



WARRNAMBOOL  
CITY COUNCIL

# 2018 Warrnambool Planning Scheme Review

**December 2018**



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## EXECUTIVE SUMMARY

**The 2018 Warrnambool Planning Scheme Review (2018 Review) is the fourth review of the operation and performance of the Warrnambool Planning Scheme since it commenced in 1999.**

The Warrnambool Planning Scheme governs land use and development in the municipality of Warrnambool, covering some 120 square kilometres of land. The majority of the population lives in the urban areas of Warrnambool and in the smaller Townships of Allansford, Bushfield and Woodford. The municipality is the principle service centre for south-western Victoria and comprises a range of land uses, including rural, residential, educational, commercial, tourism, and industrial.

In accordance with Section 12B of the Planning and Environment Act, Council must review the Warrnambool Planning Scheme to ensure that it—

- a. is consistent in form and content with the directions or guidelines issued by the Minister under section 7; and
- b. sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies; and
- c. makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

The 2018 Review has evaluated the Warrnambool Planning Scheme in accordance with the above requirements. The review has been prepared in-house collaboratively by the City Strategy and Development Branch and seeks to:

- Determine whether it identifies and provides effective guidance on important strategic planning issues facing the municipality of Warrnambool, and is in line with the objectives of the Council Plan and Municipal Public Health and Wellbeing Plan.
- Assess whether it continues to implement State Planning Policy with regard to any changes that may have occurred in State policy since the previous review.
- Check compliance with relevant Ministerial directions or planning practice notes.
- Identify opportunities to streamline planning processes and reduce administrative burden.

In addition, the 2018 Review also:

- Includes an overview of outcomes and commitments following the 2014 Warrnambool Planning Scheme Review.
- Identifies achievements of, and any challenges faced by, the Warrnambool Planning Scheme and statutory planning processes over the previous 4 years.
- Assists in determining any gaps and priority projects for the future strategic planning work program.

The 2018 Review has been undertaken in the context that the Warrnambool Planning Scheme is in a state of transition. The previous planning scheme review undertaken in 2014 recommended a significant Local Planning Policy Framework (LPPF) rewrite which was implemented into the Warrnambool Planning Scheme via Amendment C93 in September 2016. Given its relatively recent implementation, a comprehensive evaluation has not been undertaken on the effectiveness of the changes from the LPPF rewrite at this stage. Furthermore, the State Government initiated Smart Planning program has introduced a new Planning Policy Framework (PPF) into all Victorian Planning Schemes. The new PPF structure will make substantial changes to the form and structure of the Municipal Strategic Statement and Local Planning Policies (LPPF).

### Findings

Council has undertaken an extensive program of strategic investigation and strategy development since the 2014 Review. This has resulted in some significant amendments to the Warrnambool Planning Scheme, including implementation of a complete rewrite of the LPPF and important guidance on development in flood prone areas.

The 2018 Review also notes that a number of strategic planning projects are in various stages of progress including:

- Logans Beach Strategic Framework Plan
- Allansford Strategic Framework Plan

- Aberline to Horne Road Structure Plan
- Warrnambool Social Housing Planning Project
- Warrnambool Eastern Activity Precinct Structure Plan
- Housing Diversity Strategy
- Open Space Contributions Policy
- Advertising Signage Policy
- Environmental Significance Overlay Review
- Merri River Open Space Precinct Plan

Alongside the strategic land use planning work being undertaken by Council is the significant amount of State policy and planning reform which has been taking place. This significant volume of work has required the resources of both the Strategic and Statutory Planning Teams at Council in terms of staying abreast of policy change, understanding and implementing new policy and providing input into draft strategies and policy as a stakeholder prior to its implementation.

In particular, the State Government initiated Smart Planning reforms has had and will continue to have implications for the Warrnambool Planning Scheme and Council processes. It will be important for Council to liaise with the Department of Environment, Land, Water and Planning (DELWP) in relation to the reforms and their development, to understand the implications for the Warrnambool Planning Scheme and statutory planning processes, and to seek opportunities for State Government assistance to contribute resources to assist with implementation of the reforms.

## RECOMMENDATIONS

Based on the Planning Scheme Review undertaken within this report, a suite of recommendations are made to improve the Warrnambool Planning Scheme. These recommendations are listed below:

Recommendation	Description
R1	Continue with Planning Scheme amendments, utilising the most up to date structural advice on form and content, to implement the following: <ul style="list-style-type: none"> <li>• Logans Beach Strategic Framework Plan.</li> <li>• Eastern Activity Precinct Structure Plan.</li> </ul>
R2	Complete the following strategic actions: <ul style="list-style-type: none"> <li>• East of Aberline Structure Plan.</li> <li>• Allansford Structure Plan.</li> <li>• Native Vegetation Management Plans.</li> <li>• Industrial Buffer Review.</li> <li>• Advertising Signage Policy.</li> <li>• Housing Diversity Strategy.</li> <li>• Investigate Affordable Housing mechanisms (Warrnambool Social Housing Planning Project).</li> </ul>
R3	Continue to explore internal and external funding opportunities to commence the following strategic actions: <ul style="list-style-type: none"> <li>• Bushfield and Woodford Strategic Framework Plans,</li> <li>• Rural Land Use Assessment.</li> <li>• Identification and protection of significant exotic and indigenous trees.</li> <li>• Identification of Coastal Acid Sulphate soils and management plan</li> <li>• View Sharing Study.</li> <li>• Neighbourhood Character Assessment.</li> <li>• Mapping of flora and fauna biodiversity.</li> <li>• Review of Warrnambool Retail Strategy (2007).</li> <li>• Medical Precinct Study.</li> <li>• Review of Gaming policy</li> </ul>
R4	Continue to maintain a Heritage Advisory service to undertake heritage assessments for individual places and / or precincts within established areas.

<b>R5</b>	<p>Remove the following strategic actions from Council's strategic work program that are either completed or no longer required:</p> <ul style="list-style-type: none"> <li>• Preparation of Strategic Framework Plan for land north of Wangoom Road.</li> <li>• Logans Beach Strategic Framework Plan</li> <li>• Review the Eastern Activity Precinct Structure Plan (2004).</li> <li>• Preparation of a car parking strategy for the City Centre.</li> <li>• Review of Bushfire Management Overlay</li> </ul>
<b>R6</b>	Prepare for a detailed review and restructure of the existing local planning policy framework for translation to the new Planning Policy Framework.
<b>R7</b>	Liaise with the Department of Environment, Land, Water and Planning (DELWP) in relation to the Smart Planning reforms to understand the implications for the Warrnambool Planning Scheme and statutory planning processes.
<b>R8</b>	Seek opportunities for Government assistance to contribute resources to assist with implementation of the Smart Planning Reforms.
<b>R9</b>	Update local content of the Planning Scheme to comply with Ministerial Direction – The form and content of Planning Schemes.
<b>R10</b>	Consider opportunities to further streamline simple applications through application of local VicSmart classes of application.
<b>R11</b>	Ensure the Warrnambool Social Housing Project is consistent with new Legislative framework on affordable housing established by the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017.
<b>R12</b>	Develop a position on new Integrated Water Management and Stormwater Requirements for commercial and industrial developments to ensure consistent application of the requirements.
<b>R13</b>	Ensure Clause 21.03-2 (Native vegetation management) provides for no net loss of native vegetation
<b>R14</b>	Commit to including the strategic vision and direction of the Warrnambool Council Plan 2017-21 as part of a future amendment to restructure the LPPF.
<b>R15</b>	Commit to reviewing the current Health and Wellbeing Plan 2017-21 as part of a future amendment to restructure the LPPF
<b>R16</b>	Continue to undertake an annual review of residential land uptake across the municipality in accordance with the City Wide Housing Strategy (2013).
<b>R17</b>	Remove reference of land to the north of Wangoom Road as a potential residential growth area from the planning scheme.

<b>R18</b>	Continue to pursue implementation of the Logans Beach strategic framework plan into the planning scheme.
<b>R19</b>	Continue to pursue implementation of the Eastern Activity Precinct structure plan into the planning scheme.
<b>R20</b>	Upon adoption of the Environmental Significance Overlay Review, update ordinance and mapping, as necessary.
<b>R21</b>	Upon adoption of the Open Space Contributions Policy, pursue implementation in the planning scheme.
<b>R22</b>	Review the Principal Pedestrian Network (once adopted) for implementation into the planning scheme.
<b>R23</b>	Consider the following strategic projects as part of future work program: <ul style="list-style-type: none"> <li>• A biodiversity Plan (this is a recommendation of Green Warrnambool)</li> <li>• An assessment /mapping of tree canopy cover in Warrnambool.</li> <li>• An Environmentally Sustainable Design (ESD) Policy (this is a recommendation of Green Warrnambool.</li> </ul>
<b>R24</b>	Undertake monitoring of commercial and industrial land supply to ensure the municipality maintains 15 years supply.
<b>R25</b>	Investigate how to provide guidance to developers with respect to preferred locations for community related uses including gyms, dance schools, and similar uses (through planning policy and/or advice).
<b>R26</b>	That advertising signs, and the effect of the new Advertising Signage Policy, when introduced, be reviewed as part of the next planning scheme review.
<b>R27</b>	That biodiversity controls in the planning scheme be reviewed having regard to the Victorian Biodiversity Strategy.
<b>R28</b>	Review the Development Plan Overlays (DPO) in accordance with Practice Note 23 – Applying the Incorporated Plan and Development Plan Overlays, August 2015
<b>R29</b>	Adopt the Warrnambool Planning Scheme Review 2018 as the review required pursuant to Section 12B(1) of the Planning & Environment Act 1987.
<b>R30</b>	Forward the Warrnambool Planning Scheme Review 2018 to the Minister for Planning as required by Section 12B(5) of the Planning and Environment Act 1987.

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Council acknowledges the Gunditj-mara and the Kirrae Whurrong people as the original custodians of the lands of this general area. Council also acknowledges the descendants of the ancestors of Aboriginal nations within the lands forming the Great South Coast and particularly the elders of the indigenous communities within both Warrnambool and this region.

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## 1. INTRODUCTION

The 2018 Warrnambool Planning Scheme Review (2018 Review) has been prepared to provide an overview of the performance of the Warrnambool Planning Scheme since its formal review in 2014.

The 2018 Review has been prepared to meet the requirements of Section 12B of the *Planning and Environment Act 1987* (the Act). The Act requires the planning authority (i.e. the Warrnambool City Council) to review its planning scheme within one year of adopting a new Council Plan, and must without delay submit the findings of the review to the Minister for Planning. Warrnambool City Council (Council) adopted the Warrnambool City Council Plan 2017-2021 in June 2017, and hence a review was due in June 2018.

Owing to recent structural and formatting changes to the Victoria Planning Provisions that have emerged through the State Government Smart Planning program (as discussed in Chapter 3), the Deputy Secretary, Planning, at the Department of Environment Land, Water, and Planning (DELWP) has granted Council an extension from June 2018 to 31 December 2018 to complete its planning scheme review.

### 1.1 2018 Review Purpose

In accordance with Section 12B of the Planning and Environment Act, Council must review the Warrnambool Planning Scheme to ensure that it—

- a. is consistent in form and content with the directions or guidelines issued by the Minister under section 7; and
- b. sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies; and
- c. makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

The 2018 Review has evaluated the Warrnambool Planning Scheme in accordance with the above requirements.

In addition, the 2018 Review has evaluated the Warrnambool Planning Scheme to:

- Determine whether it identifies and provides effective guidance on important strategic planning issues facing the municipality of Warrnambool, and is in line with the objectives of the Council Plan and Municipal Public Health and Wellbeing Plan.
- Assess whether it continues to implement State Planning Policy with regard to any changes that may have occurred in State policy since the previous review.
- Check compliance with relevant Ministerial directions or planning practice notes.
- Identify opportunities to streamline planning processes and reduce administrative burden.

#### The 2018 Review will:

- Include an overview of outcomes and commitments following the 2014 Warrnambool Planning Scheme Review.
- Identify achievements of, and any challenges faced by, the Warrnambool Planning Scheme and statutory planning processes over the previous 4 years.
- Assist in determining priority projects for the future strategic planning work program.

Once adopted by Council, this report will constitute the formal “Planning Scheme Review” of the Warrnambool Planning Scheme as required by Section 12B of the Act.

It should be noted that the Warrnambool Planning Scheme is not a static document and improvements are continually being made by both Council, through local planning scheme amendments, and by the State Government making changes to State policy. The 2018 Review forms part of this continual improvement program.

## 1.2 2018 Review Methodology

The 2018 Review has been prepared having consideration for the State Government guidance contained in Planning Practice Note PPN32: Review of Planning Schemes (2015) prepared by DELWP and the Continuous Improvement Review Kit (2006) published by the former Department of Sustainability and Environment (DSE) and the Municipal Association of Victoria (MAV).

The 2018 Review, whilst largely desktop, has included consultation with Council staff, specifically the Statutory Planning team. Consultation with the community and external stakeholders has not been undertaken as part of the review due to the recent development of Warrnambool 2040 Community Plan and Green Warrnambool (as discussed in Chapter 4). Each of these plans had a comprehensive engagement program that gave the community and external stakeholders multiple opportunities to provide feedback regarding planning opportunities and challenges facing the municipality.

The following specific tasks have been undertaken:

- An audit of the 2014 Warrnambool Planning Scheme Review.
- A review of recent State planning reform initiatives
- A review of local policy initiatives since the previous review.
- A summary of major planning issues for the municipality of Warrnambool.
- A review of the effectiveness of the Warrnambool LPPF.
- A review of statutory planning processes.
- Preparation of a Planning Scheme Review 2018 Report to present the findings of this research.

It is important to note that the previous Planning Scheme Review undertaken in 2014 recommended, amongst other matters, a significant local planning policy rewrite which was implemented into the Warrnambool Planning Scheme via Amendment C93 in September 2016. In light of this, the 2018 Review has not been as comprehensive given that Council has not had a significant amount of time to monitor the full impacts of the local planning policy rewrite, and given that other recommendations of the review are still in progress.

The State Government initiated Smart Planning Program has also introduced a new Planning Policy Framework (PPF) into all Victorian planning schemes (as discussed in Chapter 3). Council is scheduled to receive further direction from DELWP throughout 2019 on necessary structural and formatting changes to the planning scheme. For this reason, a detailed review of specific local schedules to zones, overlays, particular and general provisions has not been undertaken.

## 2 CONTEXT

### 2.1 Warrnambool Planning Scheme

The Warrnambool Planning Scheme commenced in 1999 and governs land use and development in the municipality of Warrnambool, covering some 120 square kilometres of land. The majority of the population lives in the urban areas of Warrnambool and in the smaller Townships of Allansford, Bushfield and Woodford. The municipality is the principle service centre for south-western Victoria and comprises a range of land uses, including rural, residential, educational, commercial, tourism, and industrial.

All planning schemes in Victoria have a standard structure, which includes:

- The Planning Policy Framework (PPF) - integrated State, Regional and Local content.
- Some Councils (including Warrnambool) still contain a separate Local Planning Policy Framework (LPPF), comprising the Municipal Strategic Statement (MSS) and local planning policies (where relevant) - solely local content. (Transitional until integrated with the PPF)
- Zones, overlays, particular provisions and general provisions, where schedules may contain local content but the overarching clause contains fixed State content. Council determines where and which zones and overlays apply to land.
- Incorporated documents, where schedules may contain local content.
- Maps showing the application of zones and overlays.

The local content of the Warrnambool Planning Scheme currently includes:

- The Municipal Strategic Statement (11 Clauses).
- 3 local policies.
- 18 zones and 19 schedules to zones, 6 of these schedules contain local content.
- 9 overlays and 37 schedules to overlays, all of the schedules are local content based.
- 4 schedules to particular provisions which contain local content.
- 1 schedule to general provisions which contain local content, including local referral provisions.
- 9 incorporated documents.

### 2.2 Previous Planning Scheme Reviews

The Warrnambool Planning Scheme has undergone 4 reviews since it commenced (in 1999), in 2002, 2005, 2010 and 2014. Most recently, the 2014 Review recommended a significant local planning policy rewrite which was implemented into the Warrnambool Planning Scheme via Amendment C93 in September 2016. The amendment updated the Municipal Strategic Statement (MSS) at Clause 21 and deleted the majority of existing local planning policies by translating policy into the MSS, where appropriate.

The updated MSS included identification of further strategic work that was recommended by the 2014 Review, and also identified through the local planning policy rewrite. The table below provides an audit of these actions.

**Table 1: Audit of the Future Strategic Work Program from the Warrnambool Planning Scheme**

Future Strategic Work Recommendation	Status	Current Position
<b>Activity Centres</b> (Clause 21.02-1) Review land uses and zoning within the Northpoint Village Neighbourhood Activity Centre (Clause 21.02-1)	Not Commenced	The Northpoint Village is part of an important Neighbourhood Activity Centre that serves the developing northern Warrnambool area. The Warrnambool Retail Strategy (2007) identified that the long term retail requirements of the centre may need to be assessed to take account of the development of a new supermarket and speciality shops (completed mid-2007). The strategy recommended this action be completed by 2016. The current zonings and land uses within the broader activity centre precinct require review to ensure the correct mix of land uses can be accommodated to support the activity centre hierarchy. Council has monitored the retail requirements of the centre via development approvals and change of uses. No significant development pressure or changes in retail trends have been identified. It is likely that the future retail needs of the centre will be considered as part of a review of the Warrnambool Retail Strategy (2007).
<b>Urban Growth</b> (Clause 21.02-2) Investigate green wedge style planning controls for the purposes of protecting agricultural uses in urban/rural interface areas.	Not Commenced	At the urban/rural interface, amenity issues are the most common land use conflict issues, followed by environmental protection issues. Direct impacts from neighbouring urban land uses on farming operations can also cause conflict, and land management issues. As the urban growth areas of the municipality of Warrnambool develop, there is a need to examine land use management tools to prevent land use conflict. This work has not commenced due to funding availability.
Prepare a Structure Plan for the South Dennington Grown Area.	On-hold	Structure Planning in South Dennington is a proponent driven project. This project is on hold pending further investigations into drainage, open space, traffic, flora and fauna, and impact from nearby industrial uses. There are no immediate residential land supply issues in the municipality that requires this project to progress.
Prepare a Structure Plan to guide development within the long-term growth area (land East of Aberline Road).	In-progress	Structure Planning for land east of Aberline Road commenced in 2017 and is being prepared by Victorian Planning Authority (VPA) in conjunction with Council. Council has commissioned technical reports that will help inform future use and development options for the area. A comprehensive engagement process involving landowners, stakeholders and government agencies will commence in the first quarter of 2019 to landowners, and stakeholders (See Chapter 4 for further details).

Prepare a Strategic Framework Plan for land north of Wangoom Road;	<b>Completed</b>	Land to the north of Wangoom Road is identified as a potential residential growth area, subject to further strategic work. In 2017, Council commissioned Insight Planning Consultants Pty Ltd to assess the potential of the land to sustain increased residential growth. Due to infrastructure and other development constraints, the area was considered to be unsuitable for increased residential growth. Council adopted this recommendation in September 2018. It is now necessary to consider removing this land as a residential growth area in the Planning Scheme and updating this action as completed in the further strategic work section. (See Chapter 4 for further details).
Prepare a Strategic Framework Plan for the Logans Beach Area;	<b>Completed</b>	Following extensive consultation, the Logan's Beach Strategic Framework Plan was adopted by Council in 2017. It is planned to implement the plan as part of a future Planning Scheme amendment, which will occur in 2019 (See Chapter 4 for further details).
Prepare a Strategic Framework Plan for Allansford;	<b>In-progress</b>	In August 2018, Council was successful in obtaining funding from the Victorian Planning Authority (VPA) to commence a Strategic Framework Plan for the Township of Allansford. The plan will provide a long term vision and framework to guide land use and development and manage the future growth of the town. The project is due for completion in 2019 (See Chapter 4 for further details).
Prepare a Strategic Framework Plan for Bushfield and Woodford	<b>Not Commenced</b>	The townships of Bushfield and Woodford are smaller settlements offering rural living lifestyles on the northern boundary of the municipality. A strategic framework plan is required to explore the possibility of further development and to ensure any development considers groundwater and wastewater management, and any character impacts. This work has not occurred due to funding availability.
<b>Biodiversity</b> (Clause 21.03-1) Identify and map flora and fauna biodiversity values across the municipality	<b>Not Commenced</b>	The natural environment is a key defining feature of the municipality, with its rugged coastlines, and the Merri and Hopkins Rivers. These areas provide habitat for native flora and fauna, including rare and threatened species, and highly valued public open space for residents and visitors. Ongoing urban growth is expected in the municipality and appropriate planning is required to identify and protect biodiversity assets. This work has not commenced due to funding.
<b>Native Vegetation Management</b> (Clause 21.03-2) Prepare Native Vegetation Management Plans for land within the coastal reserve	<b>In-progress</b>	The development of the Warrnambool Coastal Vegetation Management Plan is a priority strategic project due for completion in 2019. This work has commenced through the development of Native Vegetation Precinct Plans, which is earmarked for completion in 2019.
<b>Coastal Areas</b> (Clause 21.03-3) Review existing and investigate the application of new SLO along the coast to reflect the	<b>No longer required</b>	At the approval of the new format Warrnambool Planning Scheme in 1999, the Minister for Planning identified the need for a coastal landscape review. In response, the State Government prepared a Coastal Spaces Landscape Assessment (2006). Since this time, Council has adopted the Warrnambool

<p>recommendations of the Coastal Spaces Landscape Assessment (2006).</p> <p>Investigate the potential of Hopkins Point Road to be developed as a major tourist gateway to the city.</p> <p>Prepare precinct plans to encourage coastal recreation uses between the Breakwater Activity Node and Foreshore Activity Node.</p>	<p><b>Not Commenced</b></p> <p><b>In Progress</b></p>	<p>Coastal Management Plan (2013), which provides considerable progress in implementing a framework that adequately deals with coastal landscape assessment matters. As such, this work is no longer required. It is recommended this action be deleted.</p> <p>The action to investigate the potential to link the Great Ocean Road to Hopkins Point Road, to further the journey along the coast, was identified as early as 2003. Whilst an investigation still has merit, this work has not commenced due to funding unavailability.</p> <p>The action to prepare precinct plans to encourage coastal recreation uses between the Breakwater Activity Node and Foreshore Activity Node will be addressed through the development of an overarching Foreshore Precinct Plan. It is anticipated this work will commence in 2019.</p>
<p>Significant Environments and Landscapes (Clause 21.03-4)</p> <p>Undertake a study to identify opportunities for sharing of views to the ocean, rivers, and surrounding rural areas.</p>	<p><b>Not Commenced</b></p>	<p>Landscape views of the ocean, Merri and Hopkins Rivers, and rural environs can be achieved from various public and private realms throughout the municipality. These landscape views are highly valued by residents, the community and visitors, contributing to the overall appeal and amenity of the municipality. The action has not commenced due to funding unavailability.</p>
<p>Undertake a study to identify and protect significant exotic and indigenous trees that contribute to the overall character of the city.</p>	<p><b>Not commenced</b></p>	<p>Warrnambool has a long and proud history of tree planting and is renowned for its extensive and diverse tree population, particularly the Norfolk Island Pines. There may be other species of trees that contribute to the character of the city, which require protection from removal and other development impacts. The action has not commenced due to funding availability.</p>
<p>Climate Change impacts (Clause 21.4-1)</p> <p>Monitoring and continuing to plan for the impacts of climate change on the local environment in the context of broader climate change policy.</p>	<p><b>Ongoing</b></p>	<p>The action to monitor and plan for impacts of climate change on the local environment in the context of broader climate change policy will be addressed through the Local Coastal Hazard Assessment project.</p>
<p>Identify coastal areas susceptible to coastal acid sulphate soils and implement a management strategy.</p>	<p><b>On going</b></p>	<p>If disturbed Coastal Acid Sulphate Soils (CASS) can be detrimental to the environment. The State Government has mapped land in Victoria that has the potential to contain CASS i.e., Prospective Land, rather than mapping individual bodies of CASS is difficult since they are often hidden below the soil). This mapping shows that parts of the Warrnambool coastline have the potential to contain CASS. Rather than undertaking a municipal wide mapping exercise to confirm the presence of CASS, Council</p>

		currently requires developers in proximity to the coast to undertake site specific investigations before development commences, where relevant.
Soil Degradation (Clause 21.04-3) Identify land that is susceptible to erosion as a result of landslip	<b>Not commenced</b>	Limestone cliffs, steeper earth slopes and coastal dunes along the main rivers and coast in the municipality of Warrnambool are susceptible to erosion as a result of landslip. A significant problem is the existence of slopes in excess of 20 degrees where further development and vegetation removal would compromise land stability. Landslide susceptibility modelling is required to identify high risk areas. This work has not commenced due to funding unavailability.
Noise and Air (Clause 21.04-4) Undertake a review of land uses within recommended separation distances to existing industry to provide guidance on the how land uses can be managed.	<b>On hold</b>	Buffers and separation distances are considered important in protecting industrial operations and residential amenity. The development of an Industrial Buffer Review for the municipality has commenced but is on hold pending the outcome of the State Government policy review on buffer and separation distances
Bushfire (Clause 21.04-5) Investigate the Bushfire Management Overlay to areas at risk of bushfire.	<b>Completed</b>	Extensive review of the Bushfire Management Overlay mapping has been undertaken by the CFA and DELWP and implemented into the Warrnambool Planning Scheme under Amendment GC13 in 2017. It is recommended this action be deleted.
Agriculture (Clause 21.05-1) Undertake further work to provide guidance on rural land uses, including a review of the rural areas within the municipality to determine the most appropriate application of the rural zones.	<b>Not commenced</b>	Increasing pressure to use and develop rural land for purposes other than agriculture, and the need to protect productive agricultural land, are key issues facing the municipality. (See Fala Park Pty Ltd v Warrnambool CC in Chapter 5 for further details). A review of rural land uses is required to inform any changes to the rural zones, including subdivision and development controls. This action has not commenced due to funding availability.
Urban design (Clause 21.06-1) Develop a local policy to guide consideration of advertising signage in commercial and industrial areas, and areas of high sensitivity including areas of heritage significance and along City and township entrances.	<b>In-progress</b>	The preparation of an Advertising Signage Policy has commenced. It is anticipated the policy will be finalised and implemented into the Planning Scheme in 2019 (see Chapter 4 for further details).

Prepare urban design guidelines for the established residential precincts to promote high quality design responses that recognise neighbourhood character.	<b>Not commenced</b>	The preparation of urban design guidelines for established residential precincts would be undertaken in conjunction with the development of a Neighbourhood Character Study and View sharing study.
Undertake a study to identify opportunities for sharing views to the ocean, rivers, and surrounding rural areas.	<b>Not commenced</b>	Refer to above.
<b>Design for safety</b> (Clause 21.06-1) Investigate appropriate planning control or local policy to guide consideration of planning permit applications for front fences.	<b>Not commenced</b>	This action will be progressed in conjunction with the development of urban design guidelines and a Neighbourhood Character study, which will explore the need for front fence controls.
<b>Cultural identity and Neighbourhood Character</b> Progressively undertake neighbourhood character assessments within established urban areas.	<b>Not commenced</b>	A Neighbourhood Character Study (NCS) is required to provide landowners, developers and Council with a common understanding about the key features of neighbourhood character to facilitate consistent decisions about design response, and the application of appropriate planning tools that respond to the neighbourhood character of a particular area. The demand for the NCS has increased due to State policy that emphasises the need for neighbourhood character assessments to underpin application of residential zones, and recent state policy changes that has introduced minimum garden area requirements. The study is also a critical component in underpinning other strategic work, including the housing diversity strategy, view sharing and controls for front fences. This action has not commenced due to funding unavailability.
<b>Heritage</b> (Clause 21.06-3) Continue to undertake heritage assessments for individual places and/or precincts within established areas.	<b>Ongoing</b>	Council maintains a Heritage Advisory service to undertake heritage assessments for individual places and / or precincts within established areas.

<b>Location of Residential Development (Clause 21.07-1)</b> Review residential areas in close proximity to industrial precincts to provide guidance on future residential development, including reviewing the extent of separation distances in conjunction with the EPA.	<b>In-progress</b>	The Industrial Buffer Review will assess residential areas in close proximity to industrial precincts.
<b>Housing Diversity (Clause 21.07-1)</b> Prepare a Housing Diversity Strategy to ensure housing growth in established urban areas occurs in the right way and in appropriate locations	<b>In-progress</b>	The municipality of Warrnambool is currently experiencing housing growth and change. Much of this growth and change is in new growth areas. Yet, there is increasing pressure to manage residential development within the established urban areas of the municipality. The Housing Diversity Strategy will set out a strategic framework to assist with managing housing growth and change in the established suburbs of the municipality. The strategy will also respond to the changing demographic profile of the municipality and shifts in household sizes. The development of the strategy has commenced.
<b>Housing Affordability (Clause 21.07-1)</b> Investigate methods for addressing the availability of affordable housing in the municipality.  Identify opportunities and mechanisms to provide additional social housing.	<b>In-progress</b>	Funding has been received under the State Government Social Housing Investment Planning program to undertake a social housing planning project which will identify opportunities and mechanisms to provide additional social housing in the municipality. This work is underway.
<b>Commercial (Clause 21.08-1)</b> Undertake a review of the Warrnambool Retail Strategy (2007)	<b>Not commenced</b>	The Warrnambool Retail Strategy 2007 was implemented into the Warrnambool Planning Scheme in 2010. Significant changes have occurred in the retail sector in the last 10 years, and subsequently a review of the strategy needs to be undertaken. This action has not commenced due to funding availability.

<p><b>Industry (Clause 21.08-2)</b> Prepare industrial building siting and design guidelines to encourage improved attractiveness of industrial sites and landscaping.</p> <p>Prepare a Development Contributions Plan for the Eastern Industrial Precinct.</p> <p>Continue to implement the Warrnambool Industrial Land Use Review (2010) by rezoning the balance of the Eastern Industrial Precinct to the appropriate zones, including the application of the Development Plan Overlay and Development Contributions Plan Overlay.</p>	<p><b>Not commenced</b></p> <p><b>Ongoing</b></p> <p><b>Ongoing</b></p>	<p>This action has been partially implemented by the application of a local planning policy on industrial development. The effectiveness of this policy needs to be reviewed to ascertain whether more detailed design guidelines need to be prepared.</p> <p>See comments below.</p> <p>As development occurs and progresses within the Eastern Industrial Precinct, implementation of the Industrial Land Use review will continue, subject to monitoring of industrial land supply needs and analysis of land use requirements.</p>
<p><b>Gaming (Clause 21.08-4)</b> Review the Warrnambool Gaming Policy (2011) and implement into the Planning Scheme, as appropriate.</p>	<p><b>Monitoring</b></p>	<p>Warrnambool has reached its State Government cap on gaming machine numbers. The 2011 Gaming Policy is now out of date due to changes in the State Government's implementation of gaming policies within the planning framework. A review of the Gaming Policy has not commenced due to funding availability.</p>
<p><b>Health Facilities (Clause 21.10-1)</b> Investigate land use and policy requirements within the Medical Services Precinct.</p>	<p><b>Monitoring</b></p>	<p>The Warrnambool City Centre Revitalisation Structure Plan (2012) identifies the need to undertake a Medical Precinct Study to support South West Healthcare. Whilst this work has not commenced due to budget constraints, Council is monitoring health care land use trends in the area.</p>
<p><b>Water Supply, Sewerage and Drainage (Clause 21.10-3)</b> Undertake a sewerage and effluent management strategy for Bushfield and Woodford, examining options and making recommendations regarding the most effective and cost</p>	<p><b>Not commenced</b></p>	<p>A sewerage and effluent management strategy for Bushfield and Woodfield would be undertaken in conjunction with structure planning for the Townships (see item 2 above).</p>

beneficial way to enable growth to occur without environmental degradation.		
<b>Waste and Resource Recovery</b> (Clause 21.08-3) Undertake a review of land uses within recommended separation distances to waste transfer stations to provide guidance on the how land uses can be managed.	<b>In-progress</b>	The Industrial Buffer Review (see item 6 above) will review recommended separation distances to waste transfer stations.
<b>City Centre</b> (Clause 21.11-1) Preparation of design guidelines for new development within the City Centre.  Preparation of a car parking strategy for the City Centre.  Review land use zonings across the City Centre to ensure the most appropriate mix of land uses can be achieved.	<b>Not commenced</b>  <b>Completed</b>  <b>Not commenced</b>	The City Centre structure plan contains recommended design parameters for new development within the City Centre. The development of more detailed design guidelines has not commenced due to funding availability.  Council has developed the City Centre Parking Strategy (2015) to provide direction and the strategic framework for the future supply and improved management of on and off street parking in the City Centre. It is recommended this action be deleted.  This action will form part of the review of the Warrnambool Retail Strategy.
<b>Eastern Activity Precinct</b> (Clause 21.11-2) Review the Eastern Activity Precinct Structure Plan (2004)	<b>Completed</b>	The Eastern Activity Precinct is Warrnambool's only major activity centre, second only in scale and importance to the City Centre. A revised structure plan was adopted by Council in 2016 and it is anticipated the structure plan will be implemented into the planning scheme in 2019. It is recommended this action be deleted.
<b>Dennington Activity Centre</b> (Clause 21.11-3) Review the need to apply a Development Plan Overlay across the wider precinct area	<b>Monitoring</b>	Council is monitoring trends at the Dennington Activity Centre and wider precinct area via development approvals and change of uses. No significant development pressure or changes in trends have been identified at this time, however monitoring of the wider precinct will continue.

## 2.3 Conclusions and Recommendations

The Warrnambool Planning Scheme addresses a wide range of issues facing the municipality. The Local Planning Policy Framework was significantly revised in 2016 as part of the 2015 planning scheme re-write project and provides a contemporary planning framework to respond to key issues and challenges facing the municipality and wider south west region.

Council has undertaken a comprehensive program of strategic work in response to the planning scheme review in 2014. A detailed audit has revealed that, whilst some items are no longer required, many of the recommendations from the 2014 review have been completed or substantially progressed.

Whilst substantial progress has also been made on many strategic projects, several projects remain outstanding, mainly due to budget constraints and funding unavailability. The following recommendations are made:.

### Recommendations

**R1** Continue with Planning Scheme amendments, utilising the most up to date structural advice on form and content, to implement the following:

- Logans Beach Strategic Framework Plan.
- Eastern Activity Precinct Structure Plan

**R2** Complete the following strategic actions:

- East of Aberline Structure Plan.
- Allansford Structure Plan.
- Native Vegetation Management Plans.
- Industrial Buffer Review.
- Advertising Signage Policy.
- Housing Diversity Strategy.
- Investigate Affordable Housing mechanisms (Warrnambool Social Housing Planning Project).

**R3** Continue to explore internal and external funding opportunities to commence the following strategic actions:

- Bushfield and Woodford Strategic Framework Plans,
- Rural Land Use Assessment.
- Identification and protection of significant exotic and indigenous trees.
- Identification of Coastal Acid Sulphate soils and management plan
- View Sharing Study.
- Neighbourhood Character Assessment.
- Mapping of flora and fauna biodiversity.
- Review of Warrnambool Retail Strategy (2007).
- Medical Precinct Study.
- Review of Gaming policy

**R4** Continue to maintain a Heritage Advisory service to undertake heritage assessments for individual places and / or precincts within established areas.

**R5:** Remove the following strategic actions from Council's strategic work program that are either completed or no longer required:

- Preparation of Strategic Framework Plan for land north of Wangoom Road.
- Logans Beach Strategic Framework Plan
- Review the Eastern Activity Precinct Structure Plan (2004).
- Preparation of a car parking strategy for the City Centre.
- Review of Bushfire Management Overlay

## 3 STATE PLANNING REFORM AND POLICY INITIATIVES

### 3.1 Overview

There have been several significant legislative and policy changes at the State level in a variety of areas since the last planning scheme review, including a reform of the Victorian Planning System via the State Government's *Smart Planning* program (the first such reform since the introduction of the Victoria Planning Provisions in 1996).

Initiatives particularly relevant to the Warrnambool Planning Scheme include:

- New integrated Planning Policy Framework
- Introduction of the 'VicSmart' system which is a streamlined permit application process for straightforward applications.
- Change to the Ministerial Direction on the Form and Content of Planning Schemes.
- New ministerial direction to consult with the EPA.
- Revised fee structure.
- Great South Coast Regional Growth Plan.
- A review of the residential zones.
- Development contributions reforms including the introduction of an Infrastructure Contributions Plan.
- Bushfire reforms.
- A revised Native Vegetation Framework.
- New standards for apartments.
- Housing affordability.
- Animal industries.
- New stormwater requirements.
- Several Amendments to the Planning and Environment Act 1987 and the Victoria Planning Provisions.
- Revisions to the majority of the planning practice and advisory notes.
- Reviews on solar energy facilities, buffer and separation distances, coastal hazards, and siting and design guidelines for structures on the Victorian Coast.

These initiatives will have varying impacts on the Warrnambool Planning Scheme and planning services and are discussed below:

### 3.2 Process Initiatives

#### 3.2.1 Smart Planning Program

Launched by Department Environment Land Water Planning (DELWP), the Smart Planning Program is an initiative of the State government arising from a 2016 Budget commitment of \$25 million to reform the Victoria Planning Provisions for the 21<sup>st</sup> Century.

The 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 is looking to identify and explore more substantial 'transformative' changes from 2018 onwards.

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. A new

Amendment Tracking System (ATS) has recently been implemented which requires Councils to prepare planning scheme amendment documentation within the State Government's software program.

Several State-wide planning scheme amendments have been prepared to implement various Smart Planning initiatives over the last two years.

The most significant Smart Planning amendment is Amendment VC148 (gazetted July 2018), which implemented the new Planning Policy Framework (PPF). The new PPF is the first stage of integrating the policy framework by replacing the State Planning Policy Framework (SPPF), as well as enabling the future introduction of the Municipal Planning Strategy (MPS) to all Victorian Planning Schemes. The amendment also includes the restructure of particular provisions, integrating VicSmart into applicable zones, overlays, and particular provisions. Specific zones, overlays, and particular provisions are also amended to improve their structure and operation, and to support the translation of the Local Planning Policy Framework (LPPF) to the MPS and PPF.

The Smart Planning reforms will have significant implications for the Warrnambool Planning Scheme and Council. The challenge for Council will now be to successfully integrate its local planning policy into the MPS. It will be important for the Council to liaise with DELWP's Smart Planning team in relation to the reforms and their development, to understand the implications for the Warrnambool Planning Scheme and statutory planning processes, and to seek opportunities for Government assistance to contribute resources to assist with implementation of these reforms.

Council is scheduled to receive further direction from DELWP throughout 2019 on necessary structural and formatting changes to the Warrnambool Planning Scheme.

### 3.2.2 VicSmart Reform

VicSmart was introduced into all Victorian planning schemes in September 2014 by VC114. It is a streamlined process for assessing straightforward planning permit applications. Classes of applications have been identified in the planning scheme as being VicSmart, and have specified requirements for information, assessment processes and decision guidelines.

VicSmart covers applications for:

- Minor subdivision.
- Buildings and works (in several zones and overlays).
- Tree removal and lopping.
- Small advertising signs.
- Car parking reductions.

Features of VicSmart include:

- A 10 day permit process.
- Applications are not advertised because the Planning Scheme provides for an exemption from third party and notice and review requirements.
- Information requirements for applications are pre-set.
- The Chief Executive Officer or delegate decides the application.

There have been four further amendments to the VicSmart provisions since its introduction.

Amendment VC135 and VC137 introduced additional VicSmart classes in March and July 2017 respectively. These were for:

- Building and works up to \$1 million in industrial areas.
- Building and works up to \$500,000 in commercial and some special purpose areas.
- A range of low impact developments in rural areas (up to \$500,000 in agricultural settings and \$250,000 in more sensitive rural settings).
- Small scale types of buildings and works in selected overlays.
- Subdivision, advertising signs and car parking.

- A single storey extension to a single dwelling where specific design criteria are met.
- Buildings and works up to \$100,000 in residential zones, where not associated with a dwelling.

And most recently, Amendment VC142 in January 2018 amended VicSmart by:

- Deleting the loading and unloading of vehicles class of application.
- Including additional classes of development under the Heritage Overlay, including an electric vehicle charging station and services normal to a building (other than a dwelling).

Furthermore, as identified in Section 3.2.1, Amendment VC148 recently integrated VicSmart into applicable zones, overlays, and particular provisions.

The State Government acknowledges that there are further opportunities to expand the range of permit applications covered by VicSmart, particularly into rural zones and overlays.

There is some evidence that VicSmart has assisted with improvements to streamlining processes and faster timeframes for Warrnambool City Council (refer to Chapter 7). To date, Council has not pursued any local VicSmart classes of application. There may be opportunities for Council to expand the use of these provisions subject to further review.

### 3.2.3 Ministerial Direction on the Form and Content of Planning Schemes

Amendment VC133 was introduced in May 2017 which amended the Ministerial Direction on the Form and Content of Planning Schemes. The exact formatting, headings and content that the Planning Scheme must adhere to is stipulated, to ensure consistency across the State.

As an example of the changes introduced, a Schedule to the Environmental Significance Overlay (ESO) must now be written so that it deals with a maximum of one environmental objective. There are four Schedules to the ESO in the Warrnambool Planning Scheme, which include up to 21 environmental objectives. By limiting each Schedule to one objective, the permit requirements and decision guidelines can be drafted to directly deal with the environmental objective.

These changes are anticipated to remove ambiguity and ensure that local Schedules to Zones, Overlays, and other provisions are effectively dealing with their stated objectives. Current schedules in the Warrnambool Planning Scheme vary from these new requirements. Council will need to liaise closely with DELWP's Smart Planning team to explore opportunities for resource assistance, timing and to further understand compliance and redrafting requirements. Any future amendments will need to comply with the new format.

### 3.2.4 Ministerial Direction to Consult Environment Protection Authority

The Minister for Planning has issued new Ministerial Direction No.19 (October 2018) and a new Ministerial Requirement for information to ensure that a planning authority seeks early advice from Environment Protection Authority (EPA) when undertaking strategic planning and preparing a planning scheme amendment that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

Ministers Direction No.19 applies to amendments which may:

- Allow the use or development of potentially contaminated land.
- Allow the use or development of land that could result in water, noise, air or land pollution impacts on the environment, amenity or human health.
- Allow the use or development of land within a buffer or separation distance for industry.
- Allow the use or development of land within a buffer or separation distance for an industry engaged in materials recycling, refuse disposal or transfer station.

In these cases, the planning authority must seek the written views of the EPA and the Minister will not authorise the preparation of such an amendment without being provided the written views of the EPA and an explanation of how the proposed amendment addresses those views.

The new requirements implement the Victorian Government's response to Recommendations of the Independent Inquiry into the EPA.

Council will ensure that the advice of the EPA is sought during the translation of the planning scheme into the new PPF format, and will continue to involve the EPA in strategic planning projects to ensure local issues are addressed.

### 3.2.5 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.

## 3.3 Policy Initiatives

### 3.3.1 Great South Coast Regional Growth Plan

The Minister for Planning launched the Great South Coast Regional Growth Plan (Growth Plan) on 2 July 2014. The Growth Plan was endorsed by each of the five Great South Coast Region Councils following consultation with the community. It covers the municipalities of Corangamite, Glenelg, Moyne, Southern Grampians and Warrnambool.

The Growth Plan:

- Establishes a framework for strategic land use and settlement planning that can sustainably accommodate growth.
- Identifies important economic, environmental, social and cultural resources to be preserved, maintained or developed.
- Provides direction for accommodating growth and change including residential, employment, industrial, commercial, agriculture and other rural activities.
- Shows which areas of land can accommodate growth and which are to be maintained for other uses.
- Identifies opportunities for supporting regional level infrastructure, providing an essential contribution to the long-term sustainability of the region.

The Growth Plan identifies a number of drivers for growth for the region, and challenges facing the region. It is based on the following principles:

- Strengthen the region's economy through increased industry diversification, innovation and development.
- Attract more people to the region.
- Enhance our liveability through improved health, education and standards of living.
- Build on our network of towns and the roles played by them.
- Manage and utilise our strategic assets and support agricultural productivity.
- Sustainably manage our natural, cultural and environmental assets.
- Enhance equity of access to infrastructure, facilities and services.
- Strengthen connections to other regions.
- Ensure that land and infrastructure needed to support growth is identified and appropriately planned.

Objectives and strategies of the Growth Plan are contained in Clause 11.11-1R of the Warrnambool Planning Scheme. Local policy in the Warrnambool Planning Scheme was reviewed in 2015 to ensure consistency with the directions in the Growth Plan and decision making should continue to have regard to these directions.

### 3.3.2 Reformed residential zones

New residential zones were introduced into Victorian planning schemes in 2014. They were introduced into the Warrnambool Planning Scheme via Amendment VC116 on 1 July 2014. For Warrnambool, this allowed for any land previously zoned Residential 1 to translate to the General Residential Zone (GRZ).

More recently, the State Government conducted a review of the residential zones. A number of reforms to the zones were introduced to the Victoria Planning Provisions and all planning schemes by Amendment VC110 on 27 March 2017 and Amendment VC143 on May 2018.

The reforms:

- Allow councils to define neighbourhood character and design objectives to be achieved.
- Strengthen building height controls in the Neighbourhood Residential Zone and the General Residential Zone.
- Introduce a new mandatory requirement for a minimum garden area to be provided in residential developments in the Neighbourhood Residential Zone and General Residential Zone.
- Remove the limit on the number of dwellings that can be built on land in the Neighbourhood Residential Zone.
- Updating the zones purpose to reflect the level of change anticipated by each zone.

VC143 was accompanied by the release of a new *Planning Practice Note: 84 – Applying the Minimum Garden Area Requirement* to give guidance about the operation of the minimum garden area requirement in the Neighbourhood Residential Zone and General Residential Zone, as well as a new advisory note on the intent and contents of VC143 – *Advisory Note: 69 – Amendment VC143*.

The reformed residential zones highlight the need to develop statements about the preferred neighbourhood character for the municipality. In the absence of a neighbourhood character study, Council must rely on the broad ‘purpose’ of the General Residential Zone in its decision making. This may be insufficient to protect or implement a preferred character within established residential areas.

### 3.3.3 Infrastructure Contributions Reform

A new system to provide for levying and collecting contributions towards the provision of infrastructure was introduced by the State Government in October 2016 as a result of recommendations from the Standard Development Contributions Advisory Committee. It is anticipated that this new system will resolve many of the challenges with the previous Development Contributions Plan system.

The Infrastructure Contributions Plan (ICP) system has been designed to ensure:

- A more consistent and transparent approach to the application of infrastructure levies through access to new standard levy rates.
- Planning authorities, infrastructure providers and the development industry have more certainty about the levies payable and the type of infrastructure they will fund.
- A reduced risk of escalating infrastructure charges by specifying the rates of indexation for the levies.
- A simpler and faster process for preparing and approving infrastructure contribution plans to impose a levy.

The system is based on standard levies which are pre-set. They are to fund the provision of essential infrastructure necessary to support developing communities such as; roads, parks, local sports grounds and community facilities including kindergartens and child care facilities. The Ministerial Direction on the Preparation and Content of Infrastructure Contributions Plans identifies the types of land to which the ICP may be applied and the details of the new system, such as levy rates, indexation methodologies and allowable items.

The system is established through an Infrastructure Contributions Plan which must be incorporated into the planning scheme, and implemented through an Infrastructure Contributions Plan Overlay to become operational.

The *Planning and Environment Amendment (Infrastructure Contributions) Act 2015* has enabled the new system. It has initially been applied to metropolitan greenfield growth areas and strategic development areas however will be applied to regional growth areas identified in regional growth plans in the future.

The *Great South Coast Regional Coast Plan 2014*, which covers the municipality of Warrnambool, identifies Warrnambool as a key population and employment centre with high growth potential, and Allansford as a district town with medium growth potential. It is recommended that Council liaise with DELWP about these reforms as they provide a key opportunity to begin to collect contributions from future larger scale subdivisions.

## **Planning and Environment Amendment (Public Land Contributions) Act 2018**

A further addition to the ICP system is anticipated by the introduction of recent legislation which introduces a land contribution model. This model enables land for public purposes to be provided as part of an infrastructure contribution when land is developed. It replaces the monetary public land component of the standard levy. The Government proposed that it would come into effect in mid-2018 however, this not occurred to date.

### **3.3.4 Bushfire Management Reforms**

Following the Royal Commission into the 2009 'Black Saturday Bushfires', the VPPs and all planning schemes have been amended on several occasions to ensure planning provisions support communities in regions recovering from the bushfires, and help reduce the future risk of bushfires to settlements across Victoria.

Of most relevance to this Review is Amendment GC13 (3 October 2017) which updated the Bushfire Management Overlay maps across Victoria – including the municipality of Warrnambool – providing a comprehensive and accurate identification of extreme bushfire risk areas.

Amendment VC140 followed in 12 December 2017. This amendment modified the State Planning Policy Framework (SPPF) to introduce clear and direct strategies to ensure settlements become increasingly more resilient to bushfire, and that responsible authorities prioritise the protection of human life over all other policy considerations. These strategies require regional growth plans, precinct structure plans, planning scheme amendments and planning permit applications to assess bushfire hazards and include appropriate bushfire protection measures.

Advisory Note AN68: *Bushfire State Planning Policy – VC140* was released in March 2018 to clarify the operation of the updated framework and strategies.

There are a number of settlements across the municipality which are at significant risk from bushfire, including the townships of Allansford, Woodford and Bushfield, the coastal area of Warrnambool and the grassland interface of Warrnambool (Clause 21.04-5). These reforms will require a more robust level of assessment of bushfire risk when preparing future structure plans, planning scheme amendments and in assessing permit applications.

### **3.3.5 Native Vegetation Framework Updates**

Amendment VC138 (12 December 2017) changed the VPPs and planning schemes in Victoria to implement reforms relating to the State Government's review of native vegetation removal planning provisions following the release of *Protecting Victoria's Environment – Biodiversity 2037*. The amendment made changes to policy, as well as modifying application requirements, decision guidelines and exemptions for the removal, destruction or lopping of native vegetation. Amendment VC138 also introduced the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as an incorporated document.

This amendment has helped clarify many aspects relating to the proper assessment and management of applications to remove native vegetation. Overall, the amendment provides better protection for sensitive native vegetation within the municipality (and indeed across Victoria), enhances the operation of native vegetation removal regulations, and increases transparency by:

- Better accounting for the environmental value of large scattered trees, endangered vegetation types and sensitive wetlands and coastal areas in decision making;
- Making the system more equitable, 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
- Improving monitoring and reporting on the implementation of native vegetation removal and offsets.

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)
- Several overlays including Clauses 42.01 (Environmental Significance Overlay), 42.02 (Vegetation Protection Overlay), 42.03 (Significant Landscape Overlay), 44.01 (Erosion Management Overlay) and 44.02 (Salinity Management Overlay)
- Clauses 52.16 (Native vegetation precinct plans) and 52.17 (Native vegetation)
- Referral and notice provisions
- And incorporate the new *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

The changes include a much stronger focus at Clause 12 of the SPPF on the importance of native vegetation from a biodiversity perspective, and provide much stronger language around protecting habitat for flora and fauna and other strategically valuable biodiversity sites. This clause also contains objective and strategies to ensure that there is no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Further work is required to undertake a more detailed review of Council's vegetation controls. In particular, Clause 21.03-2 (Native vegetation management) of the LPPF to ensure it is consistent with the SPPF, particularly around no net loss.

### 3.3.6 Better Apartment Design Standards

As a joint initiative of DELWP and the Office of the Victorian Government Architect (OVGA), the Better Apartments Design Standards were introduced to improve the liveability and sustainability of apartments across Victoria. The Better Apartments Design Standards were implemented in the Victoria Planning Provisions and all planning schemes via Amendment VC136 on 13 April 2017.

Whilst the municipality doesn't have many apartment developments at this time, a few are starting to emerge in the CBD and the revised standards for apartments up to four storeys are likely to be more relevant in the future.

### 3.3.7 Introduction of the Planning and Environment Amendment (Housing Affordability and other Matters) Act 2017

The *Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017* came into effect on 1 June 2018. The amendment effectively introduces a legislative framework into the planning system to allow for the provision of affordable housing via voluntary arrangements with the private sector, and to provide certainty in relation to how affordable housing can be provided.

Key changes to the Act include:

- The introduction of a new objective at section 41(fa) seeking 'to facilitate the provision of affordable housing in Victoria'.
- The inclusion of a definition of affordable housing at Part 3AA(1) as: '*housing, including social housing, that is appropriate for the housing needs of any of the following:*'
  - *Very low income households,*
  - *Low income households, and*
  - *Moderate income households'.*
- A new section 3AA(3) that enables the Governor in Council to make an order published in the Government Gazette which may specify the above income ranges based on Australian Bureau of Statistics data.
- A new section 3AA(2) that requires consideration to be given to a Notice in the Government Gazette when considering what constitutes 'appropriate for the housing needs.'
- A new section 173(1A) allowing responsible authorities to enter into agreements for the provision of affordable housing.

Whilst DELWP released web-based guidelines around the new planning mechanisms for affordable housing on 7 June 2018, a number of matters require further clarification, including what, if any, policy directions will be added to the existing Planning Policy Framework to provide further decision-making guidance on the matter.

Given the elevation of affordable housing as an explicit objective under the Act, it is prudent that Council revisit its existing position on affordable housing as set out in the Warrnambool Affordable Housing Policy (2012) and update the local planning policy framework as necessary. It is anticipated that a review of the policy will be addressed during the development of Council's Social Housing Planning Project (see Chapter 4).

### 3.3.8 Heritage

Amendment VC141 effects changes resulting from the Heritage Act 2017 which commenced operation on 1 November 2017. Requirement to obtain permits for certain activities has been removed to align within the processes for subdivision of land and referral under the Heritage Act 2017 and the Planning and Environment Act 1987.

### 3.3.9 Animal Industries

Amendment VC150 was introduced in September 2018 and enacts actions to support the projected growth of animal industries across the State. In recognition that the planning controls for intensive animal industries are out of date, the Victorian Minister for Planning and the Minister for Agriculture, in 2015, established the Animal Industries Advisory Committee (AIAC). They were asked to consider how the planning system could better support animal industries in Victoria, while balancing environmental outcomes and community expectations. They delivered their final report in 2016.

The Government has committed to 12 actions in response to AIAC recommendations with the view that much of this can be achieved by clearer rather than increased regulation. The 12 actions are focussed on improving the four main stages of planning: strategic planning; applying for a planning permit; assessing an application; and enforcement.

The reforms include:

- Introducing clear land use definitions and risk based planning controls for animal industries.
- Removing the Piggeries Code of Practice 1992.
- Referencing the 2018 amendments to the Victorian Code for Broiler Farms 2009.

This amendment has helped clarify many aspects relating to the proper assessment and management of applications for animal industries. It will also assist in enforcement matters related to animal industries when complaints are received.

### 3.3.10 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').

The 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 risks are deemed low.

### 3.3.11 Community Care Accommodation & Residential Aged Care Facilities

Amendment VC152 was introduced in October 2018 and enacts reforms to reflect new land use terminology and policy support for community care accommodation and rooming houses. The amendment delivers on the Victorian Government's housing strategy Homes for Victorians (2017) through the introduction of permit exemptions for community care accommodation to enable the streamlined renewal and development of these facilities. The amendment also provides clarity on the extent of permit exemptions for rooming houses.

Amendment VC152 also enacts reforms to planning provisions for Residential Aged Care Facilities (RAC). A new particular provision, Residential Aged Care Facility, has been inserted into clause 53.17. The control streamlines the assessment of RAC facilities by using tailored ResCode requirements.

This new provision response to several issues raised by the Advisory Committee (Managing Residential Development Advisory Committee – Residential Zone Review) in 2016 which found a need for residential zones to support greater flexibility for the design and development of RAC facilities.

### 3.3.12 New Stormwater Requirements for Commercial and Industrial Developments

Amendment VC154 was introduced in October 2018 and enacts significant changes to the consideration of stormwater in planning schemes.

Stormwater was previously considered primarily under residential subdivision. A new particular provision, Stormwater Management in Urban Development, has been inserted at Clause 53.18 to address commercial and industrial development. The clause applies to applications for subdivision and development (although a number of exceptions apply including non-urban zones, VicSmart applications, small floor areas, as well as transitional exemptions).

A new integrated water management policy has also been introduced into the Planning Policy Framework at Clause 19.03.-3S to embed integrated water management objectives and strategies in urban land-use planning.

The new provisions ensure that stormwater generated from all forms of urban development, not just residential subdivision and apartment developments, is managed in an integrated way to mitigate the impacts of stormwater runoff on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Given the elevation of integrated water management and stormwater considerations it is prudent that Council review its existing policy on stormwater management and update the local planning policy framework as necessary.

## 3.4 Other Major Changes to the Planning and Environment Act 1987 & the Victoria Planning Provisions

In addition to the changes made to the Act discussed above, there have been two other major changes since the last review.

Introduced in October 2015, the Planning and Environment Amendment (Recognising Objectors) Act 2015, requires responsible authorities and the Victorian Civil and Administrative Tribunal (VCAT) to have regard to the number of objectors to a permit application in considering whether a proposed use or development may have a significant social effect. The change was accompanied by Planning Advisory Note 63 to provide guidance in relation to the changes. It provides advice on how a significant social effect may be determined including:

*“The fact that a large number of people have objected will not, by itself, establish that a proposal has a significant social effect. However, as held in Stonnington City Council v Lend Lease Apartments (Armada) Pty Ltd, the number of objections may be a relevant fact (together with other facts) that indicates that a proposal may have a significant social effect on the community.”*

The State Government has also introduced several amendments to the VPPs to better facilitate telecommunications facilities and windfarms. A full list of State Amendments applicable to the Warrnambool Planning Scheme since May 2014 is provided at Appendix 1.

## 3.6 Planning Practice Notes

DELWP have led a comprehensive program to update or newly publish numerous planning practice notes over the previous four years (refer to Appendix 2). Regular reviews and ongoing monitoring of changes to the Practice Notes and Ministerial Directions will continue given the large volume of ongoing reforms in this area.

## 3.7 Policy Initiatives Currently Under Consultation

### 3.7.1 Draft Solar Energy Facilities

The State Government has developed the draft Solar Energy Facilities – Design and Development Guidelines to help outline the assessment and development process for large-scale solar energy facilities in Victoria.

The document was informed by a review of guidelines and best practice standards applied interstate and internationally and includes an outline of requirements for planning and assessing new solar energy facility proposal for Councils and developers.

The final guidelines will be developed through community and industry consultation with the aim of providing clear and technically robust advice on establishing well located, best practice facilities.

Council has a key interest in the provision of renewable energy given its commitment in Warrnambool 2040 Community Plan and Green Warrnambool (see Chapter 4) to significantly reduce carbon emissions and this is partly through installing renewable energy infrastructure, such as solar panels.

Council is currently considering its position on the draft siting and design guidelines.

### 3.7.2 Coastal Update Project

DELWP is leading a project to update the content of Clause 44.04 Land Subject to Inundation Overlay (LSIO) and Clause 44.01 Erosion Management Overlay (EMO) as well as changes to the policy framework to explicitly address coastal inundation and erosion.

This project builds on the recent introduction of the Marine and Coastal Act 2018 and Final Transition Plan 2018 and the Victoria Planning Provisions Smart Planning Changes (Amendments VC148- July 2018, VC142 – January 2018).

Coastal inundation and erosion is an issue affecting the South West. Whilst developed areas of Warrnambool are less prone to impact than other areas, coastal public land and infrastructure as well as certain areas of private land will be vulnerable.

### 3.7.3 Siting and Design Guidelines for Structures on the Victorian Coast

DELWP has released its draft Siting and Design Guidelines for consultation. The guidelines advise on the siting and design structures (buildings and infrastructure) on the Victorian coast.

The guidelines will replace the current Siting and Design Guidelines on the Victorian Coast 1998. They have been prepared as a requirement under the new Marine and Coastal Act 2018, aligned to the current Victorian Coastal Council.

Council is currently considering its position on the draft siting and design guidelines.

### 3.7.4 Planning for buffers and separation distances

DELWP has released its review of how land use buffers and separation distances are currently managed in the Victoria Planning System. The review provides an assessment of the current planning policy and tools in the Victoria Planning Provisions and analyses local and international case studies to understand how planning manages conflicting land uses.

The following principles have been identified to guide feedback and discussion about managing buffers and separation distances in Victoria and the future planning reforms.

- Best practice:** Priority should be given to preventing offsite impacts in the first place, acknowledging that even best practice emission control cannot guarantee such impacts will never occur.
- Accessible and visible:** Land used for a buffer or within a recommended separation distance should be easily identifiable and information in plain English about potential adverse impacts should be readily available.
- Transparent and evidence-based:** The intent of planning provisions and the way in which they operate should be transparent and based on reliable evidence and technical information. Associated responsibilities and decision-making criteria should be made clear.
- Consistent:** Requirements across planning and environment frameworks should be consistent and integrated.
- Proportional:** Regulatory requirements are proportionate to the planning and environmental risks.
- Balanced:** Land used planning outcomes balance the need to support industry and infrastructure with the need to minimise environmental and human health risks.

As part of the review, DELWP is consulting with Councils and other key stakeholders to inform options to reform the planning controls and how buffers can be better managed in the planning system. In particular, DELWP is focused on general industries and infrastructure uses with potential amenity and safety implications, and seeking examples of when buffers have or have not worked and an explanation of why.

As identified earlier, Council is undertaking a review of land uses within industrial buffers and therefore has a keen interest in the DELWP review.

Council is currently considering its position on the DELWP review.

## 3.8 Conclusions and Recommendations

Extensive changes have occurred at the State level since the 2014 planning scheme review, with significant implications for the Warrnambool Planning Scheme. Changes with the most profound consequences are:

- The new integrated **Planning Policy Framework** which will not only necessitate a restructure of the scheme's current LPPF, but a substantial review and re-write of content. Whilst the PPF has obvious benefits in terms of delivering a concise and user-friendly policy framework that creates clear links between State, Regional and Local policy, proper and well considered translation will be imperative in ensuring that the integrity of local policy is preserved. The restructure and transition into the PPF is likely to be quite resource intensive, and it is expected that this work will be required to be implemented by the end of 2019.
- The revised **Ministerial Direction on the Form and Content of Planning Schemes** which will require significant resources to update the local content of the planning scheme to comply with the revised format. .
- Introduction of **Housing Affordability legislative framework** to allow for the provision of affordable housing via voluntary arrangements with the private sector will be supported by Council's affordable housing position and associated policy directives in the new Warrnambool Social Housing strategy.
- Reforms to the **residential zones** require an appropriate local response to inform application of the zones, such as a, Neighbourhood Character Study. Seeking internal or external funding to commence this work is essential in this regard.
- Introduction of new **Stormwater Requirements** for commercial and industrial developments requires adoption of an integrated approach to the planning, design and assessment of new developments. Council will need to adopt a clear direction on integrated water management and stormwater management.
- Changes to the **Bushfire Risk policy** have provided a clearer direction on the management of this issue, however the policy implementation requires an additional level of assessment than previously required, ie.a bushfire risk and landscape assessment. This has resulted in additional resources being required to address and implement this policy direction.

Other changes at State level serve to assist Council in consolidating its policy positions and facilitating sound decision-making in key areas. Changes in native vegetation provisions provide greater certainty around the management of this key issue. Expansion of the VicSmart planning process will also continue to help streamline the planning process and reduce timelines in the processing of more simple applications.

### Recommendations

**R6** Prepare for a detailed review and restructure of the existing local planning policy framework for translation to the new Planning Policy Framework.

**R7** Liaise with the State Department of Environment, Land, Water and Planning (DELWP) in relation to the Smart

Planning reforms to understand the implications for the Warrnambool Planning Scheme and statutory planning processes.

**R8** Seek opportunities for Government assistance to contribute resources to assist with implementation of the Smart Planning Reforms.

**R9** Update local content of the Planning Scheme to comply with Ministerial Direction – The form and content of Planning Schemes.

**R10** Consider opportunities to further streamline simple applications through application of local VicSmart classes of application.

**R11** Ensure the Warrnambool Social Housing Project is consistent with new Legislative framework on affordable housing established by the Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017.

**R12** Develop a position on new Integrated Water Management and Stormwater Requirements for commercial and industrial developments to ensure consistent application of the requirements.

**R13** Ensure Clause 21.03-2 (Native vegetation management) provides for no net loss of native vegetation

## 4. LOCAL POLICY AND INITIATIVES

This chapter examines the local strategic context influencing the Warrnambool Planning Scheme. In particular, this chapter reviews the considerable array of local strategic documents that have been prepared and adopted since the 2014 Planning Scheme Review. Central to this analysis is the identification of key strategic directives arising from this work, and associated implications for policies and controls in the planning scheme.

The first part outlines Council's primary governance documents required under both the *Local Government Act 1989* and *Health and Wellbeing Act 2008*; being the Council Plan and Health and Wellbeing Plan.

The second section reviews numerous strategic studies, plans and policies that have been adopted by Council since December 2014.

The third section summarises those key strategic projects presently underway and nearing completion; some of which are major projects with significant implications for the Warrnambool Planning Scheme.

### 4.1 Primary Governance Documents

#### 4.1.1 Warrnambool Council Plan 2017-21

Warrnambool City Council adopted the Warrnambool City Council Plan 2017-2021 (Council Plan) in June 2017.

The Council Plan includes the vision and values of the municipality, the key goals and strategies of the organisation and the manner in which the performance of the City is to be measured.

Council's Vision: A Cosmopolitan City by the Sea.

The Council Plan sets out objectives and target projects under the themes of:

- Sustain and enhance the natural environment
- Foster a healthy city that is socially and culturally rich
- Maintain and improve the physical fabric of the city
- Develop a modern economy with diverse and sustainable employment
- Practice good governance through openness and accountability.

Out of the 62 strategies within the Council Plan, 8 are directly relevant to town planning processes in the City, and are therefore considered in the 2018 Planning Scheme Review. All relevant strategies are discussed in this chapter.

Section 12A of the *Planning and Environment Act 1987* requires that the Warrnambool Planning Scheme and Municipal Strategic Statement (MSS) be consistent with the current Council Plan. The Warrnambool Planning Scheme currently references an older, outdated Council Plan in Clause 21.01-3. This Clause should be updated once the outcomes of the Smart Planning reforms for the planning policy framework are known.

#### Recommendation

**R14** Commit to including the strategic vision and direction of the Warrnambool Council Plan 2017-21 as part of a future amendment to restructure the LPPF.

#### 4.1.2 Health and Wellbeing Plan 2017-21

The *Public Health and Wellbeing Act 2008* requires all Victorian Councils to prepare a Municipal Public Health and Wellbeing Plan reinforcing the statutory role of Councils to 'protect, improve, and promote public health and wellbeing within the municipal district'. It is an integrated Plan that guides the work of Council and partner organisations to enable people living in the municipality to achieve maximum health and wellbeing.

Council has developed Warrnambool – A Healthy City 2017-2021. Nine priorities have been identified within the Plan:

- Physical activity
- Healthy eating
- Harmful use of alcohol & other drugs
- Smoking
- Violence against women and children
- Mental (social & emotional) wellbeing
- Access to programs and services
- Educational attainment and life-long learning
- Employment (economic participation)

In drafting new provisions for the Planning Scheme it would be appropriate to have regard for the priority areas of the Health and Wellbeing Plan and to identify any opportunities that might enhance Council's ability to meet its targets in the Plan.

The Warrnambool Planning Scheme currently references an older, outdated Health and Wellbeing Plan in Clause 21.01-3. This Clause should be updated once the outcomes of the Smart Planning reforms for the planning policy framework are known.

## Recommendation

**R15** Commit to reviewing the current Health and Wellbeing Plan 2017-21 as part of a future amendment to restructure the LPPF

## 4.2 Strategic Documents Adopted by Council

### 4.2.1 Warrnambool Planning Scheme Rewrite Project 2015

The purpose of the Rewrite Project was to facilitate a comprehensive review of the Warrnambool Planning Scheme, taking into account strategic work undertaken by Council since the last major rewrite project in 2006 (Amendment C43) and responding to continuous improvements identified to ensure the continued efficiency of the planning scheme.

An interim report was released for public consultation and in February 2015, Council endorsed the final Rewrite Project Report. The first stage key recommendations were to:

- Restructure the LPPF, and more specifically the MSS, to align it with the SPPF.
- Update the LPPF to reflect adopted Council strategies, plans and policies.
- Refresh the MSS to be a more contemporary document and reflect current issues and influences.
- Delete all but three local policies, and where relevant, incorporate and objectives, strategies from the deleted policies into the new MSS.
- Refresh the remaining three local planning policies to provide consistency in language and be consistent with the Department's Planning Practice Note on writing a Local Planning Policy (June 2015).

The first stage recommendations of the Rewrite Project were implemented into the Warrnambool Planning Scheme via Amendment C93 in September 2016.

In light of this relatively recent implementation, it is too early to determine the effectiveness of the rewrite on Councils statutory planning processes. However there are indications that there have been improvements as discussed in Chapter 7.

The following table brings together all the recommendations contained in the 2015 Planning Scheme Review Rewrite Project and their current status:

**Table 2: Audit of 2015 Warrnambool Planning Scheme Rewrite Project Recommendations**

CLAUSE	ACTION	STATUS
Proposed Clause 21.01 - 21.11	Restructure MSS in accordance with Appendix A.	Completed.
Proposed Clause 21.11	Urgent review of Eastern Activity Precinct Structure Plan.	Structure Plan review has been completed. Implementation into the Planning Scheme has commenced.
Clause 22.01 - 22.04	Delete all existing Local Planning Policies and incorporated within MSS as required.	Completed
Proposed Clause 22.01	Prepare new draft Signage Policy.	Commenced. Scheduled for completion in 2019
Proposed Clause 22.02	Prepare new draft Front Fences/Streetscape Policy.	Not commenced. Awaiting Neighbourhood Character study to inform review.
Proposed Clause 22.03	Review Warrnambool Gaming Policy 2011 and implement into planning scheme.	Not commenced.
Proposed Clause 22.04	Prepare new draft Rural Dwelling Excision Policy.	Completed.
Clause 32.01 - Residential 1 Zone	Translate existing Residential 1 Zone to General Residential Zone.	Completed.
Clause 32.04 - Mixed Use Zone	Review Mixed Use Zone provisions at former Woollen Mill Site, Harris Street, Warrnambool.	Completed.
Clause 34.01 - Commercial 1 Zone	Update map references to reflect reformed zones.	Completed.
Clause 34.01 - Commercial 1 Zone	Update Plan 1 to reflect recent development north of commercial precinct.	Completed.
Clause 34.02 - Commercial 2 Zone	Update map references to reflect reformed zones.	Completed.
Clause 35.03 - Rural Living Zone	Update Map 1 to reflect recent development.	Completed.
Clause 36.01 - Public Use Zone	Undertake review of all land zoned Public Use Zone.	Completed.
Clause 36.02 - Public Park and Recreation Zone	Undertake review of all open space and rezone as required.	Completed.
Clause 36.03 - Public Conservation and Resource Zone	Undertake review of waterways and rezone as required.	Commenced (as part of implementation of flood studies)
Clause 36.04 - Road Zone	Undertake review of category 1 and category 2 roads and rezone as required.	Completed.
Clause 37.01 - Special Use Zone	Reformat schedules.	Completed.
Clause 37.03 - Urban Floodway Zone	Implement South Warrnambool, Dennington and North Warrnambool Flood Studies.	Commenced (as part of implementation of flood studies)
Clause 42.01 - Environmental Significance Overlay	Review application of overlays.	Commenced. Scheduled for completion in 2019

CLAUSE	ACTION	STATUS
Clause 43.01 - Heritage Overlay	Undertake review of schedule to the Heritage Overlay and mapping.	Completed
Clause 43.02 - Design and Development Overlay	Delete schedule 4 to the Design and Development Overlay.	Completed.
Clause 43.02 - Design and Development Overlay	Review existing schedules to Design and Development Overlay and mapping.	Not commenced. Awaiting Neighbourhood Character study to inform review.
Clause 43.04 - Development Plan Overlay	Review existing schedules to Development Plan Overlay and mapping.	Completed.
Clause 44.03 - Floodway Overlay	Implement South Warrnambool, Dennington and North Warrnambool Flood Studies.	Partially completed (Amendment C78).
Clause 44.04 - Land Subject to Inundation Overlay	Implement South Warrnambool, Dennington and North Warrnambool Flood Studies.	Partially completed (Amendment C78).
Clause 45.03 - Environmental Audit Overlay	Review existing Environmental Audit Overlay.	Completed.
Clause 52.16 - Native Vegetation Precinct Plan	Prepare and incorporate Native Vegetation Precinct Plan in accordance with the Coastal Management Plan.	Commenced.
Clause 61.03 - What does the scheme consist of?	Amend schedule to list maps in alphabetical order.	Completed.
Clause 66 - Referral and Notice Requirements	Review Referral and Notice Requirements.	On Hold pending outcomes of Smart Planning reforms.
Clause 94 and 95 - Local VicSmart Applications	Review VicSmart provisions – identification of local classes of applications	On hold pending outcomes of Smart Planning reforms.

## 4.2.2 Warrnambool 2040 – Community Plan

The Warrnambool 2040 – Community Plan (W2040) was adopted by Council on 3 December 2018. The plan was developed over an 18 month period with extensive input from the community and external stakeholders. It captures the community's shared values, goals and priorities for the next twenty-plus years around four principle themes:

- Our People: Warrnambool will be a city where all people thrive.
- Our Economy: Warrnambool will be Australia's most resilient & thriving regional economy.
- Our Place: Warrnambool will be Australia's most liveable regional city.
- Our Environment: Warrnambool will be Australia's most sustainable city.

Key issues raised relating to this vision relevant to the Warrnambool Planning Scheme are identified and discussed in Chapter 5.

## 4.2.3 Green Warrnambool

Green Warrnambool was adopted by Council on 6 August 2018. Green Warrnambool sets a new vision for the municipality: That Warrnambool will be the most sustainable regional city in Australia. This is a high level, overarching strategic document that guides a suite of new and existing strategic plans and actions.

The plan contains six goals which are:

- *Zero Warrnambool* – Demonstrate innovative, smart solutions to achieve zero net emissions for a renewable future.
- *Adaptable Warrnambool* – Adapt to the impacts of climate change.
- *Wise Warrnambool* – Zero recoverable waste being sent to landfill by conserving, avoiding, reducing, recycling and reusing resources at every opportunity.

- *Naturally Warrnambool* – Build knowledge, skills and involvement in protecting biodiversity, waterways and the coast for the benefit of current and future generations of people, flora and fauna.
- *Blue Warrnambool* – Care for and regenerate our waterways, our coast and marine environment and support a natural water cycle. We will carefully use rainwater to contribute to the amenity of the city by bringing water management and green infrastructure together.
- *Green Warrnambool* – Become a city in nature, connected by green infrastructure and corridors of urban forest to support resilient and connected biodiversity.

The actions are a combination of policy and planning documents, data collection and on-ground implementation actions with over 50 Council led actions and 40 community actions.

The targets are ambitious and it is acknowledged that meeting them requires a cultural shift in how we live and develop as a municipality.

Green Warrnambool has been developed in conjunction with the Warrnambool 2040 Community Plan project and the Environment and Planning Advisory Committee and supersedes the previous Environmental Sustainability Strategy 2008-2013.

Key issues raised relating to this vision relevant to the Warrnambool Planning Scheme are identified and discussed in Chapter 5.

#### 4.2.4 Review of Warrnambool Flood Controls

To ensure Council has accurate and up-to date flood information, Council and the Glenelg Hopkins Catchment Management Authority reviewed flood risk levels within the Russells Creek and Merri River catchments.

Implementation of the revised flood levels is anticipated to be progressed throughout 2019.

#### 4.2.5 Infrastructure Design Manual

The Local Government Infrastructure Design Association is implementing the Infrastructure Design Manual (IDM) into regional planning schemes. The IDM is designed to clearly document and standardise Council's requirements for the design and development of infrastructure.

Council adopted the IDM on 7 September 2015 and has been using it ever since. The IDM is currently utilised by 44 Councils across Victoria. The inclusion of the IDM in the planning system will also provide certainty to the development industry around the requirements for the provision of infrastructure.

The IDM applies to all development and subdivision applications, including commercial, industrial, rural and residential.

It is anticipated the IDM will be implemented into the Warrnambool Planning Scheme in early 2019.

#### 4.2.6 Warrnambool Residential Land Supply Monitoring 2018

A key directive of the Warrnambool City Wide Housing Strategy (2013) is to undertake an annual review of vacant residential land across the municipality to ensure supply meets projected population growth to the year 2031.

Council has undertaken consecutive annual reviews since 2015, which have all identified there is an adequate supply of residential land to meet projected growth based on consumption rates across the municipality.

Council adopted the Warrnambool Residential Land Supply Report 2018 on 4 June 2018. The report identifies that the municipality has a residential supply to satisfy 24 years of future demand. This supply does not place any pressure on Council to rezone more land.

The report demonstrates Council's ongoing commitment to maintaining access to affordable land for residential land for residential development.

## Recommendations:

**R16** Continue to undertake an annual review of residential land uptake across the municipality in accordance with the City Wide Housing Strategy (2013).

### 4.2.7 North Wangoom Road – Land Use Options Summary

Clause 21.02-2 of the LPPF currently identifies land to the north of Wangoom Road, between Mortlake Road and Wiggs Lanes, as a potential residential growth area.

In 2017, Council commissioned Insight Planning Consultants Pty Ltd to assess the potential of the land to sustain increased residential growth. The consultants prepared a report titled “North Wangoom Road – Land Use Options Summary”, which considers a range of expert technical reports, including flood modelling and drainage, traffic impact, land capability, and infrastructure servicing.

The report recommends that further residential growth not be supported due to significant development constraints. Council adopted the report’s recommendations on 4 September 2018.

Owing to the report recommendations and current level of municipal residential land supply (see section 4.2.3) it is recommended the area should be removed as a potential residential growth area from the LPPF.

## Recommendations:

**R17** Remove reference of land to the north of Wangoom Road as a potential residential growth area from the planning scheme.

### 4.2.8 Logans Beach Strategic Framework Plan

The Logans Beach coastal area is located to the east and south of the Hopkins River in Warrnambool, with land on either side of Hopkins Point Road. The area consists of land zoned Rural Living to the south of Hopkins Point Road including public land zoned Public Park and Recreation Zone and Public Conservation and Recreation Zone.

The area also includes land zoned Rural Living to the north of Hopkins Point Road and a small strip of General Residential Zone abutting Hopkins River (Riverview Terrace).

Council has developed a strategic framework plan for the Logans Beach coastal area, which was adopted by Council on 4 December 2017. The strategic framework plan provides guidance on planning controls within the area to facilitate further residential development, whilst considering the landscape qualities of the area, and climate change risks and opportunities.

A planning scheme amendment is currently being prepared which will implement the strategic framework plan into the Warrnambool Planning Scheme, including associated changes to the planning scheme maps, and overlays.

## Recommendations:

**R18** Continue to pursue implementation of the Logans Beach strategic framework plan into the planning scheme.

### 4.2.9 Warrnambool Eastern Activity Precinct Structure Plan 2016

The Warrnambool Eastern Activity Precinct is located at the eastern extent of Warrnambool and currently contains several sub-precincts, including the Warrnambool Homemaker Centre, Bunnings development, the Flying Horse Inn mixed use development, Gateway Plaza Shopping Centre and Woolworths supermarket/Dan Murphy development. The precinct is Warrnambool’s primary eastern entrance (Princes Highway).

Council adopted the Warrnambool Eastern Activity Precinct Structure Plan in September 2016, which guides development within the precinct. The structure plan aims to develop the precinct as a mixed use activity centre, comprising a range of retail, bulky goods, office employment and diverse housing opportunities consolidating the precinct as a major activity

centre, secondary to and supporting the primary retail role of City Centre. The Eastern Activity Precinct will comprise a range of neighbourhoods, an urban core and network of linked open spaces.

The structure plan is also supported by a shared infrastructure plan which identifies infrastructure requirements and funding mechanisms.

A planning scheme amendment is currently being prepared to implement the structure plan into the Warrnambool Planning Scheme.

## Recommendations:

**R19** Continue to pursue implementation of the Eastern Activity Precinct structure plan into the planning scheme.

### 4.2.10 Warrnambool Floodplain Management Plan 2018-2023

The Warrnambool Floodplain Management Plan 2018-2023 was adopted by Council on 3 December 2018. The plan follows on from extensive flood investigations and works across the municipality. The plan has been developed in the context of the Victorian Floodplain Management Strategy (2016) and Draft Regional Floodplain Management Strategy (2017) in particular, but also in the context of a range of other strategic and technical studies.

The top 10 priority actions in the plan area as follows:

1. Establish an operating procedure for North Warrnambool flood levees.
2. Undertake Warrnambool coastal flood investigation.
3. Develop a flood response plan template for residents.
4. Undertake Woodford flood investigation.
5. Implement a Flood Warning System for Russell's Creek.
6. Undertake Allansford flood investigation.
7. Install backflow prevention for Tooram Lane outfall.
8. Undertake community flood education engagement activities.
9. Undertake Russell's Creek crossing assessment.
10. Warrnambool flood models integration.

It is likely that a number of these actions will have a direct relevance to matters in the Warrnambool Planning Scheme and key priority actions should be reviewed for inclusion when the next review of the local planning policy framework is undertaken.

### 4.2.11 Other Studies

Council has adopted other strategies that may have varying levels of influence on land use planning in Warrnambool City. These include the:

- **Belfast Coastal Management Plan (2018):** A plan to guide the direction and strategic approach to managing an area of public land between Port Fairy and Warrnambool known as the Belfast Coastal Reserve.
- **City Centre Parking Strategy (2015):** a strategy to provide direction and strategic framework for the future supply and management of on and off street parking in Warrnambool's City Centre.
- **Warrnambool Economic Development & Investment Strategy 2015-2020:** A strategy to provide direction and promotion of the many initiatives considered most necessary to ensure continued growth and prosperity of the local economy.
- **Warrnambool City Council Heatwave Plan (2012) – updated 2015:** A long term approach to reduce the scale of climate change and decrease its impact by adapting the built environment.
- **Resource Recovery, Waste Minimisation and Management strategy 2017-2021:** an operational document outlining practical actions and steps that will assist in achieving the waste hierarchy of avoid and minimise, reuse, recycle, and energy recovery and dispose.

- **Warrnambool Botanic Gardens Master Plan (2017):** A masterplan to guide future improvement, development, and management of the gardens for the next 15 years.
- **Warrnambool Harbour Master Plan (2018):** A plan to guide and coordinate future development of the harbour and adjacent foreshore through staged implementation by Warrnambool City Council and the Department of Transport, Planning and Local Infrastructure – Local Ports.
- **Road Users Plan:** A strategy to provide a summary of crash statistics, road safety issues identified in conjunction with stakeholders, and an action plan which includes guidance on road safety issues, and aims to provide a safe and connected City.
- **Pathways Asset Management Plan (2017):** a plan that outlines the processes and key elements required for achieving Council's vision for the service provided by pathways and infrastructure asset management.

It is likely that a number of these plans/strategies will have a direct relevance to matters in the Warrnambool Planning Scheme and key objectives, strategies and priority actions should be reviewed for inclusion when the next review of the local planning policy framework is undertaken.

## 4.3 Current Strategic Projects

### 4.3.1 Advertising Signage Policy

The development of an Advertising Signage Policy commenced in late 2017. The purpose of the policy is to guide decision making when considering planning applications for advertising signage. The Planning Scheme Re-write project in 2015 identified the need to undertake this work to ensure a high standard of signage design. This need has since been further highlighted by several applicant appeals to VCAT regarding Council's decisions on advertising signs.

It is anticipated the policy will be finalised in 2019 and, once adopted by Council, will be implemented into the planning scheme.

### 4.3.2 Warrnambool Social Housing Planning Project

Council is currently undertaking a Social Housing Planning Project. The project is funded through the Social Housing Investment Planning program run by the Department of Human Services. The project will explore mechanisms to increase social housing within the municipality.

The finalisation of the project is anticipated in the second half of 2019.

### 4.3.3 Allansford Strategic Framework Plan

In context of continuing to plan for strategic issues affecting townships within the municipality, Council is currently preparing a strategic framework plan for the Township of Allansford. The plan is partly funded by the Victorian Planning Authority (VPA).

The plan will build on work previously undertaken as part of the Allansford Urban Design Framework Plan (2003), Warrnambool City Wide Housing Strategy (2013), Warrnambool Open Space Strategy (2014) and Warrnambool 2040 Community Plan.

The plan will need to address stormwater, drainage and flooding constraints within the township, confirm infrastructure requirements to service development, and identify options to improve open space connectivity. The plan will also need to address flora and fauna and cultural heritage matters.

Work on this strategic framework plan has commenced and is anticipated to be completed within 12 months.

## 4.3.4 East of Aberline Precinct Structure Plan

In context of continuing to plan for long term residential growth of the municipality, Council is preparing a structure plan for the Aberline to Horne Road growth corridor. The plan is being prepared by the Victorian Planning Authority (VPA) in conjunction with Council.

Work on this structure plan commenced in 2017, with Council commissioning technical reports on flooding and drainage, traffic impact, flora and fauna, cultural heritage, infrastructure and servicing, bushfire and land contamination. These reports will inform land use and development options within the precinct. A comprehensive engagement process involving landowners, stakeholders and government agencies will commence in the first quarter of 2019.

The structure plan is anticipated to be completed within the next 12 months.

## 4.3.5 Flood Study – Part 2

A review of Warrnambool flood controls was undertaken by Council and the Glenelg Hopkins Catchment Management Authority. The review was used to assess changes required to flood risk levels within the Russell Creek and Merri River catchments.

Implementation of the revised flood levels is anticipated to be progressed throughout 2019.

## 4.3.6 Environmental Significance Overlay Review

A review of the Environmental Significance Overlay (ESO) was initiated in March 2018 based on a recommendation of the 2015 Planning Scheme Rewrite Project, which identified anomalies with the ordinance and mapping.

The ESO is a key planning tool in the Warrnambool Planning Scheme to assist Council, the local community, and key stakeholders to identify and address areas containing environmental constraints to development or other ecological values. There are currently four (4) Schedules to the ESO, which basically focus on significant water bodies within the municipality, including the coastline, rivers and wetlands.

The purpose of the ESO review is to ensure that the ordinance and mapping is consistent with other provisions of the Warrnambool Planning Scheme, including new strategic directions related to environment. The review will be the first major evaluation of the ESO since the Warrnambool Planning Scheme commenced in 1999.

The ESO review is being undertaken in consultation with DELWP and Glenelg Hopkins Catchment Authority and is anticipated to be completed in 2019.

As identified in Chapter 3, the new Ministerial Direction on the Form and Content of Planning Schemes will require substantial re-write of the four existing schedules.

### Recommendation:

**R20** Upon adoption of the Environmental Significance Review, update ordinance and mapping, as necessary.

## 4.3.7 Housing Diversity Strategy

The Warrnambool City-Wide Housing Strategy (2013) recommends the development of an Infill / Housing Diversity Strategy to address an identified lack of housing diversity in the municipality. This is further supported by Warrnambool 2040 which contains a strategic vision and direction on population growth, with further population growth to be guided to established areas to support the objective of creating a compact city.

The Housing Diversity Strategy will set out a strategic framework to assist with managing housing growth and change in the established suburbs of the municipality. The strategy will also respond to the changing demographic profile of the municipality and shifts in household sizes. The development of the strategy has commenced.

## 4.3.8 Open Space Contributions Policy

Open space contributions collected through the subdivision process are an important source of funds for purchasing and developing open space in Warrnambool. At present, Council uses a range of mechanisms to collect open space contributions, including via development contribution plans, Section 173 agreements, and in accordance with the requirements of the Subdivision Act. Contributions collected under the Subdivision Act must be justified and assessed on a case by case basis, and are open to the appeals process.

The Warrnambool Open Space Strategy (2014) recommends the development of an Open Space Contributions policy to provide a clear and consistent framework for the collection and spending of open space contributions.

A review of the collection, administration and spending of open space contributions is being undertaken, including a draft Open Space Contributions Policy. It is anticipated the policy review will be finalised in the first half of 2019.

### **Recommendation:**

**R21** Upon adoption of the Open Space Contributions Policy, pursue implementation in the planning scheme.

## 4.3.9 South of Merri River Open Space Precinct Plan

The South Merri River Open Space Precinct Plan is a recommendation of the Warrnambool Open Space Strategy (2014). A review of the Open Space strategy in 2017 identified it as one of the highest outstanding priorities yet to be implemented.

The purpose of the project is to improve the connectivity of open spaces between Manuka Drive Reserve and Queens Road Reserve on the south side of the Merri River in Warrnambool. The open spaces adjoining this section of the river are within walking distance of a large number of residents, but are currently underdeveloped. They also provide a potential link between the Russell's Creek walking trail and future North of the Merri walking trail.

Work on the South Merri Open Space Precinct plan has commenced and it is anticipated it will be completed in 2019.

## 4.3.10 Active Warrnambool

Council is directly responsible for the planning, development and management of a high number of sport reserves, and sports fields and supporting infrastructure located on them.

Council has commenced a comprehensive process to understand and analyse the current and future sporting needs of municipal residents, and to compare these with not only the current provision of facilities but also the distribution of these facilities throughout the municipality and their capacity to absorb the projected population.

The strategy known as Active Warrnambool will replace the Warrnambool Recreation Plan 2007-17. It will inform Council's planning and provision of sport, recreation and physical activity for the next ten years.

## 4.3.11 Play Space Strategy

The Warrnambool Play Space Strategy will help guide Council's investment in the city's play spaces for the next 15 years. The municipality has 58 public playgrounds in parks, recreation reserves and other open spaces areas. The strategy will provide a framework for the ongoing planning, design and management of the municipal public playgrounds and play spaces.

## 4.3.12 Principal Pedestrian Network

One of the key objectives identified in Warrnambool's Sustainable Transport Strategy is to strengthen the pedestrian network so as to increase walking trips. This would be achieved by identifying missing gaps in paths and pedestrian infrastructure, and ensuring walking paths are safe, convenient and attractive, and that guidance for walkers is clear.

Council is building on the above directive by developing a Principal Pedestrian Network (PPN) across the municipality. The aim of the PPN is to increase the amount of local trips undertaken on foot. The development and implementation of the PPN also aims to:

- Promote forms of transport with the lowest impact on the environment, health and well-being,
- Reduce the use of private motor vehicles transport for short, local trips, and
- Facilitate better access to, and greater mobility within local communities.

Once adopted, the PPN should be reviewed for implementation into the Warrnambool Planning Scheme. The PPN will also be used to inform the Housing Diversity Strategy (See section 4.3.7 above).

## **Recommendation:**

**R22** Review the Principal Pedestrian Network (once adopted) for implementation into the planning scheme.

## **4.4 Other Strategic Plans**

Council is also in the process of development of a number of other strategic plans including:

- Warrnambool Coastal Management Plan – updated 2018
- Coastal Hazard Assessment (in conjunction with DELWP)
- Foreshore Precinct Plan
- Principal Bicycle Network
- Lake Pertobe Master Plan
- The Great South Coast Food and Fibre Plan
- The Great Ocean Road Regional Tourism Strategic Plan
- Wayfinding strategy

It is likely that a number of these plans will have a direct relevance to matters in the Warrnambool Planning Scheme, and once adopted, should be reviewed for future implementation.

## **4.5 Conclusions**

The proceeding analysis clearly demonstrates that Council has advanced an extensive program of strategic work since the 2014 Planning Scheme Review. This work highlights Council's proactive approach to responding to State Government reform and addressing localised issues within the municipality through the planning system. Much of this work has immediate and future implications for the Warrnambool Planning Scheme. Council will continuously review the planning scheme to ensure it remains relevant and reflects current strategic directions, objectives and strategies

Implementation of the above strategic work should be prioritised and scheduled to ensure issues are addressed in a comprehensive and coordinated manner. This review report outlines a proposed in the Executive Summary.

## 5 MAJOR PLANNING ISSUES FACING THE MUNICIPALITY

### 5.1 Strategic Context (Warrnambool 2040 Community Plan and Green Warrnambool)

The Warrnambool 2040 – Community Plan and Green Warrnambool were adopted by Council in 2018. The plans set a vision for the City of Warrnambool and identify community and Council goals that will drive a series of priorities and actions over the coming years. These priorities have been developed following extensive community and stakeholder engagement processes.

A number of these initiatives have relevance to the Warrnambool Planning Scheme and planning processes, and are therefore considered in this 2018 Review. A number of these initiatives are currently underway, but some will require further strategic work.

#### 5.1.1 Warrnambool 2040 Community Plan

As discussed in Chapter 4, Warrnambool 2040 Community Plan captures the community's shared values, goals and priorities for the next twenty-plus years around four principle themes: Our People, Our Place, Our Economy and Our Environment. Each of these themes and associated planning issues is discussed below.

##### Our People

In 2040 Warrnambool will be a City where all people thrive. Key directions relating to this vision includes:

- Providing appropriate community facilities to support population growth.
- Improving community connectedness and sense of place given the projected population growth, particularly in neighbourhoods that have a relatively stable population growth in the last decades.
- Providing strategies/objectives to increase health, wellbeing and safety outcomes through planning mechanisms.
- Increasing recognition of Warrnambool as a healthy city.
- Providing strategies/objectives to consolidate community facilities in and around community anchors.
- Ensuring access, inclusion and equity in the community underpins planning mechanisms.
- Delivering public open space that meets community active needs.

##### Our Place

In 2040 Warrnambool will be Australia's most liveable regional city. Key directions relating to this vision includes:

- Providing a compact city (compact, non-car dependent, city form) where population is accommodated within the growth boundary that existed in 2017
- Delivering a diversity of housing that is both accessible and more affordable and social housing is available.
- Providing greater direction for the preferred locations for housing growth and densities.
- Increasing the number of residents that live in Central Warrnambool from 3800 to 10,000 by 2040.
- Upgrading walking and cycling infrastructure across the municipality to improve safety and accessibility outcomes.
- Improving public transport connections to key locations to discourage use of private vehicles.
- All daily destinations (work, school, shopping, recreation, health services) are all accessible in less than 20 minutes of sustainable travel.
- Providing more guidance for parking requirements.
- Responding to emerging transport technology such as autonomous vehicles.
- Delivering more high quality, public places/facilities/infrastructure.

## Our Economy

In 2040 Warrnambool will be Australia's most resilient and thriving regional economy. Key directions relating to this vision includes:

- Responding to digital/smart city concept.
- Providing greater support for local businesses throughout the municipality and not just in identified activity centres.
- Providing greater employment opportunities in activity centres and/or close to home
- Provide greater direction to achieve a minimum of 15 years supply of undeveloped land (commercial, industrial and residential).

## Our Environment

In 2040 Warrnambool will be Australia's most sustainable city. Key directions relating to this vision includes:

- Improving tree canopy, including improving the biodiversity of the municipality's green spaces.
- Increasing the uptake of renewable energy and improving energy efficiency.
- Providing greater focus on sustainability and resilience to climate change impacts.
- Ensuring environmentally sustainable design principles used for all new developments and upgrades.
- Ensuring water sensitive design principles are used in all infrastructure and open space development and upgrades.
- Providing more guidance on waste management.
- Ensuring the significance of the Merri River as an open space corridor is recognised in planning mechanisms.

### 5.1.2 Green Warrnambool

As discussed in Chapter 4, Green Warrnambool sets an ambitious vision for the municipality of Warrnambool that by the year 2040: *Warrnambool will be the most sustainable regional city in Australia*. It guides a suite of new and existing strategic plans and actions over six themes: Zero Warrnambool, Adaptable Warrnambool, Wise Warrnambool, Natural Warrnambool, Blue Warrnambool, and Green Warrnambool. Each of these themes and associated planning issues is discussed below:

#### Zero Warrnambool

In 2040 Warrnambool will demonstrate innovative, smart solutions to achieve zero net emissions for a renewable future. Key directions to achieve this vision include:

- Developing and implementing strategies/objectives to ensure Warrnambool has zero net greenhouse gas emissions
- Developing and implementing strategies/objectives to achieve a Zero Net Carbon Housing Development.
- Developing and implementing strategies/objectives to ensure homes and businesses use renewable energy for their energy needs.

#### Adaptable Warrnambool

By 2040 Warrnambool will be adapted to the impacts of climate change. Key directions to achieve this vision include:

- Ensuring ESD principles are used for all new developments and upgrades.
- Recognising coastal risks in planning mechanisms.
- Ensuring there are climate resilient playgrounds

## Wise Warrnambool

In 2040 Warrnambool is a wise city that wastes not. Key directions to achieve this vision include:

- Investigate automated and centralised resource collection systems to integrate across the City to reduce waste to landfill.
- Development of the Warrnambool Pollution Solution Plan and information program to prevent littering, air pollution, and wastewater or waterway pollution.

## Natural Warrnambool

In 2040 Warrnambool will restore, maintain and enhance its natural environment. Key directions to achieve this vision include:

- Develop Warrnambool's Biodiversity Plan including the collation of baseline data.
- Develop Pest Plant & Animal Management Framework.
- Ensure the protection and maintenance of existing established vegetation.
- Develop a Cultural Landscapes and Heritage Strategy.

## Blue Warrnambool

In 2040 Warrnambool will care for and revegetate our waterways, our coast and marine environment. Key directions to achieve this vision include:

- Develop a Green-Blue City Plan for Warrnambool to provide a framework for integrated water management and incorporate Water Sensitive Urban Design into residential and commercial development.
- Neighbourhood scale solutions for stormwater treatment and reuse.
- Contribute to management and protection of groundwater systems.
- Develop strategies for increasing riparian protection activities.
- Develop policy that recognises the Merri River as a significant open space corridor.
- Implement the North Dennington and North Merri Structure Plans.
- Undertake an Open Space Precinct Plan for public land on the Merri River between Queens Road and Manuka Drive

## Green Warrnambool

In 2040 Warrnambool will be connected by green infrastructure and corridors of urban forest to support resilient and connected biodiversity. Key directions to achieve this vision include:

- Warrnambool urban areas will have 30% vegetation canopy cover through greening of infrastructure and tree planting.
- Provide a strategic framework for agricultural and rural land use so that productive agricultural and rural land is protected.

### 5.1.3 Conclusion and Recommendations

The Warrnambool 2040 Community Plan and Green Warrnambool contain a number of directions around a range of issues. Several of these directions are already the subject of strategic work currently being undertaken by Council which is likely to inform changes to the Warrnambool Planning Scheme.

The major issues raised include:

- The challenges of balancing population growth and economic development with managing environmental risks and protecting environmental, heritage, character, amenity and cultural values.
- Existing and emerging issues with community infrastructure, facilities and services, particularly in relation to the need for such items to keep pace with population growth and changing community expectations.

- The provision and availability of affordable and social housing.
- Land use and built form guidance to facilitate a compact city. Need to ensure population growth is accommodated within existing settlement boundaries, close to public transport and high amenity areas such as open space, and within 20 minutes of all daily destinations. It must also include the delivery of a diversity of housing types and forms and respond to demographic changes and changes to household sizes
- Increasing tree canopy cover in association with residential growth.
- Emerging issues of digital/smart city. Need to consider the nature, challenges and opportunities to accommodate changing technology and materials.
- Maintaining a minimum of 15 years supply of undeveloped land for commercial, industrial and residential purposes.
- Consideration of increasing the uptake of Renewable Energy.
- Consideration of Environmental Sustainable Design (ESD) in all new developments to ensure that developments are sustainably designed and minimise impacts on the natural environment.
- Consideration of Climate Change and likely impacts to ensure the municipality is sustainable and resilient, in particular coastal risks (e.g., sea level rise).
- Increasing tree canopy across the municipality to improve biodiversity and reduce urban heat island effects.
- Providing walking and cycling infrastructure across the municipality.
- The costs and community expectations for improved infrastructure, including new roads and pathways.
- Community expectations on open space and recreation facilities.
- Consideration of elevating the significance of the Merri River as an open space corridor in the planning scheme.
- Stormwater guidance in the municipality. How to incorporate integrated water management and incorporate Water Sensitive Urban Design in new residential, commercial and industrial developments.
- Rural land use guidance. Need to consider rural land use trends and issues to inform a strategic framework for agricultural and rural land use.

As discussed in Chapters 2 and 4 the following strategies that are currently underway will go some way to address a number of these issues.

- **Warrnambool Housing Diversity Strategy.** Whilst this primarily focuses on housing, the strategy will consider a framework that will contribute to the creation of a more compact urban form.
- **Warrnambool Social Housing Planning Project.** The project will consider how the supply of social housing can be increased.
- **Principal Pedestrian Network** (note this is a recommendation of Warrnambool 2040 Community Plan) – This should address pedestrian infrastructure and identify priorities to improve pedestrian networks.
- **Principal Cycling Network** (note this is a recommendation of Warrnambool 2040 Community Plan) – This should address cycling infrastructure and identify priorities to improve cycling networks
- **Active Warrnambool** (note this is a recommendation of Warrnambool 2040 Community Plan) and Play Space Strategy will address changing demands and expectations on open space and recreation facilities.
- **Open Space Contributions Policy** will provide equitable mechanisms to collect and spend open space contributions from new subdivisions
- **South Merri River Open Space Precinct Plan** (note this is a recommendation of Green Warrnambool).

Further strategic work that would assist in addressing some of the directions include:

- **A Biodiversity Plan** to provide guidance and direction on the management of biodiversity across the municipality. .
- **An assessment /mapping of tree canopy cover in Warrnambool**, and in particular, an assessment of the effectiveness of tree canopy cover in accordance with endorsed Landscape Plans
- **An Environmental Sustainable Development Policy** to enable inclusion of key sustainability performance indicators into the planning permit approvals process.
- **Monitoring of Commercial and Industrial land supply** to ensure 15 year land supply in the municipality (note residential land supply monitoring is already being undertaken).

## Recommendations:

**R23** Consider the following strategic projects as part of future work program:

- A biodiversity Plan (this is a recommendation of Green Warrnambool)
- An assessment /mapping of tree canopy cover in Warrnambool.

- An Environmental Sustainable Development Policy (this is a recommendation of Green Warrnambool).

**R24** Undertake monitoring of commercial and industrial land supply to ensure the municipality maintains 15 years supply.

## 5.2 Planning Scheme Performance

It is considered premature to assess the full impact of the Local Planning Policy Framework (LPPF) given that the current Structure was introduced in September 2016 through Amendment C93. Early indications are that the measures introduced through Amendment C93 (such as a streamlined LPPF that provides local guidance to each of the SPPF themes) have assisted in providing more consistent and efficient decision making. Ongoing monitoring will be undertaken through the next review period.

The following areas have been identified where the Warrnambool Planning Scheme could be improved:

- Farming zone controls - should be reviewed to address the inconsistency between the 15ha minimum lot size for subdivision in the Farming Zone Schedule with the State and local policy directions to protect agricultural land.
- Infill residential development controls, which should be revised to include policy direction on neighbourhood character and views.
- Policy direction on community facility and service uses such as gyms, dance schools and similar uses which are locating in areas zoned for industrial and commercial uses.
- Biodiversity controls should be strengthened.

### 5.2.2 Review of VCAT Decisions

Between June 2014 (the conclusion of the last review) and December 2018, approximately 16 cases have been heard before the Planning and Environment List at VCAT dealing with matters determined by Council. Council officers internally record the outcomes of any VCAT decisions that have significance from a policy view, and that may impact the performance of the Warrnambool Planning Scheme.

An analysis of these significant decisions has identified several policy matters, some of which have relevance on the performance of the Warrnambool Planning Scheme. Upon review of merits proceedings where Council had determined to refuse or approve an application, VCAT set aside (rejected) the Council decision in about 25% of all applications for review in this class. There were a total of 10 matters before VCAT which related to Council's Refusal to Grant a Planning Permit. Of these matters, the Tribunal set aside the Council's decision on 3 occasions (or in 30% of all instances).

The issues identified through VCAT decisions relate to:

- Farming Zone controls, specifically the 15ha minimum subdivision area in the Schedule.
- Infill residential development (neighbourhood character and views).
- Advertising signs, particularly electronic major promotion signs

### 5.2.3 Planning Issue 1: Rural subdivision

The State policy directions in the Warrnambool Planning Scheme seek to ensure that rural areas are protected to ensure agricultural uses remain viable. From a local policy perspective, the planning scheme seeks the preservation of agricultural land in large areas so as to sustain the agricultural economy of the area and support those industries that rely on agricultural products for processing. Furthermore, retaining agricultural land is deemed necessary to ensure the City's unique rural character is protected from urban development.

An inconsistency has been identified between the above State and local policy directions and the Farming Zone controls, which allows a 15 ha minimum lot size for subdivision. This minimum lot size is generally too small to sustain viable agriculture production, and is significantly smaller than the default 40 ha minimum in the Farming Zone, and is smaller than

other regional planning schemes. The basis of the 15ha minimum lot size is unclear. It is a long-standing provision pre-dating the introduction of the VPP format planning scheme in 1999.

The 15ha minimum lot size for subdivision has created conflict when assessing a subdivision where the original lot size is able to contribute to agriculture production. The 15ha minimum lot size is also considered to be in conflict with Council's local policy position within the Planning Scheme which seeks to protect productive agricultural land.

As demonstrated in *Fala Park Pty Ltd v Warrnambool CC [2015] VCAT 1380*, where Council refused a planning permit to subdivide rural land into three lots with each having an area of 15ha, 15.02ha and 20.69ha at 340 Wollaston Road, Warrnambool, VCAT overturned this decision for the following reasons:

*3. In this case, the Council and the objectors submit that the proposal constitutes the subdivision of a viable agricultural land parcel into three lots, each of which will be too small to sustain viable agricultural use. The Council and the objectors submit that the proposal is in reality an attempt to create a rural/residential subdivision in an area not identified for that purpose in the planning scheme. The applicant however submits that the proposal demonstrates substantial compliance with the relevant provisions of the planning scheme especially in terms of minimum lot size. The applicant submits that Council and the objectors have misconstrued the application and their opposition to the proposal reflects erroneous assumptions about what is proposed.*

*4. Largely the submissions by both the Council and the objectors reflect dissatisfaction with the planning scheme, especially the 15 ha minimum lot size applying to all land in the Farming Zone. The specification of a minimum lot size in this municipality is however the responsibility of the Council. If the Council considers that a larger minimum lot size is required to protect productive agricultural land, the onus rests with the Council to amend its planning scheme accordingly. It has not done that. In assessing this application therefore, I am required to apply the planning scheme as I find it.*

.....

*16 I observe that the 15 ha minimum lot size has formed the basis of the Council's approach to the planning of its agricultural areas for a very long time. The Council has not demonstrated any desire to amend the minimum lot size over that time. I am entitled therefore to proceed on the basis that the Council continues to regard 15 ha as a reasonable minimum lot size to give effect to the zone purpose and policy objectives for its agricultural areas.*

Owing to the above VCAT decision, Council has received a number of planning applications to subdivide productive rural land at the minimum lot size. The decision reinforces that further strategic work is required to prepare guidance on the future of rural land in the municipality. This further guidance could form part of work that is proposed in green wedge planning or rural land use strategy, if funding can be achieved.

## 5.2.4 Planning Issue 2: Residential Development

The LPPF of the Warrnambool Planning Scheme implements a number of strategies that provide guidance on residential development, including

- The Warrnambool City-Wide Housing Strategy 2013 provides a contemporary strategic framework for residential development across the municipality until the year 2031.
- The Warrnambool City Centre Revitalisation Structure Plan (July 2012) provides guidance on growth and change, including residential development, in the City Centre over the next 20-25 years.
- The Warrnambool City Council Heritage Guidelines and Precinct Statements of Significance (December 2012) provides guidance on important design techniques for new residential development.

There is clear support for the above documents and their approach to residential development, as demonstrated by the following significant VCAT cases:

- **Harper v Warrnambool CC [2016] VCAT 194 (16 February 2016)** where the Tribunal supported Council's Notice of Decision to Grant a Permit for the construction of two double storey dwellings at 46 Banyan Street:

*"While Clause 22 of the planning scheme does not include other local policies directly relating to the site, the Warrnambool City Wide Housing Strategy (2013) identifies that housing diversity will be enhanced by new development in growth areas and through infill opportunities. Consistent with this also, the Council encourages development in established urban areas to reduce expansion pressure on the city, where such development*

*complements heritage character. This is also espoused through the Warrnambool City Centre Structure Plan (July 2012) in which Banyan Street is recommended for a maximum three-storey development height subject to the protecting scale and character in accordance with the Heritage Overlay. On this basis alone, double-storey development is not discouraged.”*

- **Blanch v Warrnambool CC [2016] VCAT 881 (30 May 2016)** where the Tribunal decided against Council’s Notice of Decision to Grant a Permit for the demolition of part of the existing dwelling, construction of alterations and additions to that dwelling, construction of a second dwelling and subdivision of the land into two allotments at 61 Ocean Grove, Warrnambool. Council favoured the proposal based on support from Council’s Heritage Advisor, but this advice did not take into account directions contained in the Warrnambool City Council Heritage Guidelines and Precinct Statements of Significance (December 2012)]:

*“The proposed additions to the existing dwelling on the review site do precisely what is discouraged by the heritage guidelines [Warrnambool City Council Heritage Guidelines and Precinct Statements of Significance (December 2012)]. They dramatically alter the scale of the dwelling, due to their level of visibility in the streetscape, and the extent to which they extend higher than and are visible over the existing roofline. The proposed additions fail to maintain the historic scale of the dwelling, and turn what is a very modest low scale building into one of significant scale.”*

The majority of appeals to VCAT (by developers or objectors) relate to residential applications in Warrnambool. It is therefore important to further refine the residential framework in the Warrnambool Planning Scheme, and it is considered the following matters should be reviewed:

## a. Respect for Neighbourhood character

Neighbourhood character is often considered subjective, and can often lead to a difference of opinion on how a new residential development (single dwelling, multi-unit, two or more dwellings) responds to its neighbourhood character context. A number of recent VCAT decisions highlight the need for a neighbourhood character study to be undertaken. In the absence of a neighbourhood character study that clearly articulates the existing and preferred neighbourhood character of parts of the municipality, assessment of residential development will continue to be limited to a subjective analysis that may result in further objector challenges to VCAT.

## b. Consideration of Views

Views from private dwellings and/or public realm can have considerable value. In *Blanch v Warrnambool CC [2016] VCAT 881 (30 May 2016)* for demolition of part of the existing dwelling, construction of alterations and additions to that dwelling, construction of a second dwelling and subdivision of land in two allotments at 61 Ocean Grove, Warrnambool the Tribunal decided against Council’s arguments that ocean views were reasonably shared and protected:

*“30. How one is to consider and assess what is a reasonable sharing of views was explored in the decision of Healy v Surf Coast SC. Often quoted from that decision are the relevant principles which were refined as follows:*

- a) there is no legal right to a view;*
- b) views form part of the existing amenity of a property and their loss is a relevant consideration to take into account;*
- c) the availability of views must be considered in the light of what constitutes a reasonable sharing of those views;*
- d) in addressing the concept of “reasonableness”, it is relevant to consider*
  - i) the importance of the view to be lost within the overall panorama available; and*
  - ii) whether those objecting have taken all appropriate steps to optimise development of their own properties.*
- e) added emphasis will be placed on principles (b) and (c) above if the issue of views is specifically addressed in the planning scheme.*

*31..... Policy for the Inner Warrnambool Area, which includes the review site, includes the following:*

*Promote view sharing between properties.*

32. *I consider that such a policy means that the issue of views is specifically addressed in the planning scheme, and therefore I should place added emphasis on principles (b) and (c) from the Healy decision.*
33. *..... the proposed development will impact on views from the public realm. I accept this is a relevant consideration as the Housing policies in the planning scheme specifically address this issue, and there is evidence that this residential estate was designed to allow for such views.*

The reasonable sharing of views was also discussed in *Merri Designs Pty Ltd v Warrnambool CC* [2015] VCAT 780 (1 June 2015) for the construction of a second dwelling at the rear of the existing dwelling and two lot subdivision at 26 Alison Avenue, Warrnambool where the Tribunal decided in favour of Council's refusal to grant a permit:

*41 In my opinion the proposal to locate the living area over the garage tips the balance against the equitable sharing of views. I would have thought a redesign which locates this floor area south of the main building would be a much better outcome. I did give some thought of requiring changes such as the deletion of the living area proposed over the garage but I think a redesign would be a better solution than simply trimming areas off the existing proposal.*

Further guidance on the above issues could form part of the work that is proposed for the Neighbourhood Character Study and View Sharing Analysis.

## 5.2.5 Planning Issue 3: Community related uses in Industrial and Commercial Zones

There is an emerging trend in the municipality for the use of community related uses such as gyms, dance schools and similar uses locating in industrial and commercial zones. These uses may be suitable in some areas, especially during non-business hours (i.e. weekends), however additional concerns are with these uses including how they impact on existing commercial and industrial activities. With limited supply of industrial and commercial land available for employment and business generation, there is a need to further investigate where community related uses can appropriately operate.

### Recommendation

**R25** Investigate how to provide guidance to developers with respect to preferred locations for community related uses including gyms, dance schools, and similar uses (through planning policy and/or advice).

## 5.2.6 Planning Issue 4: Advertising Signs

Another area of significance at VCAT was in relation to major promotional electronic signage in prominent locations in the municipality, such as at 1157 Raglan Parade, Warrnambool (*O.S.O International Pty Ltd v Warrnambool CC* [2017] VCAT 318).

In this case, Council failed to make a decision within the prescribed time. The Council subsequently determined its position would have been to refuse the application for the major promotional electronic signage on the Raglan Parade frontage of the site, based on the sign not achieving a high visual standard appropriate to the importance of Raglan Parade as a major route through Warrnambool and as sought by policies and provisions of the planning scheme. The Tribunal decided against Council noting:

*The policies seeking to develop or enhance major transport routes and the 'boulevard entrance' to Warrnambool need to be applied in the context of the commercial character of the area. This does not mean that an 'anything goes' approach should be adopted, but the commercial context and character of the area allow for more robust signage than might other areas along the major transport routes and boulevard.*

This decision further reinforced the need for a policy position, which will be implemented through a new Advertising Signage Policy.

### Recommendation

**R26** That advertising signs, and the effect of the new Advertising Signage Policy, when introduced, be

reviewed as part of the next planning scheme review.

## 5.2.7 Planning Issue 5: Biodiversity Controls

The natural environment is a key defining feature of the municipality of Warrnambool, with its rugged coastlines, the Merri and Hopkins Rivers, and expansive basaltic and alluvial plains. These areas provide habitat for native flora and fauna, including rare and threatened species. It has been identified that there is a need to further strengthen biodiversity controls through more policy guidance in the planning scheme, particularly in response to the new Victorian Biodiversity Strategy which was introduced in to the state policy section of the planning scheme in December 2017.

### Recommendation

**R27** That biodiversity controls in the planning scheme be reviewed having regard to the Victorian Biodiversity Strategy.

## 5.3 Review of Planning Panel Recommendations

Since the last Planning Scheme Review in 2014, 5 separate planning scheme amendments were referred to an Independent Panel for consideration. Broadly, the Panel supported these planning scheme amendments, either as exhibited or subject to minor modifications. The amendments included:

Amendment C73 Part 2 Heritage Gap Study  
Amendment C93 Planning Scheme Rewrite  
Amendments C94, C96, C97 West Warrnambool Industrial Precinct  
Amendment C99 53-59 Raglan Parade  
Amendment C102 678-688 Reglan Parade (Former Fire Station)

The support for these amendments from independent Planning Panels reflects the extensive strategic planning work that has previously been undertaken by Warrnambool City Council in relation to activity centres, housing growth and change, and improving the Warrnambool Planning Scheme. This is highlighted in Amendment C93, where the independent Planning Panel made the following observation:

*Council has carried out a substantial body of strategic work in conducting the planning scheme review and preparing the Amendment. The work complies with the requirements of all relevant Ministerial Directions and Planning Practice notes and the process carried out by Council is to be commended as one of the best examples of a thorough planning scheme review seen by the Panel members.*

No major issues have been identified from the review of recent Planning Panel Reports.

## 6. THE EFFECTIVENESS OF THE WARRNAMBOOL LPPF

### 6.1 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 of Warrnambool and it should support and implement the former SPPF (now the PPF). The PPF and MSS together provide the strategic basis for the application of zones and overlays in the Warrnambool Planning Scheme.

The MSS provides the broad local policy basis for making decisions under the Planning Scheme. The MSS should be continually refined as the planning authority develops and revises its strategic direction and as new issues arise in the municipality.

The MSS must be taken into account when preparing amendments to a planning scheme or making decisions under a scheme. The role of an MSS is quite different from the role of a Local Planning Policy.

### 6.2 MSS Structure

Practice Note 4 recommends a particular format for the MSS, based on themes and headings in the SPPF. The table below sets out the current recommended format and the format of the Warrnambool Planning Scheme:

**Table 3: Analysis of the Existing MSS in the Warrnambool Planning Scheme**

Practice Note Format	Warrnambool Format
21.01 Municipal Profile	Clause 21.01 Municipal Profile, Council Vision and Strategic Directions
21.02 Key Issues and Influences	Clause 21.02 Settlement
21.03 Vision – Strategic Framework	Clause 21.03 Environment and Landscape Values
21.04 Settlement	Clause 21.04 Environmental Risks
21.05 Environmental and Landscape Values	Clause 21.05 Natural Resource Management
21.06 Environmental Risks	Clause 21.06 Built Environment and Heritage
21.07 Natural Resource Management	Clause 21.07 Housing
21.08 Built Environment and Heritage	Clause 21.08 Economic Development
21.09 Housing	Clause 21.09 Transport
21.10 Economic Development	Clause 21.10 Infrastructure
21.11 Transport	Clause 21.11 Local Areas
21.12 Infrastructure	
21.13 Local Area Plans	

It is evident from the above analysis that the format of the Warrnambool MSS has a very strong relationship to that of the PPF and Practice Note. While a number of Warrnambool format PPF ‘themes’ are merged (Municipal Profile, Key Issues and Influences, and Strategic Vision), all of the PPF themes and issues are addressed.

## 6.3 MSS Content

As the MSS has only been operational since Amendment C93 was approved in late 2016, not surprisingly, the 2018 Review has found that there are no pressing issues of existing content that needed to be addressed at the present time.

New and amended State policy introduced through the PPF has been discussed in Chapter 3. Whilst the volume of change has been considerable, much of the change has involved strengthening policy around existing strategic goals or improving its legibility and ease of use. There haven't been any major changes in strategic direction which would conflict with existing policy direction in the MSS, although some revision to the MSS is required to ensure it refers to the most up to date terminology and land use terms. Potential policy gaps from a State policy perspective in the MSS have been discussed in the conclusion of Chapter 4 and include housing affordability, neighbourhood character, and integrated water management.

The existing MSS will need to be translated into the new PPF format and it would be prudent to seek for further direction from DELWP prior to undertaking any new updates, restructure or rewrite of the MSS.

## 6.4 Role of Local Policies

The Practice Note (No.8) describes the purpose a Local Planning Policy (LPP) in the planning schemes. A LPP guides decision making in relation to a specific discretion in a zone or overlay. It helps the responsible authority and other users of the scheme to understand how a particular discretion is likely to be exercised.

Together with the MSS, local policies form the Local Planning Policy Framework (LPPF) in the planning scheme. The role of an LPP is different from the role of the MSS. Local strategic direction should be contained in the MSS and not the LPP. An LPP guides how discretion in a zone, overlay, or a particular provision will be exercised.

Practice Note 8 identifies that a LPP is not a control in itself and cannot remove the discretion under the relevant zone, overlay or particular provision. However, a Local Planning Policy gives a planning authority an opportunity to state how discretion should or will be exercised under the planning scheme.

## 6.5 Existing Local Policies

The Local Policies in the current Warrnambool Planning Scheme are:

Clause 22.01 Rural Dwelling Excisions  
Clause 22.02 Industrial Development  
Clause 22.03 Heritage Precincts

Amendment C93 deleted all but the above three local policies, and where relevant, incorporated the objectives, strategies from the deleted policies into the new MSS.

**Table 4: Consistency of Warrnambool Local Policies with Planning Practice Note 8**

Warrnambool Planning Scheme local planning policies	Comment on Warrnambool Clause
Clause 22.01 Rural Dwelling Excisions	Structure fairly consistent with advice in Practice Note 8. It contains a number of actions under policy that are essentially criteria or performance measures that should set out how Council's view can be met. The policy contains multiple headings or points - it may be helpful to use additional headings.
Clause 22.02 Industrial Development	Structure fairly consistent with advice in Practice Note 8. The policy contains multiple headings or points - it may be helpful to use additional headings.
Clause 22.03 Heritage Precincts	Structure fairly consistent with advice in Practice Note 8. The policy contains multiple headings or points - it may be helpful to use additional headings.

While the 2018 Review has found that all of the local policies (to varying degrees) remain relevant, the new PPF (see Chapter 3) suggests that all of these will be able to be absorbed into the new PPF structure.

## 6.6 Conclusions Regarding the MSS and Local Policies

The structure and format of the MSS was significantly modified by Amendment C93 to better reflect current 'best practice' and to better reflect adopted strategic work of Council.

Despite this, the structure will now need to be significantly changed as a result of the State Government Smart Planning Program as discussed in Chapter 3.

The new PPF has now been implemented and it is clear that changes will be required to the structure of the 'front end' of all planning schemes incorporating subsections for state, regional and local considerations. While this is considered to be a logical and well integrated approach, it will require a total restructure of the existing Warrnambool LPPF.

Council is scheduled to receive further direction from DELWP throughout 2019 on necessary structural and formatting changes to the planning scheme. Until this direction is provided, it is not appropriate to commence work to translate the existing content of the MSS and Local Policies to the PPF.

## 7. STATUTORY PLANNING PROCESS REVIEW

### 7.1 Background

Statutory planning is undertaken by the City Strategy and Development Unit and is comprised of statutory planning, planning support and a contracted heritage adviser. Statutory planning services include:

- Planning approvals, including development, use and subdivision applications.
- Enforcement of the Warrnambool Planning Scheme.
- Developer and community education.
- Advise Council in its role as Responsible Authority.
- VCAT Hearings.
- Provision of Heritage Advisory Service forward planning policies and programs, including pre application meetings.
- Major development proposals.
- Assessment of Development Plans.

### 7.2 Context and Trigger Points

Based on activity over the last four (4) financial years Council has processed a total of 1331 planning permit applications with an estimated value at just over \$263 million worth of development.

The types and quantity of planning permit applications that were processed by Council include 140 new single dwellings, 317 extensions or alterations to dwellings and other buildings, 53 developments with two or more dwellings (multi dwellings), 164 subdivisions and 67 applications for changes in land use. It is noted that a large proportion of applications are in relation to extensions or alterations to dwellings and other buildings. This is representative of development that is occurring in and around the town centre. Subdivision is another strong category considered in permit applications, reflecting Warrnambool's continued growth.

The trend for the current year to date (July 2018) indicates the estimated value of development from the previous two years has increased from an average of \$48 million to \$70 million. This potentially indicates that the number of applications for higher intensity development has increased.

### 7.3 Decisions

The method by which planning permits are decided is considered to be a key general indicator of performance. According to the DELWP statistics on "Planning Activity in Victoria" over the last four financial years, the key characteristics of the City of Warrnambool's planning permit process were:

- 98% approved
- 2% refused
- 1% referred to VCAT

### 7.4 Performance Indicators

The permits issued by the City of Warrnambool over the last four financial years exhibited the following performance attributes to the regional Council average:

- Public notice – 24% compared to the regional Council average of 40-45%. In the previous review period, an average of 30% of permit applications was subject to public notice. The level of public notification in Warrnambool is lower than the regional Council average due to large number of areas which are covered by the development plan overlay which provides public notice exemptions.
- Further information request – 25% compared to regional Council average of 31-32%. This is an improvement from the previous review period when 31% of applications required further information. Since the last review, Council

has made significant effort to assist the development industry and the community to improve the quality of information accompanying planning applications. The methods include pre-application meetings, application checklists, and improved staff training and approach to applications.

- Application completion within 60 days – 83% compared to the regional Council average of 75%. This is an improvement from the previous review period when 75% of applications were processed within 60 days. Although Council is generally performing better than the regional Council average, it is important to maintain the momentum to process applications within the 60 day period as reduced processing time is a significant factor in customer satisfaction.

The majority of performance gains have been achieved in the last two years (2017 & 2018), which coincides with the implementation of the Local Planning Policy Re-write in September 2016, and due to:

- Pre-application meeting format and streamlining of processes
- Proactive approach to mediation.
- Undertaking a review of all internal tasks and procedures, including report templates and all checklists to improve timeframes in processing applications.
- A transition to a paperless environment. This includes processing of applications, electronic referrals (internal and external), increased use of email, and online storage.

## 7.5 VicSmart Applications

The introduction of VicSmart provisions has resulted in additional efficiencies for the statutory planning process.

As outlined in Chapter 3, VicSmart is a streamlined process for assessing straightforward planning permit applications and aims to achieve a 10 business day turn around for planning permits. There are no third party notices or review opportunities, application requirements are pre-set and decisions are made under delegation.

Council has processed 87 VicSmart applications since this category was introduced across Victoria in late 2016, expanded in July 2017 and modified again in January 2018. Application numbers received are growing rapidly with 7 in 2015-2016, 30 in 2016-2017 and 50 in 2017-2018. The increase in the number of VicSmart applications is a reflection on the continual improvements made to the system with additional VicSmart classes.

Council is currently processing the majority of VicSmart planning applications within the 10 business day timeframe. As the volume of applications increases, it will be beneficial to gauge through the 2018-19 figures, once they become available, where there has been any significant impact over the past year. It has been suggested at Chapter 3 that there may be opportunities for Council to expand the use of these provisions by developing local classes of application to be included as VicSmart applications

## 7.6 Development Plans

The municipality of Warrnambool has substantial areas of land covered by the Development Planning Overlay (DPO), particularly the residential growth areas. The assessment, implementation, and ongoing monitoring of development plans approved under the overlay are the responsibility of Statutory Planning.

Some areas of the municipality, particularly infill areas, covered by a DPO have not implemented a development plan. A number of these areas have had a DPO applied for over 10 years. It is a recommendation of this review that those areas without a development plan be identified and, if appropriate, investigate whether the DPO remains relevant.

## 7.7 Conclusions and recommendations

The 2018 Review has identified no significant issues with statutory planning processes. The performance indicators show that Council is performing well in the assessment of planning permit applications, indicating planning processes under the Warrnambool Planning Scheme are strategically robust.

Council should review the VicSmart figures for the 2018-19 figures, once they become available, to determine if there has been a significant impact on permit processes. If improvements have been made, Council should seek opportunities to expand these provisions by developing local classes of applications.

To ensure the DPO remains relevant, it is recommended that a review of the DPO be undertaken.

## Recommendations

**R28** Review DPO schedules and mapping to ensure coordinated planning outcomes are still able to be achieved.

## 8 CONCLUSION & FINAL RECOMMENDATION

As demonstrated throughout this report, the Warrnambool Planning Scheme is in a state of transition. The current strategic base and structure of the LPPF was implemented in September 2016 and will be further transformed through reforms to the structure of the Planning Policy Framework and other changes as a result of the State Government initiated Smart Planning program.

Council has undertaken a comprehensive program of strategic work following latest planning scheme review in 2014. A detailed audit has revealed that, whilst some items were outstanding, many of the recommendations from the 2014 Review have either been completed or substantially progressed. The net result is a wealth of adopted strategic directions which have significant implications for the policies and controls in the planning scheme.

Whilst substantial progress has been made, several major strategic projects remain outstanding. Completion of these projects is imperative to ensuring that clearer direction is provided for emerging and unresolved issues so that the planning scheme remains strategically robust. To this end, outstanding action items from the 2014 Review will be recaptured and integrated into the implementation plan resulting from the 2018 Review.

Ultimately, the need to incorporate strategic work that Council has either commissioned or completed over the inter-review period, along with changes to the structure of policy within the Victoria Planning Provisions, will inevitably require a substantial re-write and restructure of the existing MSS and local policies. Further refinement of zoning and overlay schedules will also be required.

In conclusion the following recommendation is made:

That Council:

- Adopt the 2018 Warrnambool Planning Scheme Review pursuant to Section 12B(1) of the Planning and Environment Act 1987
- Forward the 2018 Warrnambool Planning Scheme Review to the Minister for Planning as required by Section 12B(5) of the Planning and Environment Act 1987.

## Appendix 1 STATE AMENDMENTS SINCE 2014

Amendment number	In operation from		Policy implications
VC123	13-Nov-14	The Amendment changes the Victoria Planning Provisions (VPP) 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 permissible without a planning permit.	Increase in supermarkets in Commercial 2 Zone.
VC124	2-Apr-15	The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by: 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; 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; Amending Clause 52.32 'Wind Energy Facility' to 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); and clarify the application of the one kilometre rule to applications for minor amendments to existing permits; and 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.	Potential vegetation removal impacts in the ESOs and SLOs.
VC119	30-Apr-15	The Amendment changes the Victoria Planning Provisions and all planning schemes by: 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; and 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.	Bushfire controls and potential native vegetation removal.
VC125	11-Jun-15	The Amendment changes the Victoria Planning Provisions and all planning schemes by: 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; and	N/A – Warrnambool is unlikely to have wind energy facilities due to the relatively small size of the municipality and

		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.	the buffer zones required
VC128	8-Oct-15	The Amendment changes the <i>Victoria Planning Provisions</i> and all planning schemes by: Amending Clause 18.04-1 and Clause 18.04-2 include the National Airports Safeguarding Framework (NASF) as a policy guideline; Amending Clause 18.04-1 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; and Amending Clause 11.14-1 to include the Bellarine Peninsula Localised Planning Statement (Victorian Government, 2015) (BPLPS) as a policy guideline.	N/A
VC101	29-Oct-15	The Amendment: Removes or updates a series of reference documents from the Victoria Planning Provisions (VPP) and all planning schemes that are no longer applicable or up-to-date; and Makes a number of corrections, clarifications and updates to some planning schemes.	Fix up of reference and incorporated documents and other administrative changes will assist with reducing red tape.
VC107	26-Nov-15	The Amendment makes changes to the Victoria Planning Provisions (VPP) and all planning schemes by updating wind energy provisions at Clauses 19.01-1, 52.32, 61.01-1, and 74, and by updating provisions relating to airports at Clauses 18.04-2, 45.02, 45.08 and 81.01.	N/A – Warrnambool is unlikely to have wind energy facilities.
VC121	21-Dec-15	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).	N/A
VC126	28-Jan-16	The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by updating wind energy provisions at Clauses 52.32, 19.01-1, 61.01, 52.40 and 52.41.	N/A – Warrnambool is unlikely to have wind energy facilities
VC127	4-Feb-16	The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by: Amending Clauses 11 (Settlement), 12 (Environmental and Landscape Values) and 13 (Environmental Risks) of the State Planning Policy Framework to update reference to the Victorian Coastal Strategy (Victorian Coastal Council, 2008) with reference to the 2014 version; and 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.	Potential impacts on control of shared housing premises.
VC130	4-Jul-16	The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by amending Clause 52.32 (Wind energy facility) to delete clause 52.32-8.	N/A – Warrnambool is unlikely to have wind energy facilities.
VC131	24-Nov-16	The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by amending Clause 52.19 - Telecommunications facility, to exempt a permit application for a	Potential impact for future

		telecommunications facility funded (or partly funded) under the Commonwealth Government's Mobile Black Spot Programme from the notice and review requirements of the <i>Planning &amp; Environment Act 1987</i> .	telecommunication towers.
VC110	27-Mar-17	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.	Impacts on planning permit applications
VC135	27-Mar-17	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.	Additional Vic Smart exemptions to reduce red tape.
VC134	31-Mar-17	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.	Introduction of revised Plan Melbourne 2017-2050 and new SPPF provisions
VC136	13-Apr-17	Amendment VC136 introduces state-wide planning requirements for apartment developments of five or more storeys	New guidelines to ensure better built form outcomes for apartment developments.
VC133	25-May-17	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.	A revised Ministerial Direction to guide the form and content of planning schemes.
VC137	27-Jul-17	The Amendment introduces additional classes of application into the VicSmart provisions for residential zones.	Additional Vic Smart exemptions to reduce red tape.
VC139	29-Aug-17	The Amendment: Introduces new planning requirements for racing dog keeping and training facilities; Introduces new guidelines for apartment developments; Removes redundant references to a suite of guidelines; and Introduces a new State planning policy for Healthy neighbourhoods.	New guidelines to facilitate racing dog keeping
VC132	19-Sep-17	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	The Amendment updates the mapping and ordinance for the Bushfire Management Overlay (BMO) across Victoria.	New Bushfire Management Overlay mapping – notification was undertaken to all

			affected property owners.
<b>VC141</b>	<b>21-Nov-17</b>	<p>The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by:</p> <p>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);</p> <p>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 <i>Heritage Act 2017</i>;</p> <p>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 <i>Planning &amp; Environment Act 1987</i>;</p> <p>Amending Clause 52.32 – Wind Energy Facilities, to reflect changes proclaimed through the <i>Planning and Building Legislation Amendment (Housing Affordability and Other Matters) Act 2017</i>;</p> <p>Amending Clause 66 – Referral and Notice Provisions, to include the Executive Director specified in the <i>Heritage Act 2017</i> as a determining referral authority for an application to subdivide a heritage place included in the Victorian Heritage Register; and</p> <p>Amending the Victoria Planning Provisions (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 <i>Planning &amp; Environment Act 1987</i>.</p>	N/A – General fix up
<b>VC138</b>	<b>12-Dec-17</b>	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 Protecting Victoria's Environment - Biodiversity 2037	Introduction of new Victorian Biodiversity Strategy may impact on future net gain policy.
<b>VC140</b>	<b>12-Dec-17</b>	The Amendment makes the State Planning Policy Framework for Bushfire clearer and more directive to enable a resilient response to settlement planning for bushfires.	Updates bushfire provisions.
<b>VC142</b>	<b>16-Jan-18</b>	The Amendment includes a wide range of reforms across the Victoria Planning Provisions (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 Victoria Planning Provisions (VPP).	A wide range of reforms as part of the implementation of the Smart Planning Program.
<b>VC144</b>	<b>27-Feb-18</b>	The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes by updating advertising signs provisions at Clause 52.05, updating home based business definitions at Clause 52.05 and 73, and correcting minor errors at Clauses 52.05 and 62.	N/A – General fix up
<b>VC145</b>	<b>28-Mar-18</b>	The Amendment amends the Victorian Planning Provisions (VPP) and all planning schemes by: <p>Amending Clause 11.05-2 – Distinctive areas of state significance, to reference the Yarra Ranges</p>	N/A – General fix up

	<p>Localised Planning Statement; Amending Clause 43.01 – Heritage Overlay, to reinstate administrative corrections that were made in Amendment VC132 but inadvertently removed by Amendment VC141; Amending Clause 52.19 – Telecommunications Facility, 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).</p>	
<p><b>VC143</b>      <b>15-May-2018</b></p>	<p>The Amendment changes the Victoria Planning Provisions and all planning schemes by: 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: 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 apply to: 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. Amending clauses 32.08-4 (General Residential Zone) and 32.09- 4 (Neighbourhood Residential Zone) to: 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: 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.</p>	<p>A wide range of reforms as part of the implementation of the Smart Planning Program.</p>

<b>VC146</b>	<b>15-May-2018</b>	The Amendment 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.	Possible future implications
<b>VC148</b>	<b>31-Jul-2018</b>	<p>The amendment changes to the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> <li>Deleting the State Planning Policy Framework (SPPF) and replacing it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19.</li> <li>Deleting Clauses 1.0 (Preliminary) 2.0 (User Guide).</li> <li>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).</li> <li>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.</li> <li>Amending provisions (including schedules) to update references to the new MPS and PPF and as a result of the restructure and reorganising of provisions.</li> <li>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.</li> <li>Amending 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 and the ability to incorporate heritage design guidelines for a heritage place.</li> <li>Amending Clause 43.04 (Development Plan Overlay) to clarify when an application is exempt from the notice and review requirements.</li> <li>Introducing the Specific Controls Overlay (Clause 45.12).</li> <li>Organising particular provisions into three new categories at Clauses 51, 52 and 53.</li> <li>Inserting a new section, 'Operational provisions' (Clauses 70 to 74) that consolidates operational, administrative and other provisions.</li> <li>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).</li> <li>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.</li> <li>Amending Clause 33.01 (Industrial 1 Zone) to remove the requirement to obtain a planning permit</li> </ul>	A wide range of reforms as part of the implementation of the Smart Planning Program.

		<p>to use land for a 'convenience shop' and 'take away food premises'.</p> <p>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'</p> <p>Deleting Clause 52.12 (Service station).</p> <p>Amending Clauses 33.01 (Industrial 1 Zone) and 32.04 (Mixed Use Zone) to ensure impacts of service stations are considered.</p> <p>Deleting Clauses 52.13 (Car wash) and 52.14 (Motor vehicle, boat or caravan sales).</p> <p>Amending Clause 52.06 (Car parking) to change the planning permit requirements and number of spaces to be provided in certain circumstances.</p> <p>Introducing incorporated document Principal Public Transport Network Area Maps (State Government of Victoria, 2018).</p> <p>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.</p> <p>Making consequential changes to the schedules of applicable particular provisions in planning schemes, including inserting new schedules.</p>	
<b>VC151</b>	<b>6-Aug-2018</b>	<p>The amendment corrects obvious and technical errors in the <i>Victoria Planning Provisions</i> and all planning schemes by replacing the incorporated document <i>Principal Public Transport Network Area Maps</i> (State Government of Victoria, 2018) with a corrected version of the document. The reference to the corrected document is updated in Clause 72.04 (Documents incorporated in this planning scheme).</p>	N/A General fix up
<b>VC147</b>	<b>14-Sep-2018</b>	<p>The amendment makes administrative changes to the Victorian Planning Provisions (VPP) and all planning schemes by:</p> <p>Making style, format and technical changes to improve the presentation and operation.</p> <p>Correcting inconsistencies and clerical errors; and</p> <p>Changing the operation of amendment date stamps located next to clause numbers. VC147 will not be added to the clause stamps due to its administrative nature</p> <p>The amendment enables the online publishing of planning schemes through the DELWP new Amendment Tracking System (ATS). The Amendment does not change the operation of policy or the effect of provisions in planning schemes.</p>	Staff training provided by DELWP.
<b>VC150</b>	<b>4-Oct-2018</b>	<p>The amendment changes the Victorian Planning Provisions (VPP) by inserting a new Commercial 3 Zone at Clause 34.03.</p> <p>The amendment also amends the VPP and all planning schemes to:</p> <p>Introduce new requirements for the assessment of residential solar energy facility overshadowing.</p> <p>Implement the wind energy facility recommendations of the Independent Inquiry into the Environment Protection Authority.</p>	
<b>VC153</b>	<b>4-Oct-2018</b>	Amends Clause 52.13-7 (2009) Bushfire-Recovery Exemptions) to extend the expiry date to 30	

<p><b>VC152</b></p> <p><b>26-Oct-2018</b></p>	<p>September 2019.</p> <p>Amendment VC152 amends the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes to:</p> <ul style="list-style-type: none"> <li>insert new objectives and strategies for major hazard facilities in Clause 13.07 (Amenity)</li> <li>amend Clause 16.01-6S (Crisis accommodation and community care units) to reflect the new land use terminology and policy support for community care accommodation and rooming houses</li> <li>amend Clause 35.08 (Rural Activity Zone) to delete the reference to 'Backpackers' lodge'</li> <li>amend Clause 37.07 and Clause 52.34 (Bicycle facilities) to delete references to 'Nursing home'</li> <li>amend Clause 52.06 (Car parking) to specify a car parking rate for a 'Rooming house'</li> <li>delete Clause 52.22 (Crisis accommodation) and Clause 52.23 (Shared housing) and replace them with a new Clause 52.22 (Community care accommodation) and Clause 52.23 (Rooming house)</li> <li>delete Clause 52.24 (Community care unit)</li> <li>amend Clause 53.06 (Live music and entertainment noise) to include 'Community care accommodation' and 'Rooming house', and delete 'Boarding house' and 'Nursing home', in the definition of noise sensitive residential uses</li> <li>insert a new particular provision at Clause 53.17 (Residential aged care facility)</li> <li>amend Clause 73.03 (Land use terms) and Clause 73.04 (Nesting diagrams) to introduce 'Community care accommodation' and 'Rooming house' land uses, nest 'Residential aged care facility' under 'Accommodation', and delete 'Backpackers' lodge', 'Boarding house', 'Hostel', 'Nurses' home', 'Nursing home' and 'Residential college' land uses.</li> </ul>	<p>A wide range of reforms as part of the implementation of the Smart Planning Program.</p>
<p><b>VC154</b></p> <p><b>26-Oct-2018</b></p>	<p>Amendment VC154 changes the <i>Victoria Planning Provisions</i> and all planning schemes by:</p> <ul style="list-style-type: none"> <li>Deleting Clause 14.02-3S (Water conservation) and integrating these policy statements into a new Clause 19.03-3S (Integrated water management).</li> <li>Amending Clause 19.03-3S (Water supply, sewerage and drainage) to update and broaden water, drainage and stormwater policies to integrated water management policies.</li> <li>Deleting Clause 19.03-4S (Stormwater) and integrating this policy into the new Clause 19.03-3S (Integrated water management), with consequential renumbering throughout Clause 19.03.</li> <li>Inserting a new particular provision at Clause 53.18 for 'Stormwater management in urban development'.</li> <li>Amending Clause 55 (Two or more dwellings on a lot and residential buildings) to provide transitional provisions for residential development applications to be assessed against the Clause 55 provisions as they existed before the approval date of Amendment VC154.</li> <li>Amending Clause 55.03-4 (Permeability) to rename the standard "Permeability and stormwater management" and amend the standard to include a new stormwater purpose, requirements and decision guidelines.</li> <li>Amending Clause 55.07 (Apartment developments), Clause 56.07 (Integrated water management) and Clause 58.03 (Site layout) to generally align with the new particular provision.</li> </ul>	<p>Local policy position will be required to provide consistent local response on integrated water management</p>

		Amending Clause 73.01 (General terms) to insert a new general term and definition for 'stormwater'.	
<b>VC155</b>	<b>26-Oct-2018</b>	<p>Amendment VC155 amends the Victoria Planning Provisions and all planning schemes by:</p> <p>Amending Clause 15.03-1S (Heritage conservation) to include an additional strategy and policy guideline.</p> <p>Amending Clauses 54.03-5 (Energy efficiency protection), 55.03-5 (Energy efficiency) and 55.07-1 (Energy efficiency) to replace the word 'capacity' with 'performance' and specify that a rooftop solar Energy facility must exist at the time an application is lodged</p>	Implications for planning permit applications

## Appendix 2 New/Updated Planning Practice Notes Since 2014

The state government has released numerous new or modified Practice Notes in recent years that are aimed at explaining the role of recent zone changes or which explain how certain applications will be assessed.

The new (or modified) Practice Note with a brief summary of their renewal date and their intended purpose is as follows.

**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 an 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 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.

**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.

**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.

**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 ACZ 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.

## **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)**

Provides 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. *(Note: 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.

## **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.