

WELLINGTON PLANNING SCHEME

AMENDMENT C109WELL

EXPLANATORY REPORT

Who is the planning authority?

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

The Amendment has been made at the request of Wellington Shire Council.

Land affected by the Amendment

The Amendment applies to all land within the Wellington Shire.

What the amendment does

The Amendment replaces the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policy Framework (LPPF) at Clause 22 of the Wellington Planning Scheme (the Planning Scheme) with a Municipal Planning Strategy (MPS) and combined Planning Policy Framework, whilst also making changes to a select number of local zone and overlay schedules consistent with:

- the Victoria Planning Provisions as a result of Amendment VC148, and
- the Ministerial Direction – Form and Content of Planning Schemes.

The Amendment makes the following changes to the content of the current Clause 21 and Clause 22 of the Wellington Planning Scheme:

- Relocates all content to the appropriate headings of the Planning Policy Framework (PPF) and local schedules of the Planning Scheme where the intended effect of that clause or any other clause is not changed (that is, policy neutral)
- Amends various zone and overlay schedules to improve their operation and reduce unnecessary permit triggers and application requirements.
- Clarifies and improves the style, format, language or grammatical form in accordance with the principles set out in '*A Practitioner's Guide to Victorian Planning Schemes, October 2018*', where the intended effect of that clause or any other clause is not changed.
- Updates clause references, department names, legislation names, document references, terminology and statistical data.
- Deletes or adjusts incompatible content that conflicts with State Planning Policy of the Victoria Planning Provisions.
- Removes repetitive or duplicated content.
- Removes or updates outdated content.

More specifically, the Amendment makes changes to the following local sections of the Planning Scheme:

Purpose and Vision

Introduces a new Municipal Planning Strategy at Clause 02 based on content from Clause 21 and 22 of the Local Planning Policy Framework. The new content is summarised below.

Table 1

| New Clauses | Content |
|--|--|
| 02.01 Context | Provides a general strategic overview of the Wellington Shire. |
| 02.02 Vision | Provides the Vision for the Shire based on content previously contained in the Local Planning Policy Framework at Clause 21 of the Wellington Planning Scheme. |
| 02.03 Strategic Directions | Addresses the key land use themes based on the PPF and provides a brief overview and strategic directions for each theme based on content previously contained in the Local Planning Policy Framework at Clause 21 of the Wellington Planning Scheme. |
| 02.04 Strategic Framework Plans | Includes the following updated strategic framework plans: <ul style="list-style-type: none"> • Wellington Strategic Framework Plan. • Wellington Shire Landscape Units. • Latrobe Valley Economic Growth Sub-Region Strategic Framework Plan. |

Planning Policy Framework

Based on content from the current Clause 21 and Clause 22 of the Local Planning Policy Framework, Amendment C109well introduces revised local policy content into the Planning Policy Framework at:

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

Zones and Overlays

Amends the following zone and overlay schedules to improve their operation and reduce unnecessary permit triggers:

Zones

- Clause 32.04-1 (Schedule 1 to the Mixed-Use Zone)
- Clause 32.07-1 (Schedule 1 to the Residential Growth Zone)
- Clause 35.03-3 (Schedule 3 to the Rural Living Zone) (deleted – merged with RLZ2)
- Clause 35.07-1 (Schedule 1 to the Farming Zone)
- Clause 37.01-4 (Schedule 4 to the Special Use Zone)
- Clause 37.01-5 (Schedule 5 to the Special Use Zone)

Overlays

- Clause 42.03-1 (Schedule 1 to the Significant Landscape Overlay)
- Clause 43.02-1 (Schedule 1 to the Design and Development Overlay)
- Clause 43.02-2 (Schedule 2 to the Design and Development Overlay)
- Clause 43.02-3 (Schedule 3 to the Design and Development Overlay) (deleted)
- Clause 43.02-8 (Schedule 8 to the Design and Development Overlay)
- Clause 43.02-9 (Schedule 9 to the Design and Development Overlay)
- Clause 43.02-10 (Schedule 10 to the Design and Development Overlay)
- Clause 43.02-11 (Schedule 11 to the Design and Development Overlay)
- Clause 43.02-12 (Schedule 12 to the Design and Development Overlay)
- Clause 43.02-13 (Schedule 13 to the Design and Development Overlay)
- Clause 43.02-14 (Schedule 14 to the Design and Development Overlay)
- Clause 43.02-15 (Schedule 15 to the Design and Development Overlay)
- Clause 43.02-16 (Schedule 16 to the Design and Development Overlay)
- Clause 43.02-17 (Schedule 17 to the Design and Development Overlay)
- Clause 43.02-18 (Schedule 18 to the Design and Development Overlay)
- Clause 43.02-19 (Schedule 19 to the Design and Development Overlay)
- Clause 43.02-20 (Schedule 20 to the Design and Development Overlay)
- Clause 43.04-1 (Schedule 1 to the Development Plan Overlay)

The Amendment also makes changes to:

- The schedule to Clause 72.03 (Schedule to 'What does this planning scheme consist of?')
- the schedule to Clause 72.04 (Schedule to 'Documents Incorporated in this Planning Scheme');
- the schedule to Clause 72.08 (Schedule to 'Background Documents'), and
- Port Albert Heritage Precinct Permit Exemptions (Incorporated Document).

Strategic assessment of the Amendment

Why is the Amendment required?

Amendment C109well, in part, forms part of Stage 3 of the Smart Planning Rules and Policy Program to reform Victoria's planning system and change the Victoria Planning Provisions to make planning schemes more efficient, accessible and transparent. The Amendment is also required to implement the strategic work resulting from the Victorian Government's 'Planning in the Economic Growth Zone' project.

In 2018 Amendment VC148 introduced widespread changes to the Victoria Planning Provisions as part of Stage 2 of the Smart Planning Program. More specifically, Amendment VC148:

- introduced a new Planning Policy Framework;
- enabled the future introduction of a Municipal Planning Strategy;
- introduced a new state, regional and local integrated policy structure;
- modified the schedules to some existing zones, overlays and provisions to accommodate additional local content, and
- created new operational provisions.

A key focus for Stage 3 of the Smart Planning Program is to ensure better alignment of local planning policy with state and regional policy by integrating local policy content into the new MPS and PPF.

Local policy content has been generally drafted in a policy neutral manner, in accordance with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes* to ensure policy content is:

- within the scope of the *Planning and Environment Act 1987* and strategically justified
- clear in its application, proportional to the intended planning outcome and consistent with relevant parent provisions, practice notes, advisory notes and ministerial directions issued by the Minister for Planning, and
- drafted to be clear and unambiguous.

The other non-policy neutral component of the Amendment relates to the State Governments Planning in the Economic Growth Zone initiatives.

Following the closure of the Hazelwood Mine in the Latrobe Valley in October 2016, a three-year state-government funded initiative called '*Planning in the Economic Growth Zone*' (PEGZ) was established. PEGZ sought to improve the planning system and ensure that development and investment can progress in a streamlined manner with greater certainty across the Latrobe Valley. The PEGZ Councils include Wellington Shire, Latrobe City and Baw Baw Shire.

Several technical planning studies were completed under the PEGZ initiative, a number of which contain recommendations for changes to the Wellington Planning Scheme. The recommended changes seek to relax existing planning controls – particularly within local Schedules to zones and overlays, to create simpler approval processes.

The recommendations of both the PEGZ initiative and changes arising from the Smart Planning program will culminate in a substantially revised and restructured version of the current Wellington Planning Scheme. These changes will be implemented via Planning Scheme Amendment C109well.

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

By restructuring and changing local policy content into the Municipal Planning Strategy, Planning Policy Framework and local schedules, the amendment will clarify, condense, streamline and modernise the Wellington Planning Scheme, implementing the following objectives of planning in Victoria set out in section 4(1) of the Planning and Environment Act 1987:

- a) To provide for the fair, orderly, economic and suitable use, and development of the land.
- b) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- c) To facilitate development in accordance with the objectives of planning in Victoria.

The Amendment provides certainty to users of the Planning Scheme and provides clear strategic direction that will inform decision making regarding use and development in the municipality consistent with these objectives.

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

The Amendment is expected to have positive environmental, social and economic effects by:

- updating and improving the clarity of local policy content in the Municipal Planning Strategy, Planning Policy Framework and local schedules which results in greater certainty for users of the system;
- removing unnecessary planning permit triggers;
- reducing unnecessary costs to applicants and councils as a result of unclear planning requirements, and
- improving planning outcomes by removing errors, inconsistencies, redundancies, duplication and incompatibility in local policy content.

The application of updated and improved local policy content in the Municipal Planning Strategy, Planning Policy Framework and proposed local schedules will provide certainty to the users of the planning system by ensuring land use and development outcomes are consistent with environmental, social and economic land use objectives of planning in Wellington and Victoria.

Does the Amendment address relevant bushfire risk?

The Amendment is not expected to result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

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

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987.

The Amendment has been prepared in accordance with the strategic considerations set out in Ministerial Direction No. 11 'Strategic Assessment of Amendments', made under Section 12 of the *Planning and Environment Act 1987*.

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

The Amendment introduces a new Municipal Planning Strategy at Clause 02 and Local Planning Policies at Clauses 11, 12, 14, 15, 17, 18 and 19 of the Planning Policy Framework.

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

The Amendment introduces a new Municipal Planning Strategy at Clause 02 of the Wellington Planning Scheme.

Table 2 shows how existing Clause 22 policies have been translated across to the new Planning Policy Framework.

Table 1 Existing policy transition to the Planning Policy Framework

| Clause 22 policy | Planning Policy Framework |
|--|---|
| 22.01 Special Water Supply Catchment Areas policy | Clause 14.02-1L Special water supply catchments - Wellington |
| 22.02 Rural policy | Clause 14.01-1L Protection of agricultural land - Wellington |
| 22.03 Heritage policy | Clause 15.03-1L Heritage conservation - Wellington |
| 22.04 Car parking policy | Deleted – Clause 52.06 (Car Parking) – Victorian Planning Provisions to apply |
| 22.05 Aerodrome and Environs policy | Clause 18.02-7L Planning for airports and airfields - Wellington |
| 22.06 Coal resources policy | Clause 14.03-1L Resource exploration and extraction - Wellington |

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|--|--|
| 22.07 Coal buffers policy | Clause 14.03-1L Resource exploration and extraction - Wellington |
| 22.08 Ninety Mile Beach policy | Clause 11.03-4L Coastal settlements - Wellington |

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

The Amendment introduces local policy and associated local policy content consistent with Amendment VC148 and the *Ministerial Direction - The Form and Content of Planning Schemes*.

Where local schedules have been amended, the form of the schedule has been modified to accord with the current *Ministerial Direction - The Form and Content of Planning Schemes*.

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

The PEGZ project has demonstrated that designating the Latrobe Valley (collectively Baw Baw Shire, Latrobe City and Wellington Shire) as an Economic Growth Zone (EGZ) has encouraged DELWP, councils and agencies to work together to create efficiencies and improve the planning system to achieve the collective goal of boosting economic development.

The PEGZ project has established stronger working relationships between DELWP, the three councils, the Latrobe Valley Authority, the Better Regulation and Red Tape Commissioner, the Victorian Planning Authority and Regional Development Victoria with a common purpose for the EGZ. It has also improved relationships with service authorities and applicants. The project has provided a forum over nearly three years to share and discuss difficulties and solutions through a Steering Committee, Project Teams, forums and workshops.

Amendment C109well also makes administrative changes to the Wellington Planning Scheme following approval of VC148. Various government agencies and other entities were involved in the identification or preparation of particular changes as part of the wider Smart Planning consultation.

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

Amendment C109well will not have a significant impact on the transport system as defined by the Transport Integration Act 2010.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

Amendment C109well is not expected to impose additional resource or administrative costs on the responsible authority.

Introducing revised local policy content in the form of the Municipal Planning Strategy and Planning Policy Framework as well as revised schedules, is expected to create a clearer more navigable policy framework and will result in a reduction in permit applications. After an initial familiarisation phase this should have the effect of reducing the burden on the responsible authority of creating and administering local policy content in the scheme.

Ultimately Amendment C109well will provide a more concise scheme that is easier to navigate and administer and will deliver a greater level of certainty to the community and other stakeholders within the municipality.

Where you may inspect this Amendment

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

Wellington Shire Council
Sale Service Centre
18 Desailly Street
Sale VIC 3850

Wellington Shire Council
Yarram Service Centre
156 Grant Street
Yarram VIC 3971

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

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **05 September 2022**.

A submission must be sent to:

Strategic Planning
Wellington Shire Council
PO BOX 506
SALE VIC 3850

Panel hearing dates

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

- directions hearing: Week Commencing Monday 24 October 2022
- panel hearing: Week Commencing Monday 21 November 2022