment.

The Panel agrees that it is appropriate to wait until the completion of the LAS before amending the schedule. This potentially avoids two amendments in relatively short succession which could be confusing.

The Panel recommends:

- 1 Make the post-exhibition changes presented in Council's Part A submission:**
 - f) Abandon the changes to the 'Landscape character objectives to be achieved' in Significant Landscape Overlay Schedule 1.**

3 Extractive Industry Policy and the Wallan Structure Plan

3.1 The issue

Conundrum Holdings Pty Ltd (Submission 3), Aurora Constructions Pty Ltd (Submission 4), Department of Jobs, Precincts and Regions (DJPR) (Submission 10) and Construction Materials Processors Association (Submission 15) raised concerns with the impacts of the Amendment on extractive industry.

What the Amendment proposes

The changes that have raised concerns are:

- new strategies in Clause 11.01-1L-01 (Settlement):
 Avoid the interim development of land where it may prejudice the longer term strategic role of the land as identified in Precinct Structure Plans.
 Facilitate growth of housing and employment above other uses that will undermine the delivery of housing and employment, such as extractive industry, within Melbourne’s urban growth boundary.
- Changes to the Wallan Structure Plan at Clause 11.03-2L (Wallan) by removing a ‘Buffer to proposed quarry’ notation, depicted as a white dashed line in the area outlined in in Figure 3.

The quarry itself is a proposal in the Beveridge North West Precinct Structure Plan (BNW PSP). The Council endorsed Wallan Structure Plan 2015 does not include the proposed quarry buffer.

Figure 3 Current Wallan Structure Plan at Clause 21.11-9

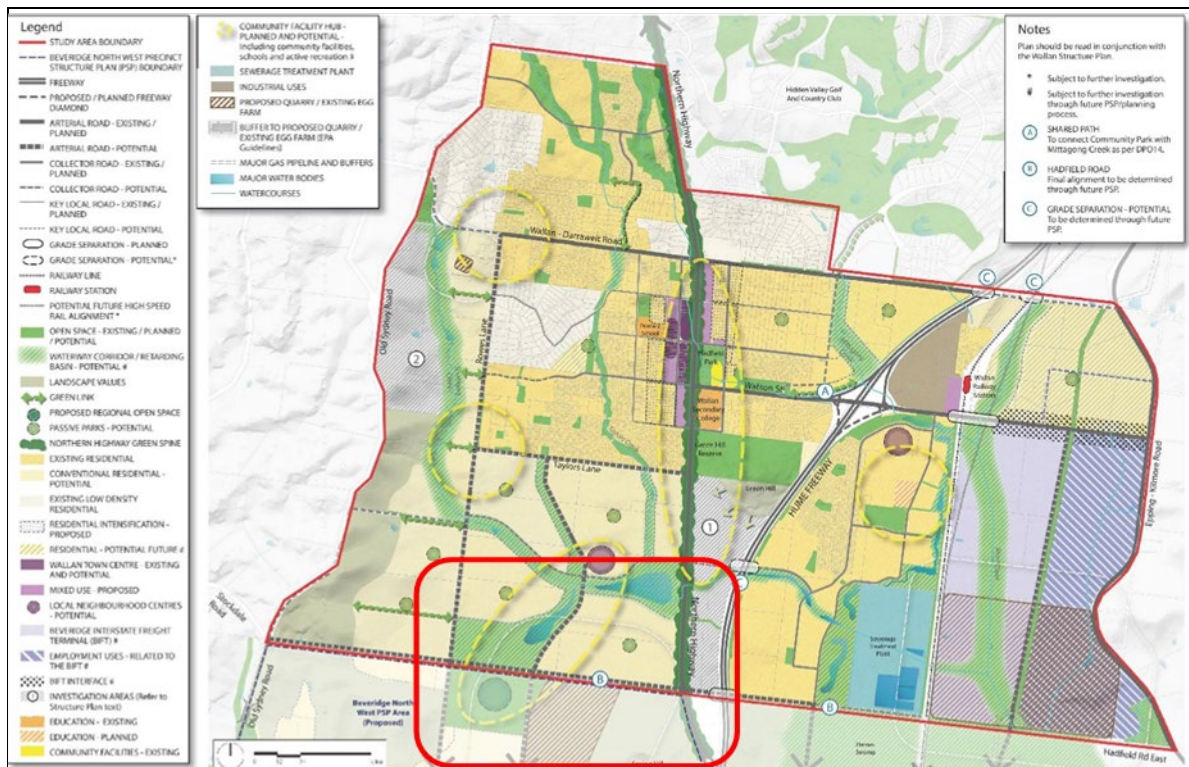
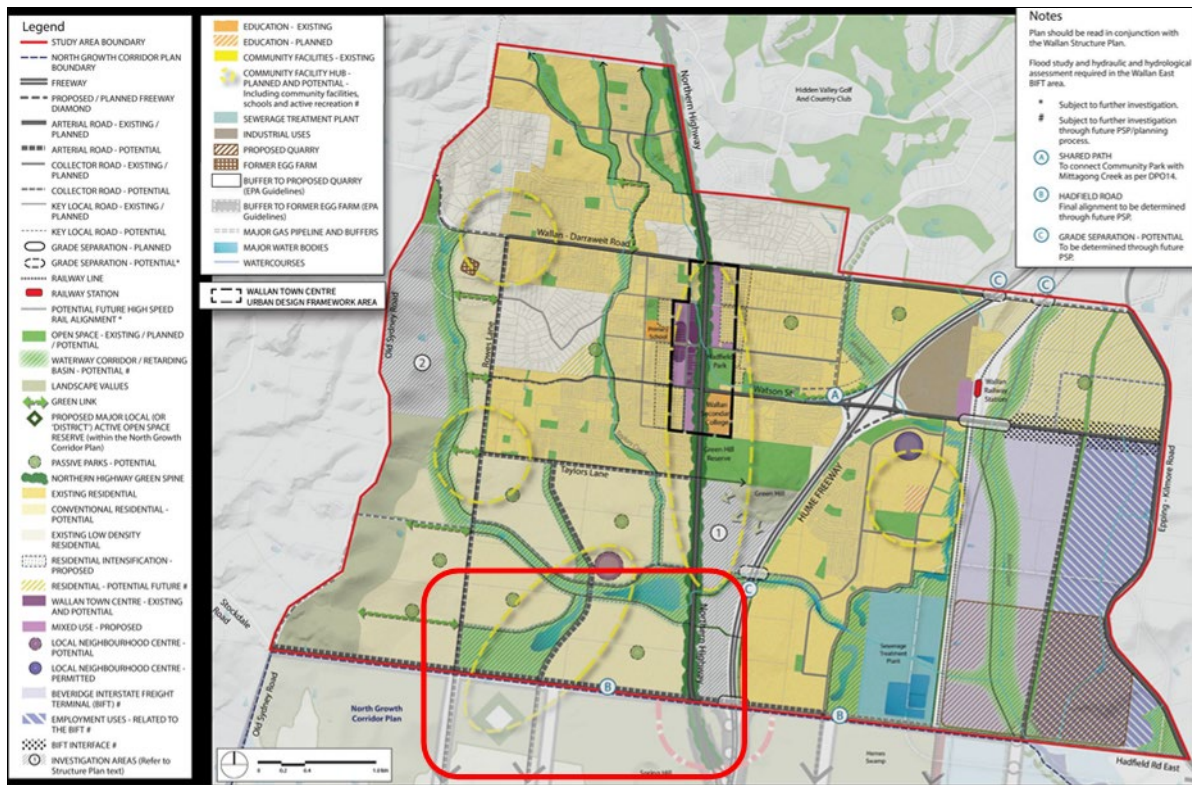


Figure 4 Proposed Wallan Structure Plan at Clause 11.03-2L



3.2 Background

(i) Growth Corridor Planning

State Policy

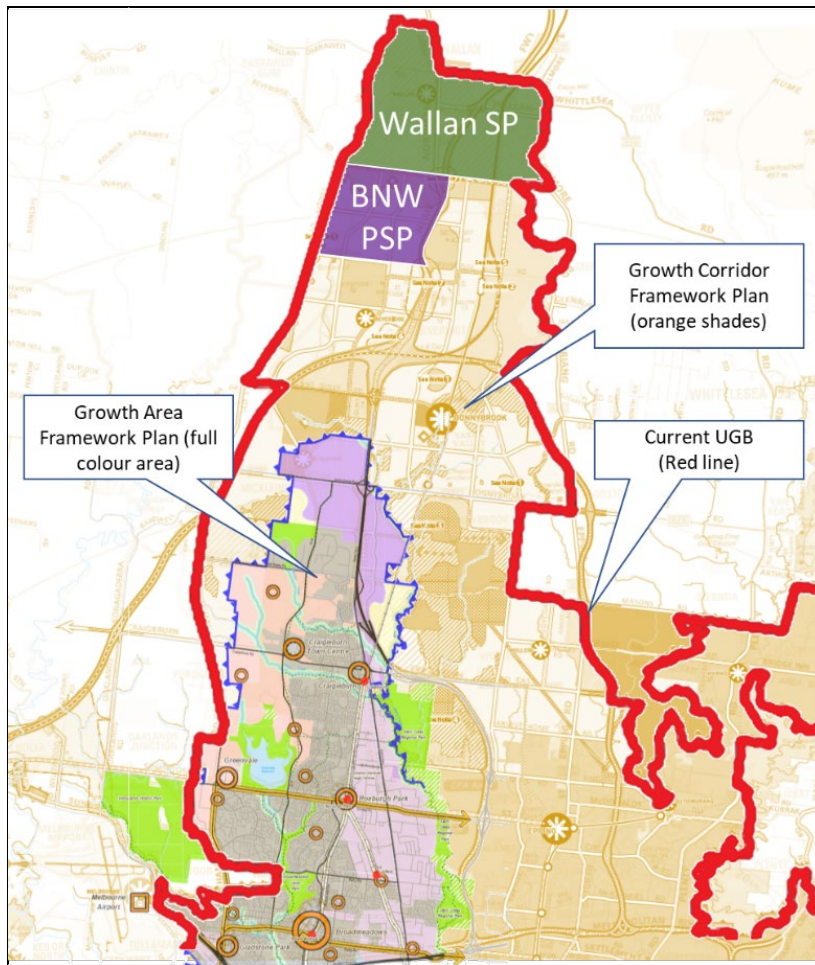
There are three main policy documents that guide growth area planning:

- Growth Area Framework Plans (2006)
- Growth Corridor Framework Plan (2012)
- *Plan Melbourne 2017-2050*.

The framework plans were prepared before the ‘logical inclusions’ process that amended the Urban Growth Boundary.

The Growth Area Framework Plans are the plans referred to in the Victoria Planning Provisions and are incorporated into planning schemes (see Appendix C:1). Unfortunately the Growth Area Framework Plans are hopelessly out of date and cover only a small portion of the growth corridor. Figure 5 shows the Growth Area Framework Plan (2006) in colour over the Growth Corridor Framework Plan (2012) in orange shades, and the current Urban Growth Boundary in red.

Figure 5 Comparison of 'Growth Area Framework Plan', 'Growth Corridor Framework Plan' (2012) and the UGB



Source: Prepared by the Panel

The Growth Area Framework Plans were superseded about 10 years ago by Growth Corridor Plans. As Council pointed out the Victorian Planning Authority's website says:

The Growth Corridor Plans are high level integrated land use and transport plans that provide a strategy for the development of Melbourne's growth corridors over the coming decades.

These plans will guide the delivery of key housing, employment and transport infrastructure in Melbourne's new suburbs and provide a clear strategy for the development of the growth corridors over the next 30 to 40 years.

Unfortunately, the Growth Corridor Plans are not up to date either. Critically the North Growth Corridor Plan does not provide any detail for the Wallan Structure Plan area (shown as ■ on Figure 5), identifying it as "Logical inclusions area".¹ 'Logical inclusions' was an Urban Growth Boundary (UGB) review process that ended in 2012 with the expansion of the UGB.

The Planning Scheme is somewhat confused as to which policy to apply. This is perhaps best illustrated by the Urban Growth Zone (UGZ). The UGZ comprises two parts – 'Part A' provisions,

¹ Version: <https://vpa-web.s3.amazonaws.com/wp-content/uploads/2012/11/North-Growth-Corridor-Plan.pdf>. It is not notated on plans in the earlier report: <https://vpa-web.s3.amazonaws.com/wp-content/uploads/2016/10/Growth-Corridor-Plan-Managing-Melbournes-Growth.pdf>

where no PSP applies, and 'Part B' provisions, where a PSP applies. The decision guidelines take the decision maker to different plans:

37.07-7 Decision guidelines [where no PSP applies]

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any relevant Growth Corridor Framework Plan.

37.07-14 Decision guidelines [where a PSP applies]

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any relevant Growth Area Framework Plan.

Surely this is not deliberate.

The current UGB was reaffirmed as the outer limit for growth in *Plan Melbourne 2017-2050* at Policy 2.1.1. It can only be changed by majority vote in both houses of Parliament. Plan Melbourne is the policy that underpins the current location of the UGB.

A strength of the Victorian planning system is the ability to present a comprehensive policy framework for land use and development in one place: the PPF. This is only a strength if the PPF is kept up to date. The current policy in the VPP essentially leaves most of the growth corridor without a comprehensive plan.

Local policy

Clause 21.02-1 (Urban growth) in the current Planning Scheme says:

As metropolitan Melbourne expands, Mitchell's role will continue to evolve in line with the North Growth Corridor Plan, movements in the UGB and the progressive implementation of Precinct Structure Plans for developing areas.

The *Scheme Review* usefully tracks where all current policy has landed in the PPF and advises this is now dealt with in Clause 02.03-1 (Settlement – Settlement within the urban growth boundary):

Settlement within the urban growth boundary

Significant growth is planned to occur in the southern are of Mitchell Shire within the Urban Growth Boundary over the next fifty years. Mitchell Shire has eleven precinct structure plan areas which will guide population growth and the associated infrastructure required as shown on the Mitchell Urban Growth Boundary Plan at Clause 02.04.

Existing settlements within the North Growth Corridor:

- **Wallan**: identified as an activity centre.
- **Beveridge**: identified as future activity centre.
- **West Beveridge and Lockerbie North**: planned for smaller town centres.
- **Lockerbie**: (located in Hume Council) will become the major activity centre serving southern Mitchell.

Over time these centres will develop to form the activity centre network for southern Mitchell.

The Beveridge Interstate Freight Terminal will be a significant transport and logistics hub for the state and nationally. It will develop as a major employment area.

Essentially, local policy will no longer rely on or reference the North Growth Corridor Plan, focussing instead on the PSPs.

(iii) Beveridge North West PSP**Amendment C106**

Mitchell Planning Scheme Amendment C106mith (Amendment C106) sought to introduce the Beveridge North West PSP. The Victorian Planning Authority (VPA) was the planning authority for the Amendment. A Panel conducted an 18-day hearing in July and August 2020 before submitting its report to the VPA on 7 October 2020.

The Panel concluded that there was clear policy support for the extraction of the stone resource in planning policy and recommended that Amendment C106 be revised to explicitly include precinct level planning for resource extraction from Work Authority Application 1473. The Panel identified several strategic issues with respect to planning for a potential quarry that warranted consideration.

The VPA subsequently prepared two draft Planning Scheme amendments, one to respond to the Amendment C106 Panel recommendations and amend the PSP (C158mith) and one to include an Infrastructure Contributions Plan (C161mith).

The quarry permit application

Conundrum Holdings Pty Ltd (Conundrum) lodged a planning permit application with Council on 4 October 2019 for a quarry in the northeast corner of the PSP area. Conundrum lodged an application to the Victorian Civil and Administrative Tribunal (VCAT) on 19 October 2020 under section 79 of the PE Act for review of Council's failure to determine the application within the prescribed time. There were 138 objections and 291 letters of support received as a result of public notice.

The matter was called in from VCAT by the Minister for Planning, under Clause 58(2)(a) of Schedule 1 to the *Victorian Civil and Administrative Tribunal Act 1998* on 24 February 2021, based on the Minister's view that:²

... the proceeding raises a major issue of policy, and determination of the proceeding may have a substantial effect on the achievement or development of planning objectives.

The Advisory Committee

On 20 December 2021, the Minister for Planning appointed the Beveridge North West Precinct Structure Plan, Supplementary Levy Infrastructure Contributions Plan and Quarry Permit Application Ministerial Advisory Committee (the Beveridge Committee).

The Beveridge Committee's Terms of Reference set out its purpose as to advise the Minister on whether:

- a) Draft Planning Scheme amendment C158mith (Amendment C158) is acceptable and appropriately implements the recommendations of the Amendment C106mith (Amendment C106) Panel, and any appropriate consequential changes to the Beveridge North West Precinct Structure Plan (PSP) area;
- b) Draft Planning Scheme amendment C161mith (Amendment C161) for the supplementary levy Infrastructure Contributions Plan (ICP) is acceptable; and
- c) Planning permit PLP268/19 (Permit Application) should be granted to 'use and develop the subject land for stone extraction and the creation of access to a road in a Road Zone Category 1' at the Conundrum Quarry Land under Work Authority Application 1473 having regard to the Mitchell Planning Scheme (as modified by the planning controls proposed by Amendment C158), and if so, the appropriate permit conditions.

² Document V39.

The Beveridge Committee’s report is not yet publicly available. Its public release is a matter for the Minister.

3.3 Submissions and evidence

Non-urban uses in the UGB

Council submitted that the planning context lies in planning policies that relate to:

- settlement
- natural resources management.

Land in growth areas is typically zoned UGZ. The purpose of the UGZ is:

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

To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.

To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.

To contain urban use and development to areas identified for urban development in a precinct structure plan.

To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.

To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.

Council observed that the purpose of UGZ, and planning policy framework upon which it relies, is to ‘manage’ the transition of urban land to non-urban land – this process of management requires some active role on Council’s part.

Council submitted:

- the UGZ expressly seeks to provide protection to existing non-urban land uses as distinct from encouraging new non-urban land uses.

Council submitted that where there is a conflict between policies, Clause 71.02 refers to the test of net community benefit. Assessing net community benefit is not an easy endeavour and requires the assessment of qualitative considerations, not quantitative. However, qualitative considerations do not easily lend themselves to forensic assessment.

Mr De Silva’s revised wording

Mr De Silva gave evidence for Council. Mr De Silva was of the opinion that:

... management of the implications associated with interim use, development and subdivision of land in growth areas is a strategically important issue that warrants recognition within policy.

Although Mr De Silva’s overall opinion was that the “*desire to establish policy direction is strategically justified*”. He did not however support the exhibited version of the proposed changes to Clause 11.01 in relation to interim use of land and extractive industry. He proposed a revised drafting of Clause 11.01 that in his opinion, appropriately:

- considers the status of any PSP
- reflects the relative importance of extractive industry within and beyond the UGB
- recognises the potential negative impacts associated with interim use, development and subdivision of land in growth areas
- identifies locations where extractive industries are to be encouraged and discouraged

- protects existing and approved extractive industry sites from encroachment by sensitive land uses.

His proposed wording was as follows:

Facilitate the development of well serviced and attractive growth areas.

Discourage the interim use, development or subdivision of land unless it can be demonstrated that the proposed use, development or subdivision will not prejudice the intended use of the land as identified in an approved Growth Corridor Plan and/or an approved Precinct Structure Plan or a yet to be prepared Precinct Structure Plan.

Recognise the value of extractive resources and seek to protect existing or approved extractive sites from encroachment of sensitive uses within the urban and rural parts of the Shire.

Encourage establishment of new extractive industries in locations outside of the Urban Growth Boundary.

Discourage establishment of new extractive industries within the Urban Growth Boundary on land that is subject of an approved Precinct Structure Plan where land has been prioritised for delivery of housing and employment.

Where any new extractive industry proposals are located within the Urban Growth Boundary on land that does not have an approved Precinct Structure Plan only support such applications where it can be demonstrated that the proposal will not:

- cause an unacceptable environmental or visual impact
- create unreasonable amenity impacts on any existing sensitive land uses
- unreasonably prejudice future use and development of the land for urban purposes
- result in reliance on adjoining privately owned land for buffer purposes.

Council accepted the concerns expressed by Mr De Silva and saw merit in his alternative proposal. Council submitted that the Panel should take his alternative drafting into consideration in preference to those provisions which were exhibited.

Avoiding or managing conflicts

Council's essential contention was that, at its most fundamental, planning should avoid, rather than manage, the co-location of conflicting land uses. It said that the most recent examples of these large-scale activities in the municipality have endeavoured to manage the co-location of conflicting land uses:

Ultimately whilst one hopes that it is possible to *manage* the co-location of conflicting land uses, unless further guidance is established, it is an experiment that has potentially enormous social and economic costs associated with it.

Council submitted that smarter strategic planning indicates that there should be additional guidance to avoid conflicts between urban growth and extractive industries. What Council said it had seen within Mitchell Shire is that in the consideration of large-scale proposals, the net community benefit is assessed on qualitative assessments which do not lend themselves to properly weighing the benefits of one proposal over the other.

Council submitted:

21. What is missing is local guidance to assist the decision-maker in going about the task of exercising discretion.
23. In the above context we submit that it is quite appropriate for the planning scheme, at the local level, not to be silent on an issue of such significance. By reference to the planning scheme map for the parts of Mitchell Shire south of the Dividing Range, it is apparent that these southern parts are identified as having an important role in providing housing and employment for the growing population of Victoria. It is also important to acknowledge that

planning schemes strictly control where urban development may take place, limiting it to defined areas which are, essentially, zoned residential, township or UGZ.

Part of Council's concern was that the significant long term infrastructure investment requirement by both the public and private sector will

... inevitably struggle where timelines for the orderly rollout of infrastructure and the receipt of income from development contributions is interrupted and made more inherently uncertain by the introduction of land uses that are, historically, conducted over longer timeframes than what is originally envisaged and put forward.

Until a machinery of government change on 1 January 2023, the Department of Jobs, Precincts and Regions – Strategic Resources Planning (DJPR) was tasked with securing extractive resources to help ensure the supply of affordable construction materials to meet current and future housing and infrastructure needs in Victoria. This function was undertaken by the Resources Branch of DJPR, a branch now located in the new Department of Jobs, Skills, Industry and Regions.

The Resources Branch viewed the proposed local policy (as exhibited and proposed by Mr De Silva) as contrary to Plan Melbourne and the policy framework, and unnecessary given other content in the Planning Scheme. The branch stated that in any greenfield urbanisation process, there can be land uses that are incompatible with urban land uses, particularly sensitive receptors. For example, intensive animal husbandry or rural industry. Such uses can also represent substantial investment, contribute to local economies and operate for many years.

The branch submitted:

Mitchell Shire is proven to have good supplies of local rock, which is fortunate given its growth forecasts, and this Regional Policy strategy [at Clause 14.03-1R Resource exploration and extraction – Hume] encourages making use of such construction materials. The proposed local policy's discouraging the availability of locally sourced construction materials is inconsistent with the Regional policy. No particular evidence has been provided that would justify departure from this strategy. On the grounds of planning policy, nothing supports the Amendment's proposed version of Clause 11.01-1L-01.

Aurora Constructions submitted:

38. The implications of Council's proposed Clause 11.01-1L are potentially broad and long term, serving to thwart the establishment of new extractive industry and the continued operation of and expansion of existing extractive industry. This could be in the form of extensions of time to existing permits, amendments to existing permits, decisions regarding land uses and developments on land adjoining or adjacent to existing facilities.

Conundrum's sole interest in the Amendment was with the way it said the Council:

... seeks to slip through the backdoor significant, unjustified and unnecessary policy changes which appear aimed only at agitating and re-prosecuting old scores. This is despite the amendment being intended to be administrative in nature, policy neutral and simply translate the Mitchell Shire Planning Scheme (Scheme) to the new state format.

Andrew Clarke gave evidence for Conundrum, and recommended:

The Clause 11.01-1L-01 strategy ... should be deleted. It does not need to be replaced or reworded. There are existing mechanisms provided in the planning scheme to balance and resolve competing planning policy outcomes if they exist. ...

Changes to the Wallan Structure Plan

Council submitted that the planning scheme provisions it seeks to put in place are not and cannot be retrospective, saying that decisions about that particular land use in Beveridge North West in which Submitter 3 has an interest are likely to be considered in the context of the existing Planning Scheme. Council noted:

Nothing in this Amendment is likely to influence those outcomes.

Council submitted that the inclusion of the proposed North Central Quarry and its associated buffers was an anomaly, given the Wallan Structure Plan approved by Council on 14 December 2015 does not include any reference to the proposed quarry.

Mr Clarke recommended:

With respect to the quarry site and its necessary buffer the Wallan Structure Plan map should be either:

- Unchanged from the existing map, or
- Annotated differently (for example if the extent of buffer is less precise) to reflect the existence of the current planning processes to facilitate the quarry and its buffer.

3.4 Discussion

Non-urban uses in the UGB

The Panel does not agree with Council that the purpose of the UGB *“To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs”* only applies to existing uses. A reference to, say ‘commercial use’ in a policy in an activity centre that says ‘support commercial uses’ is a broader reference than the existing shops and offices. Likewise, a reference to ‘non-urban uses’ is, in the Panel’s view, a reference to a category or class of uses as opposed to the specific instances of those uses. This is the way the table of uses in the UGB is constructed, and the fact that permits for quarries have been granted within the UGB would indicate decision makers and VCAT have taken a similarly broader view.

Council itself noted approval of:

- a large clay quarry has been introduced into the middle of an area identified as an employment area, the Beveridge Interstate Freight Terminal
- a stone extraction quarry foreshadowed in an area which is supposed to be the prime growth area for the provision of housing within the municipality.

Mr De Sliva’s revised wording

Nobody supports the exhibited text and the Panel thinks this is a strong argument of simply deleting it. Mr De Silva’s ‘refinements’ go beyond mere nuancing and the Panel is concerned that these words have not been publicly exhibited, and such an important change ought to be subject to a proper review process.

The Panel gives significant weight to the submissions of the state body tasked with ensuring an appropriate supply of stone resources. This is especially the case in the light of Council’s more local concerns.

Much of what Mr De Silva proposes seems to duplicate existing policy settings with perhaps two exceptions:

Encourage establishment of new extractive industries in locations outside of the Urban Growth Boundary.

Where any new extractive industry proposals are located within the Urban Growth Boundary on land that does not have an approved Precinct Structure Plan only support such applications where it can be demonstrated that the proposal will not:

...

- result in reliance on adjoining privately owned land for buffer purposes.

The Panel is concerned about the broader implications of the statement to *“Encourage establishment of new extractive industries in locations outside of the Urban Growth Boundary.”* The Panel understand that this is intended to be relative to land inside the UGB, but this is not what the policy says. It is not clear it is appropriate to encourage extractive industry in all areas outside the UGB in Mitchell and this is certainly a policy existing residents of these areas might want to have a say about.

The Panel is not convinced there is merit in a policy requiring buffers to be owned by the quarry operator in all cases. This may be an important consideration, but could be determined in relation to specific circumstances.

Avoiding conflicts

The VPP identify a range of things that should be ‘avoided’. Quarries in growth areas is not one of them. But the proposed policy is not about avoiding conflict, it is essentially about stopping quarries in growth areas. The Panel follows the logic of the C106 Panel. If planning prevents the extraction of stone resource through a PSP process or blanket policy approach, then the resource is likely sterilised for all time.

There may well be times when that decision is appropriate; the Panel is not satisfied here that the case for giving up potentially high quality, well located significant resources has been made. Indeed, the Council gave examples of where permit conditions had neatly ensured two uses would be separated temporally. Urban development of most of the growth area should be possible during resource extraction, with the balance developed post-quarrying. Thus, the Panel is not convinced that the Amendment as exhibited has framed the issue correctly; it should be possible to deliver a very significant urban development outcome and resource extraction in the long term. In the Panel’s view, that would be the net community benefit and sustainable development outcomes that planning seeks to achieve.

Even if the Panel were convinced that conflicts needed to be avoided rather than managed the Panel would need to be convinced that net community benefit always meant that quarries should give way to urban growth. This case has not been made.

Changes to the Wallan Plan

The Panel accepts that the planning permit application associated with the North Central Quarry is currently before the Minister for Planning for consideration and has not yet been approved. But it disagrees with Council that this means that the depiction of the quarry and quarry buffer on the Wallan Structure Plan should only be considered if the Minister determines that a planning permit should be issued.

Removing the buffer only has a practical effect if it allows for development of the land in the buffer. This would pre-empt the Minister’s decision on the quarry as it may prevent the quarry being developed.

Until the Minister makes a decision the option for the quarry should be protected by retaining the buffer, this is especially the case as:

- submission from relevant government agency support the quarry
- the conclusion of the C106mith panel supported extractive industry and the subsequent Beveridge Committee process were aimed at implementing those conclusions
- the permit for the quarry was called in from VCAT.

The Minister's decision on the quarry is unknown, but its approval, is clearly an option before the Minister.

The next decision on the buffer should be the final decision: there should not be a protentional 'off again, on again' process.

3.5 Recommendation

The Panel recommends:

2. Delete the following strategies from Clause 11.01-1L-01 (Settlement):

Avoid the interim development of land where it may prejudice the longer term strategic role of the land as identified in Precinct Structure Plans.

Facilitate growth of housing and employment above other uses that will undermine the delivery of housing and employment, such as extractive industry, within Melbourne's urban growth boundary.

3. Retain the current version of the Wallan Structure Plan.

4 Other submissions

4.1 Policy Submissions

4.1.1 'Paper roads'

Clause 02.03-2 (Environmental and Landscape Values)

Submitter 9 requested the wording of MPS Clause 02.03-2 (Environmental and Landscape Values) on roadside vegetation (last paragraph under Biodiversity subheading) be expanded to note that unused road reserves or "*paper roads*" also contain significant indigenous remnant vegetation.

Council acknowledged that unused road reserves can contain significant vegetation, but thought the exhibited statement appropriately acknowledged roadside vegetation and that it was unnecessary to specifically acknowledge remnant vegetation within unused road reserves within the MPS.

Council submitted the requested changes do not improve the wording of the Strategies and are not supported.

The Panel supports Council's approach.

4.1.2 Bushfire

Clause 02.03-3 (Environmental Risks and Amenity) and Clause 15.01-3L (Subdivision Design)

Bushfire safety issues

The Amendment proposes to transfer, with minor changes, the existing local bushfire policy (that does not repeat State Policy) at Clause 21.04-5 (Environmental Risks - Bushfire) to MPS Clause 02.03-3.

The Amendment at Clause 15.01-3L (Built Environment – Subdivision Design) proposes the following policy:

Avoid single accessway subdivisions to facilitate ease of movement by emergency vehicles and improve vehicle, cycle and pedestrian permeability.

This policy, whilst not prohibiting single accessway subdivisions, makes it clear that policy is to avoid them.

Submitters 8 and 13 requested that proposed MPS Clause 2.03-2 be revised to include policy requiring new and existing development to provide two entry and exit points, safe refuge areas and independent power for bushfire safety. Submitter 13 also requested that this policy is added to Clause 15.01-3L in addition to Clause 02.03-2.

Council advised that the proposed Clause 02.03-2 does not contain detailed bushfire safety policy as the purpose of the MPS is to provide an overview of important local planning issues and set out vision and strategy for use and development for Mitchell Shire.

Council said that it is not always possible to achieve two entry and exit points for new development.

State Policy in the PPF and Particular Provisions provide a robust policy framework for assessing subdivision design against bushfire safety and protection:

- Clause 13.02-15 (Bushfire Planning) is clear on bushfire protection policy, and any subdivision within a bushfire prone or bushfire management overlay is referred to the Country Fire Authority who assess access and safety design. The Clause has the objective:
To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Particular Provisions Clause 56.06-4 (Neighbourhood Street Design Objective) also provides appropriate policy guidance for road network safety, including the following Standards:
 - Provide safe and efficient access to all lots for service and emergency vehicles.
 - Provide safe movement for all vehicles.

Council advised that refuge areas are designated through Emergency Management Victoria's Bushfire Place of Last Resort program (or Neighbourhood Safer Places) and typically utilise open space areas or community facilities for this purpose. Council considered that specifying a requirement for bushfire refuges in Local Planning Policy is unnecessary.

Council did not support any changes to Local PPF bushfire safety policy in response to Submissions 8 and 13.

The Panel supports Council's approach

Bushfire environmental issues

Submitter 9 requested additional policy is added to Clause 02.03-3 regarding protection of flora and fauna from climate change and protection of flora and fauna from bushfires and planned burns.

Council advised that protection of flora and fauna from climate change is already noted under the proposed Clause 02.03-3 policy which notes that:

Climate change will impact on water resources, primary production and infrastructure and will effect ecological and human health.

Council also noted that the Planning Scheme provides significant policy protection for flora and fauna, including Particular Provisions Clause 52.17 (Native Vegetation) and that planned burn-offs for fire safety are not managed by the Planning Scheme.

Council did not support the changes to Clause 02.03-3 requested by Submitter 9.

The Panel supports Council's approach.

4.1.3 Equine tourism **Clause 02.03-7 (Economic Development)**

Submitter 13 requested that MPS Clause 02.03-7 be updated under the Tourism subheading to include reference to the economic importance of the equine industry which the submitter said was the largest employer in the Shire.

Council advised that the equine industry is important to Mitchell Shire but is not the largest employer. Clause 02.03-7 as exhibited notes equine tourism as an attraction.

Council did not support the changes to Clause 02.03-7 requested by Submitter 13.

The Panel supports Council's approach.

4.1.4 Kilmore **Clause 11.01-1L-04 (Kilmore)**

The Amendment proposes to relocate Local Policy for Kilmore from the LPPF at Clause 21.01-11 (Local Areas – Kilmore) to PPF Clause 11.01-1L-04.

Submitter 9 requested a new Strategy regarding protection of the KHRP is inserted due to concerns that the former police residence and former police paddock in the area do not have appropriate planning controls.

Council advised that the KHRP is protected by SLO1 (see Chapter 2.2). SLO1 covers the former police paddock. The privately-owned former Kilmore police residence at 5 Ryans Road is protected by the Heritage Overlay (HO81).

Council submitted that further policy protection for this area is not supported as part of the Amendment as it would require further investigation into the adequacy of the existing Heritage Overlay listing and citation. Such an investigation is typically undertaken via a Heritage Overlay audit.

The Panel supports Council's approach.

4.1.5 Bushfire **Clause 12.01-1S (Protection of Biodiversity)**

Submitter 9 requested that Clause 12.01-1S is revised to include a Strategy regarding the detrimental impacts of bushfire and planned burns on the conservation of Victoria's biodiversity.

Council did not support adding local strategy to this Clause as the Planning Scheme has existing significant bushfire protection policy.

Submitter 9 also sought a strategy at Clause 12.01-1S regarding developing a compliance tool for native vegetation removal that is available for public scrutiny. Council submitted that this matter cannot be resolved through changes to the Planning Scheme and is not relevant to the Amendment.

The interaction of bushfire and biodiversity policy is a state-wide issue, and it is not clear to the Panel that there is a need for a local policy. There has not been strategic work to support such a policy.

The Panel supports Council's approach.

4.1.6 Kilmore: protecting the KHRP **Clause 12.05-1S (Environmentally Sustainable Areas) and** **Clause 12.05-2S (Landscapes)**

Submitter 9 requested that strategies are added to Clauses 12.05-1S and 12.05-2S regarding protecting of the KHRP.

Council did not support adding new Local PPF policy to either Clause regarding protection of the KHRP ahead of the completion of further strategic work.

The Panel supports Council's approach.

4.1.7 Ridgeline protection **Clause 12.05-2L (Landscapes)**

The Amendment proposes to relocate existing local landscape provisions from LPPF Clause 21.03-2 (Environmental and Landscape Values – Significant Environments and Landscapes) to PPF Clause 12.05-2L. Submitter 13 noted their support for the proposed ridgeline protection policy and requested adding a further strategy noting that hilltops still require protection even if already developed with buildings.

Council pointed out that the proposed policy at Clause 12.05-2L, “*Maintain visual links with the surrounding natural environment by avoiding further development along any ridgeline or hilltop*” (emphasis added) covers all development. Council considered this change was not necessary as the issue is already addressed.

The Panel supports Council’s approach.

4.1.8 Forestry and Timber Production **Clause 14.01-3S (Forestry and Timber Production)**

Submitter 9 is opposed to the State Policy “*To facilitate the establishment, management and harvesting of plantations and the harvesting of timber from native forests*” and requested a new local strategy is applied that ensures new plantations consider relevant Government legislation.

The Panel notes that Clause 14.01-3S refers to the *Code of Practice for Timber Production 2014*. All plantations must be in accordance with the Code of Practice in addition to the Planning Scheme.

Inserting the requested strategy would repeat existing policy and is not supported by the Panel.

4.1.9 Urban heat island **Clause 15.01 (Built Environment)**

Submitter 8 requested that PPF Clause 15.01 is revised to include policy to avoid the heat island effect by encouraging larger gardens, shared back yards and community and drought tolerant gardens.

The Planning Scheme recognises that climate change and the heat island effect will impact new and existing communities. Several policies directly address this including:

- Clause 12.01-1S: Protection of Biodiversity
- Clause 15.01-1S: Subdivision Design
- Clause 13.01-1S: Climate Change, which includes the Strategy:
Plan development to respond to a changing climate through the application of environmentally sustainable design.
- Clause 32.08-3: General Residential Zone – Subdivision, which sets out minimum garden area requirements for smaller lots.
- Particular Provisions:
 - Clause 56.03: Residential Subdivision – Liveable and Sustainable Communities
 - Clause 56.03: Residential Subdivision – Urban Design
 - Clause 52.17: Native Vegetation.

Proposed Clause 12.01-1L (Protection of Biodiversity) relocates policy from Clause 21.05-1 (Natural Resource Management – Agriculture) and includes the policies requiring protection of indigenous flora and fauna through increased canopy planting.

Council submitted that changes to Clause 15.01 in response to Submission 8 were not supported as this would repeat existing policy within the Planning Scheme.

Council advised it is taking major steps to minimise the heat island effect through its Urban Forest Strategy, which has planted approximately 3,500 new urban trees since 2020.

The Panel agrees that the urban heat island effect is an issue that need to be tackled, and notes Council's urban tree planting efforts. The Panel agrees with Council that the Planning Scheme does not prohibit or discourage shared gardens or drought tolerant gardens, and that education programs can encourage land owners to plant drought tolerant gardens. However a critical step in these processes is knowing which species to plant. Council could consider developing a list of appropriate species for the municipality or bioregions within it.

In term of Planning Scheme changes, the Panel supports Council's approach.

4.1.10 Urban heat island

Clause 15.01-3L (Subdivision Design) and Clause 19.02-4L (Social and Community Infrastructure)

Submitter 13 requested that Council in all medium density developments larger than six dwellings acquire 5 per cent of the site for a small-scale park or tree planting instead of collecting a cash contribution under the *Subdivision Act 1988* to alleviate the heat island effect. Submitter 13 requested this policy is inserted into Clause 15.01-3L and 19.02-4L.

Council submitted that while well intended, there is no strategic justification for this change. Such an approach would need to be justified by an open space strategy and / or infrastructure framework plan. Undertaking such work is outside the scope of the Amendment.

As stated above, the Panel agrees that heat island effects can be significant and needs to be dealt with but it is not clear that the submitters proposal would be effective. The Panel is also concerned it may be a misuse of the open space contributions which are intended to deliver areas for resort and recreation.

The Panel supports Council's approach.

4.1.11 Heritage

Clause 15.03-1L (Heritage conservation)

The Amendment proposes to relocate LPPF Clause 22.02 (Heritage) to Clause 15.03-1L.

Submitter 13 requested that the following policy is added:

Adjacent structures on the same site or adjacent sites need to be constructed sensitively so that the actual construction does not detract from the continuing structural viability of the original heritage building.

Council submitted that all new buildings must be structurally sound and not impact on existing neighbouring buildings, regardless whether they are heritage or not. Planning Permits typically require a Construction Management Plan is endorsed prior to construction which identifies how to minimise disturbance and impacts on neighbouring properties during construction.

The Amendment also retains and relocates the following relevant provisions from Clause 22.02 to Clause 15.03-1L:

- Support development that integrates with the surrounding heritage buildings and streetscape.

- Encourage development both within and adjacent to the Heritage Overlay to be visually recessive and compatible in terms of its scale, siting, design, form and materials with the historic character and significance of the heritage place. (Emphasis added).

The proposed Clause 15.03-1L policy applies to land affected by and abutting a Heritage Overlay. Council did not support the proposed policy change sought by Submitter 13 as heritage buildings are protected by building regulations and relocated existing heritage provisions.

Submitter 13 also requested that electronic advertising signs are prohibited under Clause 15.03-1L. Council advised that it cannot prohibit uses under the PPF. Particular Provisions Clause 52.05 provides signage Controls. Within Clause 52.05 there is significant policy consideration given to new signs within heritage areas, including the following Decision Guidelines at Clause 52.05-8 (emphasis added):

The sensitivity of the area in terms of natural environment, heritage values, waterways and open space, rural landscape or residential character.

Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant views.

The Panel supports Council's approach.

4.1.12 Aged care

Clause 16.01-5S (Residential Aged Care Facilities)

Submission 13 requested that local policy for aged care is inserted that requires aged care facilities to include garages adjacent to units, ramps, wheelchair accessible dwellings and other accessibility features and that these dwellings should not come at additional cost.

Council said further consideration could be given to preparing a local policy specifying preferred requirements for aged care facility design, however that is outside the scope of this Amendment and requires further strategic work. Therefore, this change is not supported.

The Panel supports Council's approach.

4.1.13 Active transport

Clause 18.02 (Movement Networks)

Submitter 8 sought to provide greater policy priority to alternatives to car-based transport, including walking, riding and public transport.

Council submitted that State Policy within PPF Clause 18.02 and Particular Provisions Clause 56.06-1 (Residential Subdivision – Access and Mobility Management) provides significant policy support for active transport and public transport.

Council said that the Amendment appropriately addresses active transport and public transport and proposes to include the following Local Policies within PPF Clause 18.02:

- Clauses 18.02-1L (Walking) and 18.02-2L (Cycling) seek to improve walking and cycling routes between subdivisions and local destinations.
- Clause 18.02-2L (Public Transport) provides policy supporting a new train station at Beveridge, electrification of the train line to Wallan and upgrading pedestrian links between the town centres of Wallan and Kilmore and their train stations.

Council proposed no changes to Clause 18.02 in response to Submission 8.

Clause 18.02-2L (Public Transport) appears to be mis-numbered and should be Clause 18.02-3L (Public Transport).

Submitter 13 requested a local policy identifying the need for a pedestrian path between Kilmore and Kilmore East Train Station at Clause 18.02-2L.

Council submitted that this was “*an advocacy matter and outside the scope of the Amendment. Therefore, this change is not supported.*”

The Panel notes that the strategies for Kilmore at 11.01-1L-04 include a number of advocacy items as well as:

Facilitate pedestrian, cycling and vehicular linkages between growth areas and the established areas of Kilmore, Sydney Street town centre and existing facilities through an integrated movement network.

The Kilmore Structure Plan includes the action:

A13 Undertake a feasibility study into alignment and construction of pedestrian and/or cycle connection between Sydney Street and Kilmore East Train Station.

The Mitchell Open Space Strategy includes:

K5 Provide an off-road trail between the town centre and Kilmore East / Kilmore Railway Station. This will require determining the most feasible route and advocating for its construction.

There is clear policy support for improved pedestrian access to Kilmore East Railway Station. It is not clear to the Panel while a link supported by strategic work would be omitted from a strategy specifically seeking to facilitate certain links.

The Panel recommends:

4. In Clause 11.01-1L-04 include additions text as underlined:

Facilitate pedestrian cycling and vehicular linkages between growth areas and the established areas of Kilmore, Sydney Street town centre and existing facilities, and to the Kilmore East train station, through an integrated movement network.

4.1.14 Footpaths

Clause 18.02-1L (Walking)

Submitter 13 requested that a policy is included in Clause 18.02-1L requiring a footpath on at least one side of every street, that major connector roads require footpaths on each side of the road and footpaths should be constructed in older areas.

Council advised that it uses the *Infrastructure Design Manual 2019* (IDM) standards for road cross sections which determines road widths and provision of footpaths. The IDM is listed as a local background document at Clause 21.10-3 (Infrastructure – Infrastructure Planning, Design and Construction). It is proposed to relocate the IDM to Clauses 19.03-2L (Development Infrastructure – Infrastructure Design and Provision) and the Schedule to Clause 72.08 (Background Documents) as exhibited by the Amendment.

The IDM includes the requirement for a footpath on one side of the street for local roads and on both sides of the street for higher order roads, such as bus capable connector roads. Council said it was aware of missing footpath links in older established areas and is progressively working on constructing these. Providing new footpaths in established areas typically does not require a planning permit and is not relevant to the Amendment. Active transport is strongly supported by the existing Planning Scheme.

The Panel supports Council’s approach.

4.1.15 Culs-de-sac **Clause 18.02-4L (Road System)**

Submitter 13 requested that narrow roads in subdivisions with housing on one side be prohibited and that court bowls and dead-ends are not allowed in Clause 18.02-4L (Road system). Road design is guided by the IDM.

Council advised that Court bowls and dead-ends are discouraged throughout the Planning Scheme which seeks to provide permeable neighbourhoods and subdivision design, such as at Clause 56.02-02 (Residential Subdivision – Neighbourhood Street Objective):

To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network

Standard C17 includes minimising the provision of cul-de-sacs.

Council did not support any change.

The Panel supports Council's approach.

4.1.16 Open space **19.02-6S (Community Infrastructure – Open Space)**

Submitters 8 and 13 note that provision of passive and active open space do not appear to be specified within State Policy. Submitter 8 also requested that any public open space monetary contribution received under the *Subdivision Act 1988* is spent on acquisition of land for new public open space. The *Subdivision Act 1988* provides Council with an ability to seek open space based on the needs and nexus of individual planning applications.

Council noted that Clause 19.02-6S (Community Infrastructure – Open Space) provides open space policy. The Amendment proposes to relocate policy from LPPF Clause 21.02-3 (Settlement – Open Space) to PPF Clause 19.02-6L and include a new reference to the *Mitchell Open Space Strategy 2013 – 2023*.

Council considered that undertaking the changes requested would require significant strategic justification, such as an open space strategy or infrastructure framework plan. Council proposed no changes in response to the submissions.

The Panel agrees that such a change would require a more detailed assessment, and notes monies collected for open space must be spent on open space, but this can include the upgrading of existing reserves.

The Panel supports Council's approach.

4.1.17 Kilmore open space **Clause 19.02-6L (Open Space Strategies)**

Submitter 13 requested that a strategy is added to Clause 19.02-6L requiring a full-size football oval within the Kilmore South East Growth Precinct. The *Kilmore Structure Plan 2017* has been implemented into the Planning Scheme. Local Policy for Kilmore at Clause 21.11-3 (Local Areas – Kilmore) is proposed to be relocated to Clause 11.01-1L-04 (Kilmore).

The Structure Plan and proposed Clause 11.01-1L-04 identifies a 6.5-hectare active open space area within the Precinct. A Development Plan for the precinct was approved in June 2022 providing a 6.5-hectare active open space area which is large enough for a full-size football oval

should that be identified as the prevailing need for the land during the more detailed design stage. For context JJ Clancy Reserve, Kilmore’s senior football reserve, is approximately 5.2 hectares. Council considered that no change was required.

The Panel supports Council’s approach.

4.2 Overlays

4.2.1 Clause 42.01-3 (Environmental Significance Overlay Schedules)

Submitter 13 objected to deletion of Clause 42.01-3 Environmental Significance Overlay Schedule 3 (Watercourse Conservation). The Amendment does not propose to delete Clause 42.01-3.

Submitter 13 objected to removal of objectives at Sub-clause 2 (Environmental objective to be achieved) of the following Environmental Overlay Schedules:

- Environmental Overlay Schedule 4, Rural Conservation Area (ESO4)
- Environmental Overlay Schedule 6, Urban Conservation Area (ESO6).

The Amendment revises the number of objectives to one, as required by the *Ministerial Direction – Form and Content*. Therefore, Council did not support multiple objectives within ESO-4 and ESO-6. The revised single objective of ESO-4 and ESO-6 appropriately captures the objectives of each ESO schedule.

The Panel supports Council’s approach.

4.2.2 Clause 42.02-1: Vegetation Protection Overlay Schedule 1 (Roadside and Corridor Protection)

Submitter 13 requested that removal of exotic iconic vegetation should require a planning permit under Clause 42.02-1. Council considered this change is outside the scope of the Amendment as further strategic work is required to implement this change. Council is investigating further tree protection policy options, including for significant exotic trees.

The Panel supports Council’s approach.

4.2.3 Clause 42.02-2: Vegetation Protection Overlay Schedule 2 (Freeway Environs)

Submitters 8 and 13 sought clarification on deletion of policy within Clause 42.02-2, Vegetation Protection Overlay Schedule 2 (Freeway Environs, VPO2). The Amendment proposes the following changes to VPO-2:

- Sub-clause 2 (Vegetation protection objective to be achieved) is proposed to be revised from 9 objectives to 5, with redundant and unenforceable objectives or objectives duplicated elsewhere in the Planning Scheme deleted in accordance with the *Ministerial Direction – Form and Content*.
- Sub-clause 3 (Permit requirement) is proposed to be revised in accordance with the *Ministerial Direction – Form and Content*.
- Sub-clause 5 (Decision Guidelines) is to be revised by relocating referrals to the Schedule to Clause 66.04 (Referral of Permit Applications Under Local Provisions), in accordance with the *Ministerial Direction – Form and Content*.

Council submitted that the proposed changes to VPO-2 do not dilute the controls. The revisions to the objectives of Sub-clause 2 provides more readable and usable policy and removes policies that are not enforceable such as “Discourage the intensification of development in undesirable

locations". Sub-clause 3 permit requirement provisions make it clearer that removal of native vegetation triggers a planning permit.

Council proposed no changes to VPO-2 in response to Submission 8.

The Panel supports Council's approach.

4.2.4 Clause 42.03-3: Significant Landscape Overlay Schedule 3 (Kilmore Creek Environs)

Submitter 13 requested that SLO3 include a permit trigger for electronic signs. SLO3 covers public land along Kilmore Creek that is within the PPRZ and PCRZ. Any new signage within SLO3 must consider the purposes and decision guidelines of the PPRZ and PCRZ in addition to Clause 52.05 (Signs). Council considered that this provides an appropriate policy framework for consideration of new signage, including electronic signs, under SLO3, and did not support any changes the Amendment.

The Panel supports Council's approach.

4.2.5 Clause 43.02-4: Design and Development Overlay Schedule 4 (Kilmore Town Centre and Key Gateway Sites)

Submitter 13 requested changes to signage policy within Clause 43.02-4. Council referred to its earlier comments on signage.

The Panel supports Council's approach.

4.3 Other matters raised in submissions

4.3.1 Kilmore heritage review

At the Directions Hearing Submitter 9 advised that a hard copy letter addressed to Council dated 5 July 2022 and received by Council on 8 July 2022 forms part of their submission to the Amendment. This is in addition to their email submission received 17 July 2022.

The letter dated 5 July 2022 includes no reference to the Amendment, refers to a review of Kilmore's heritage and provides background information on Kilmore's history. The Amendment does not entail a review of Kilmore's heritage; however, the Amendment does propose changes to general heritage policy and may have led to this interpretation.

Council considered that the information within the letter is not relevant to the Amendment but can be considered during a future heritage review. It is noted that Submitter 9 did provide an electronic submission regarding SLO1 and several other matters which have been responded to in its submissions in the Council Report considering submissions to the Amendment.

The Panel supports Council's approach.

4.3.2 Expansion of KHRP and Kilmore Recreation Ground

Submission 12 notes that the Kilmore Recreation Ground (or Kilmore Racecourse) should be returned "*to the people*" and the current trustees of the site replaced.

Submission 12 requested that Council enter into a first right of refusal agreement to purchase the property abutting the north of Anderson Road, Kilmore for future expansion of the KHRP. Council

said that expansion of the KHRP is not relevant to the Amendment and Council cannot use this process to commence a first right of refusal process.

Council said that these issues were not relevant to the Amendment.

Clearly open space provision, in general, is relevant to the Amendment (but not the trustees issue). The Panel agrees that expansion of the KHRP has not been identified in the Amendment, but this does not mean that it is not a matter that could have potentially been identified. Expansion of the KHRP is not relevant because there is no Council strategy to increase the reserve, and so no strategic justification for such a strategy, not because open space provision is irrelevant to these types of amendments.

4.3.3 Corrections

Two corrections are worth noting.

Amendment VC205 in August 2022, replaced and renamed the Road Zone to the Transport Zone. Amendment VC205 updated the Transport Zone reference in VPO-2. The Amendment proposes to refer to the now outdated Road Zone. Council noted this error and will correct this prior to lodging the Amendment for approval.

The Panel notes that the Clause number for the public transport appear incorrect.

Appendix A Submitters to the Amendment

| No | Submitter |
|----|---|
| 1 | North Central Catchment Management Authority (NCCMA) |
| 2 | Kilmore Historical Society |
| 3 | Conundrum Holdings |
| 4 | Aurora Construction Materials Pty Ltd |
| 5 | Goulburn Broken Catchment Management Authority (GBCMA) |
| 6 | Environment Protection Authority |
| 7 | Kilmore Cricket and Recreation Reserve Inc. |
| 8 | BEAM Mitchell Environment Group |
| 9 | Norm Stimson |
| 10 | Department of Jobs, Precincts and Regions |
| 11 | Kilmore Mechanics Institute |
| 12 | Jim Lowden |
| 13 | Kilmore and District Residents and Ratepayers Association |
| 14 | Victorian Planning Authority |
| 15 | Construction Material Processors Association Inc |
| 16 | Goulburn Valley Water |

Appendix B Document list

| No. | Date | Description | Provided by |
|-----|-------------|--|-------------|
| 1 | 8 Nov 2022 | Letter from Jim Lowden to the Panel attaching his submission | Mr Lowden |
| 2 | 25 Nov 2022 | Council Part A Submission | Council |
| 3 | 25 Nov 2022 | Files form Kilmore and District Residents and Ratepayers Association | KDRRA |
| 4 | 28 Nov 2022 | Expert Evidence of A Clarke | Conundrum |
| 5 | 29 Nov 2022 | Mitchell Shire Extractive Industry Evidence Chris DeSilva of Mesh Planning | Council |
| 6 | 7 Dec 2022 | Mitchell Part B Submission | Council |
| 7 | 9 Dec 2022 | Jim Lowden submission to Hearing | Mr Lowden |
| 8 | 9 Dec 2022 | DJPR Resources Branch Panel submission to Hearing | DJPR |
| 9 | 12 Dec 2022 | Conundrum Holdings submission to Hearing | Conundrum |
| 10 | 13 Dec 2022 | Mitchell Shire Works Authorities | DJPR |
| 11 | 12 Dec 2022 | Submissions from Aurora Construction Material (Plant) Pty Ltd | Aurora |
| 12 | 13 Dec 2022 | C157mith post exhibition track changes | Council |
| 14 | 13 Dec 2022 | Post exhibition track changes | Council |
| 14 | 13 Dec 2022 | Mitchell Shire Works Authorities | Conundrum |

Appendix C Key planning policy and guidance

C:1 Growth corridor policy

The VPP sets out a policy for managing growth corridors:

11.02-3S (Sequencing of development)

Objective

To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

Strategies

Define preferred development sequences in areas of growth to better coordinate infrastructure planning and funding.

Ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure.

Require new development to make a financial contribution to the provision of infrastructure such as community facilities, public transport and roads.

Improve the coordination and timing of infrastructure and service delivery in areas of growth.

Support opportunities to co-locate facilities.

Ensure that planning for water supply, sewerage and drainage works receives high priority in early planning for areas of growth.

Policy documents

Consider as relevant:

- Any applicable Growth Area Framework Plans (Department of Sustainability and Environment, 2006)
- *Precinct Structure Planning Guidelines (Victorian Planning Authority, 2021)*
- *Ministerial Direction No. 12 – Urban Growth Areas*

11.03-2S (Growth areas)

Objective

To locate urban growth close to transport corridors and services and provide efficient and effective

infrastructure to create sustainability benefits while protecting primary production, major sources

of raw materials and valued environmental areas.

Strategies

...

Implement the strategic directions in the Growth Area Framework Plans.

...

Develop Growth Area Framework Plans that will:

- Include objectives for each growth area.
- Identify the long term pattern of urban growth.
- Identify the location of broad urban development types, for example activity centre, residential, employment, freight centres and mixed use employment.
- Identify the boundaries of individual communities, landscape values and, as appropriate, the need for discrete urban breaks and how land uses in these breaks will be managed.
- Identify transport networks and options for investigation, such as future railway lines and stations, freight activity centres, freeways and arterial roads.

- Identify the location of open space to be retained for recreation, and/or biodiversity protection and/or flood risk reduction purposes guided and directed by regional biodiversity conservation strategies.
- Show significant waterways as opportunities for creating linear trails, along with areas required to be retained for biodiversity protection and/or flood risk reduction purposes.
- Identify appropriate uses for constrained areas, including quarry buffers.

Develop precinct structure plans consistent with the *Precinct Structure Planning Guidelines* (Victorian Planning Authority, 2021) approved by the Minister for Planning to:

- Establish a sense of place and community.
- Create greater housing choice, diversity and affordable places to live.
- Create highly accessible and vibrant activity centres.
- Provide for local employment and business activity.
- Provide better transport choices.
- Respond to climate change and increase environmental sustainability.
- Deliver accessible, integrated and adaptable community infrastructure.

Policy documents

Consider as relevant:

- Any applicable Growth Area Framework Plans (Department of Sustainability and Environment, 2006)
- *Precinct Structure Planning Guidelines* (Victorian Planning Authority, 2021)
- *Ministerial Direction No. 12 – Urban Growth Areas*

The VPP incorporate:

Growth Area Framework Plans (Department of Sustainability and Environment September 2006), VC41

C:2 Practitioner's Guide

A Practitioner's Guide to Victorian Planning Schemes Version 1.5, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the VPP in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.