

Hepburn Planning Scheme Audit and Review Report (Final)



Prepared for Hepburn Shire Council

12 February 2020



Shaping *Hepburn's* Future: **planning to 2040**



This report is the Hepburn Planning Scheme Audit and Review Report for Hepburn Shire Council. It has been prepared by the consultant team of Plan2Place Consulting with expertise, advice and inputs from Spatial Vision, Professor Michael Buxton, Peter Boyle Landscape + Urban Design, Movement and Place Consulting, and Wayfarer Consulting.

The report issue date is 12 February 2020.

Every reasonable effort has been to validate information provided by the client, stakeholders and other participants in the preparation of this report throughout the project during July 2019 – February 2020.

The report has been prepared in conjunction with Hepburn Shire Council and is based upon up-to-date information provided at the time of report preparation and finalisation.

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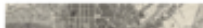


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TABLE OF CONTENTS

LIST OF FIGURES AND TABLES	iv	7. THE AUDIT: REVIEW OF THE LOCAL PLANNING POLICY FRAMEWORK	
ABBREVIATIONS AND LEGISLATION	v	AND LOCAL PROVISIONS.....	27
1. SUMMARY OF RECOMMENDATIONS.....	2	7.1 Clauses 21 and 22	27
1.1 Planning Scheme Review	2	7.2 Assessing the Effectiveness of Clause 21	27
1.2 Summary of Recommendations.....	2	7.3 Assessing the Effectiveness of Clause 22	28
2. HEPBURN PLANNING SCHEME REVIEW	5	7.4 Zones and Schedules	31
2.1 Background to Planning Scheme Review	5	7.5 Overlays and Schedules.....	36
3. COMMUNITY AND STAKEHOLDER ASPIRATIONS	11	7.6 Particular, General and Administrative Provisions.....	39
3.1 Community Consultation Overview	11	7.7 Recommendations	41
3.2 Eight Key Themes Applied in Community Consultation	11	8. SUMMARY OF PLANNING ISSUES FACING THE MUNICIPALITY	43
3.3 Stakeholder Consultation	13	8.1 Introduction	43
3.4 Recommendations.....	14	8.2 Population Change	43
4. WHAT ARE THE KEY POLICIES THAT HAVE SHAPED HEPBURN'S		8.3 Key Issues	43
 PLANNING OUTCOMES?.....	16	8.4 Key issues Consulted On and Possible Responses.....	44
4.1 State Policies and Initiatives.....	16	8.5 Recommendations	48
4.2 Local Policies	18	9. KEY REVIEW FINDINGS AND PRIORITY ACTIONS	50
5. THE AUDIT: ASSESSMENT OF THE PERFORMANCE OF THE CURRENT		9.1 Key Review Findings and Priority Actions Overview	50
 PLANNING SCHEME.....	21	9.2 Key Review Findings	50
5.1 Independent Panel Reports	21	9.3 Recommendations	54
5.2 Planning Applications Review	22	10. REVIEW RECOMMENDATIONS.....	56
5.3 VCAT Planning Appeals	23	10.1 Introduction	56
5.4 Recommendations.....	23	APPENDIX 1: ZONING AREA TOTALS.....	62
6. THE AUDIT: ASSESSMENT AGAINST THE PLANNING POLICY		APPENDIX 2: AMENDMENTS TO HEPBURN PLANNING SCHEME	64
 FRAMEWORK	25	APPENDIX 3: PROPOSED APPLICATION OF SLO1 AND SLO2	80
6.1 Assessment Against Planning Policy Framework	25	ATTACHMENT 1: DATA AND EVIDENCE REPORT	82
6.2 Assessment Against Ministerial Directions	25	ATTACHMENT 2: STAKEHOLDER AND COMMUNITY ENGAGEMENT	
6.3 Recommendations.....	25	 REPORT	83
		11. CONTACT.....	84

LIST OF FIGURES AND TABLES

Figure 1: Hepburn Shire Municipal Area and Key Features	7
Figure 2: Current Hepburn Shire Planning Scheme (Outgoing Framework)	8
Figure 3: Forthcoming Hepburn Shire Planning Scheme (New Framework)	8
Figure 4: Plan Melbourne: Peri-Urban Area - 100 Km Arc	17
Figure 5: Graphical Analysis of Planning Application Data 2013-2019	22
Figure 6: Graphical Analysis of Council Planning Appeals Data 2013-2019	23
Figure 7: Hepburn Shire Planning Zones.....	35
Table 1: Short History of the Development of the Hepburn Planning Scheme (State Government and Council Led Amendments)	19
Table 2: Analysis of Planning Application Data 2013-2019*	22
Table 3: Review of Clause 21	27
Table 4: Review of Clause 22	29
Table 5: Review of Residential Zones.....	32
Table 6: Township Vacant Lots & Land	32
Table 7: Review of Rural Zones	33
Table 8: Review of Public Land Zones	34
Table 9: Review of Special Use Zones	34
Table 10: Review of Design and Development Overlay	37
Table 11: Review of Development Plan Overlay	38
Table 12: Planning Scheme Review – Further Strategic Work	57
Table 13: Shire Wide Area of Zones in Hectares.....	62
Table 14: Township Vacant Lots & Land Areas	62
Table 15: Township Area of Zones by Hectare	63
Table 16: C Amendments to Hepburn Planning Scheme	64
Table 17: V, VC and GC Amendments to Hepburn Planning Scheme since 2010	67

ABBREVIATIONS AND LEGISLATION

Abbreviations

BMO	Bushfire Management Overlay
CFA	Country Fire Authority
CO2	Carbon Dioxide
DELWP	Department of Land, Environment, Water and Planning
DDO	Design and Development Overlay
DoT	Department of Transport
DJPR	Department of Jobs, Precincts and Regions
DPO	Development Plan Overlay
EAO	Environmental Audit Overlay
EMO	Erosion Management Overlay
EPA	Environment Protection Authority
ESD	Environmentally Sustainable Development
ESO	Environmental Significance Overlay
FZ	Farming Zone
GRZ	General Residential Zone
HO	Heritage Overlay
HPS	Hepburn Planning Scheme
HPSR	Hepburn Planning Scheme Review
LGA	Local Government Authority
LDRZ	Low Density Residential Zone
LSIO	Land Subject to Inundation Overlay
LPPF	Local Planning Policy Framework
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
NCO	Neighbourhood Character Overlay
PCRZ	Public Conservation and Resource Zone
PPRZ	Public Park Recreation Zone
PPF	Planning Policy Framework
PFN	Principal Freight Network
RAZ	Rural Activity Zone
RCZ	Rural Conservation Zone
RD1Z	Road Zone 1 Zone
RD2Z	Road Zone 2 Zone
RLZ	Rural Living Zone

RO	Restructure Overlay
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework
SUZ	Special Use Zone
TEH	Thematic Environmental History
TZ	Township Zone
VEAC	Victorian Environment Assessment Council
VIF	Victoria in Future
VPA	Victorian Planning Authority
VPO	Vegetation Protection Overlay
VPP	Victoria Planning Provisions
WMO	Wildfire Management Overlay

Related Legislation

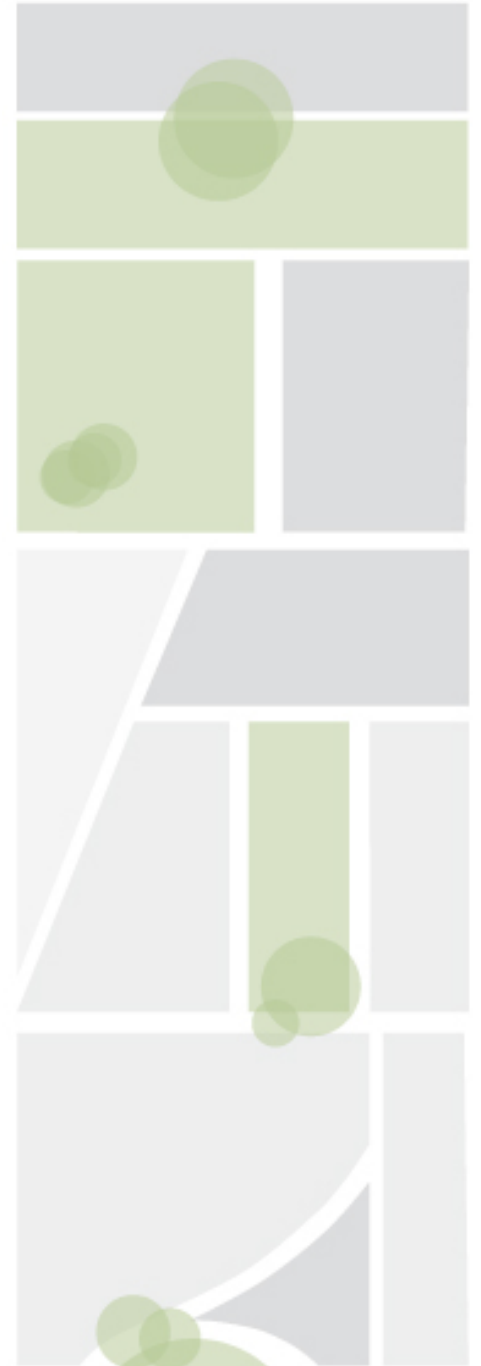
Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)
Local Government Act 1989 (LG Act)
Planning and Environment Act 1987 (P&E Act)

Numeric Abbreviations

C	Celsius
ha	hectares
km	kilometres
km ²	square kilometres
M	Million
m	metres
m ²	metres square
mm	millimetres
sqm	square metres

For references used in this report see the complete list of references provided in the *Data and Evidence Report*.

SUMMARY OF RECOMMENDATIONS



1. SUMMARY OF RECOMMENDATIONS

1.1 Planning Scheme Review

The Shire of Hepburn has commissioned Plan2Place Consulting to lead the review of its planning scheme and subsequently prepare a planning scheme amendment to guide the future of land use and development within the municipality over the coming years.

Councils as planning authorities are required to regularly review their planning scheme and provide sound, strategic and coordinated planning of land use and development. A Municipal Strategic Statement (MSS), or what is now referred to as a Municipal Planning Strategy (MPS), must be prepared. Section 12B of the Planning and Environment Act 1987 (P&E Act) details the requirements for a planning scheme review which must occur within one year of completion of the Council Plan.

This Planning Scheme Audit and Review Report is one of three reports that inform the final Planning Scheme Review recommendations. The other reports consist of a Stakeholder and Community Engagement Report and a Data and Evidence Report. The Stakeholder and Community Engagement Report is based on consultation undertaken in September and October 2019 seeking community and stakeholder views and aspirations for the future of the municipality. The Data and Evidence Report provides a synopsis of background data and evidence prepared since the preparation of the Hepburn Planning Scheme.

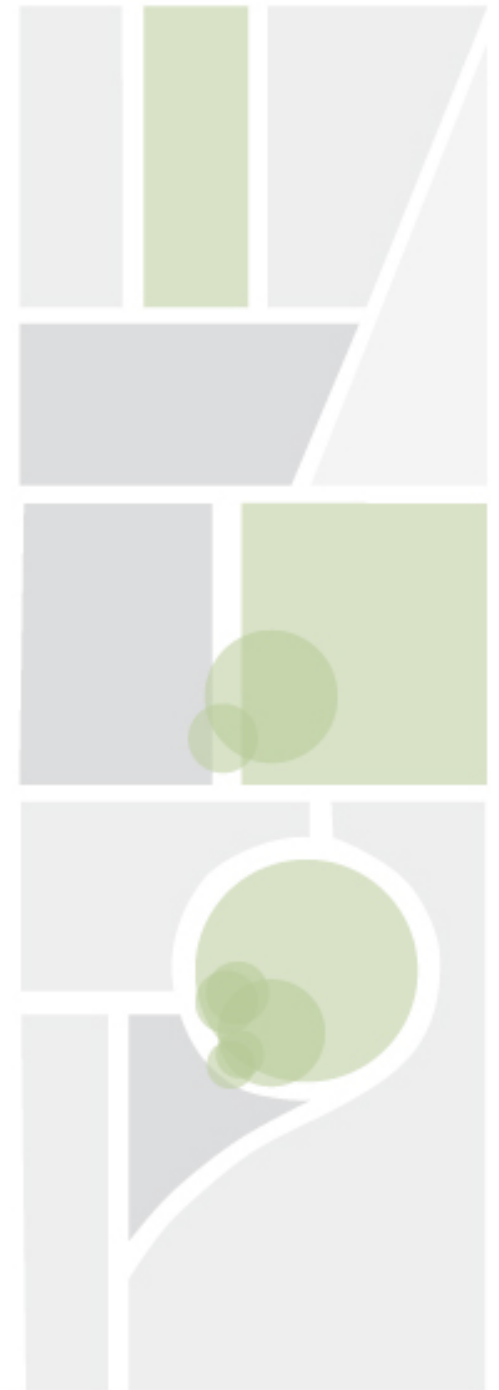
1.2 Summary of Recommendations

It is recommended that Council work to implement the findings of this report immediately through the adoption of this review report and preparation and exhibition of a planning scheme amendment, while committing to a program of further strategic work over the short and medium term and a program of ongoing work to address gaps identified through the review. In summary the recommendations are:

1. Pursuant to section 12B(1) of the Planning and Environment Act, adopt the Hepburn Planning Scheme Review.
2. Forward the *Planning Scheme Audit and Review Report* to the Minister for Planning as required by section 12B(5) of the Planning and Environment Act.
3. Draft new local policies to be included in the revised Hepburn Planning Scheme. These policies will cover off on key principles, with more detailed and updated content undertaken during township structure planning. Release draft local policies to the community for their comment on the following topics:
 - (i) Neighbourhood character
 - (ii) Heritage
 - (iii) Rural enterprises
 - (iv) Urban design
 - (v) Affordable housing
 - (vi) Dwellings in rural areas
 - (vii) Environmentally sustainable development
 - (viii) Landscape protection
 - (ix) Lake Daylesford, Jubilee Lake and Hepburn Springs Reserve environs
 - (x) Vegetation and habitat protection
4. Release the draft Heritage Strategy to the community and key stakeholders for comment.
5. Appoint a dedicated strategic planning officer to further commit to continuous improvement of the Hepburn Planning Scheme.
6. Prepare a planning scheme amendment to the Hepburn Planning Scheme that is provided in the updated (VPP) planning scheme format. It will include:
 - A draft Municipal Planning Strategy.
 - Ten draft local policies (listed in Rec.3) that have incorporated community feedback.

- Updated draft local schedules to the zones, overlays and particular provisions as outlined in Chapter 7.
 - An updated draft list of key background (or reference) documents.
 - The findings of the South West Landscape Assessment Study to expand the existing SLO1 (Hepburn Goldfields and Volcanic District) and the introduction of SLO2 (Island Uplands - Mount Beckworth).
 - An interim Design Development Overlay over land adjacent to the Daylesford Transfer Station to limit development in the area until Council has undertaken further strategic work to determine the future use and management of the transfer station site.
7. Adopt the draft (updated) Heritage Strategy and recommend its inclusion as a background document in the revised Hepburn Planning Scheme.
 8. Place the draft revised Hepburn Planning Scheme on exhibition.
 9. Undertake a program of strategic planning work over the short and medium term along with ongoing work to ensure the planning scheme is continuously improved to meet gaps identified in the review (See **Table 12**).

HEPBURN PLANNING SCHEME REVIEW



2. HEPBURN PLANNING SCHEME REVIEW

2.1 Background to Planning Scheme Review

Section 12B of the P&E Act requires a planning authority to review the provisions of the planning scheme every four years and within a year of adopting the Council Plan.

In mid 2019 Hepburn Shire Council commissioned Plan2Place Consulting to lead the review of the Hepburn Planning Scheme (planning scheme) and subsequently prepare a planning scheme amendment to guide the future of land use and development within the municipality over the coming years. This review (and the subsequent planning scheme amendment) also respond to a new planning framework and the Victoria Planning Provisions, which require substantial changes to planning schemes across Victoria.

2.1.1 The three components of the Planning Scheme Review

This Planning Scheme Review comprises:

- (i) The *Data and Evidence Report* which provides a summary of background reports and data that have been prepared since the adoption of the planning scheme on 8 June 2000 and the information that should inform the preparation of a reviewed planning scheme (**Attachment 1**).
- (ii) A *Stakeholder and Community Engagement Report* which is based on consultation undertaken in September and October 2019 seeking the community's views and aspirations for the future of land use and development across the municipality (**Attachment 2**).
- (iii) This *Planning Scheme Audit and Review Report* which incorporates the findings of the above reports and makes recommendations for the planning scheme over the short, medium and long term for consideration by Council.

2.1.2 Purpose of the Review

Guided by *Planning Practice Note 32 (Review of Planning Schemes, June 2015)* and the *Continuous Improvement Review Kit (February 2006)*, the purpose of the review is to enhance the effectiveness and efficiency of the Hepburn Planning Scheme in achieving:

- The objectives of planning in Victoria.
- Its capacity to deliver (albeit the outgoing) Council Plan.
- The objectives and strategies of the planning scheme including the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF).

This review also considers:

- The effectiveness of local planning policies, zones, overlays and schedules.
- The effectiveness of development controls.
- What's working and what needs refinement.

At a State government level this review also evaluates the planning scheme to ensure that it:

- Is consistent in the form and content with any directions or guidelines issued by the Minister under Section 7(5) of the P&E Act.
- Sets out effectively the policy objectives for use and development of land in the area to which the planning scheme applies.
- Makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

2.1.3 Key technical considerations of the audit

The findings of the planning scheme audit are outlined in this Report. The audit reviews the planning scheme from a technical planning systems architecture perspective (how well the scheme complies with current State guidelines and directions) and an outcomes perspective (is it achieving what Council and the community want it to).

Part of the audit includes a technical assessment of the planning scheme against a range of factors including:

- Consistency with the new *Planning Policy Framework* (PPF).
- Performance of revised *Victoria Planning Provisions* (VPP) implementation tools including zones, overlays, schedules and particular provisions.
- Relationships between planning measures and land use, social and environmental characteristics.
- Provision and format based on the more recent *Ministerial Direction on the Form and Content of Planning Schemes*.
- How will the recent changes to Victorian planning schemes such as to the VPP change the Hepburn Planning Scheme?

The VPP changes include:

- Integrating the VPP with VicSmart assessments and creating more opportunities for VicSmart use to simplify the planning system.
- Integrating the SPPF with the LPPF to create one planning policy framework (a PPF), and a simpler Municipal Strategic Statement (MSS) titled the Municipal Planning Strategy (MPS).
- Reducing the number of permit triggers and increasing permit exemptions.
- Creating better access to documentation through an online library including all incorporated documents.
- Changing the provisions of zones and overlays.

This will mean that the revised planning scheme will be streamlined, with less repetition. Some state planning policies (that bear no relevance to planning in Hepburn Shire) will be removed.

Figure 1 shows the extent of the municipal areas subject to the Hepburn Planning Scheme and this review and key topographical features within it.

At the local level, the achievement of past outcomes has been assessed by applying the current provisions for:

- Performance of the current LPPF.
- Performance of the MSS objectives and strategies.

The key differences between the outgoing planning scheme framework and the new framework are summarised in **Figures 2** and **3**.

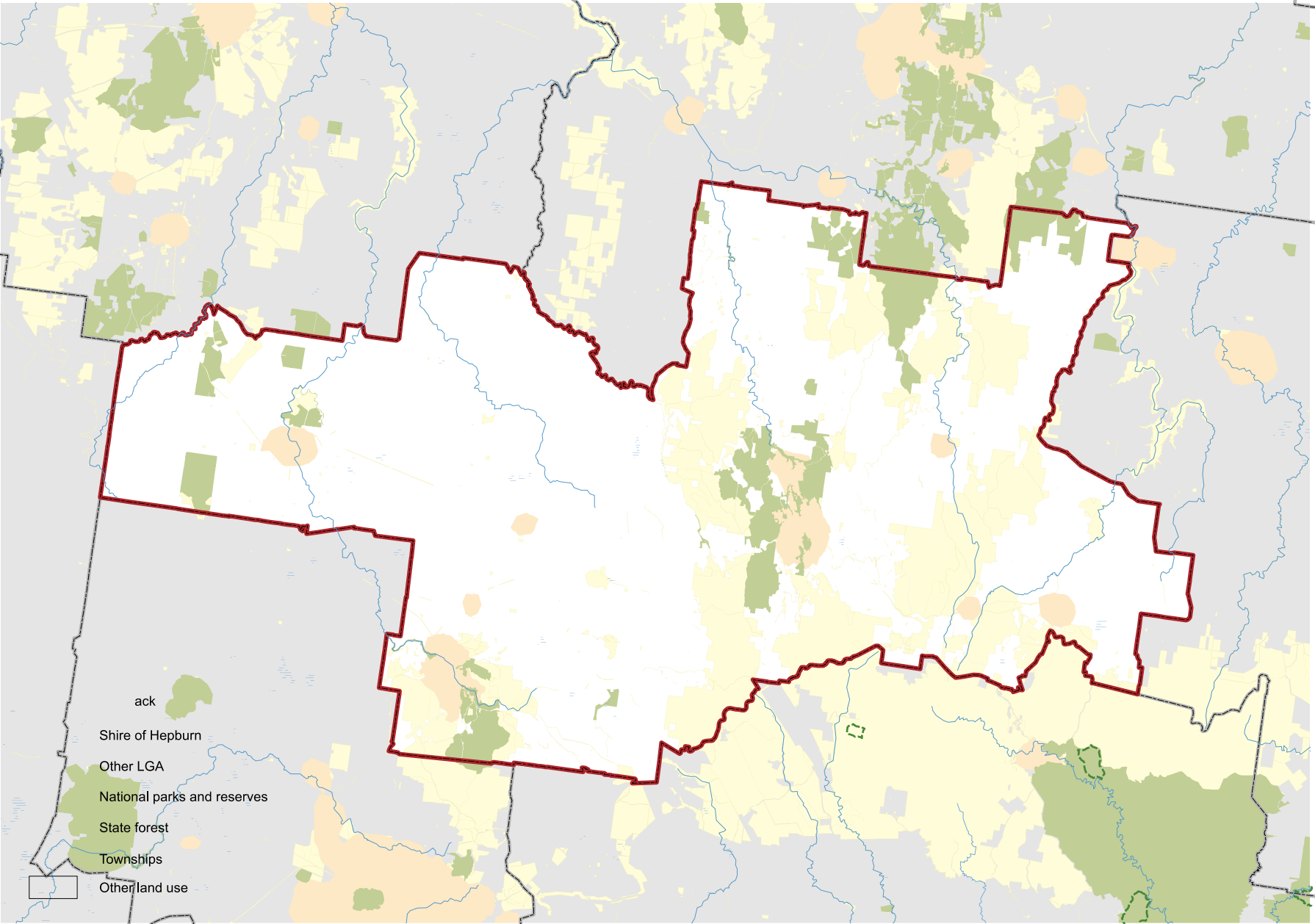
2.1.4 The Hepburn Planning Scheme and Municipal Strategic Statement

The Hepburn Planning Scheme, including the MSS, was gazetted on 8 June 2000 and has been operating for almost 20 years. It was prepared in accordance with the provisions of the *Planning and Environment Act 1987* (P&E Act) and replaced the former Daylesford, Creswick and Glenlyon Planning Schemes and parts of the Talbot and Clunes Planning Schemes and Kyneton Planning Scheme.

2.1.5 What is a Planning Scheme?

A planning scheme is a statutory document that sets out objectives, policies and provisions for the use, development and protection of land in a municipality. It contains both State and local planning policies and provisions and, under Section 6(1) of the Act, it “must seek to further objectives of planning in Victoria within the area covered by the scheme”. Each of the 79 local government areas in Victoria, and each of the three special planning areas (Alpine Resorts, Port of Melbourne and French and Sandstone Island) is covered by a planning scheme. They are legal documents prepared by the local council or the Minister, and approved by the Minister.

Figure 1: Hepburn Shire Municipal Area and Key Features



Source: VicMap (Admin, Transport, Hydro, Features, Elevation), DELWP – PLM25, Spatial Vision, September 2019

The (outgoing) Hepburn Planning Scheme currently consists of an MSS, 19 local policies, 13 zones with 14 zone schedules and 13 overlays with 21 overlay schedules that require review. In addition, there are a number of schedules to particular provisions that also require review to ensure they are the most appropriate tools to be utilised. **Figure 2** illustrates a flow chart of the current Hepburn Planning Scheme that requires review and translation into the new Planning Policy Framework (PPF) through this project. **Figure 3** shows how this will be translated into the new planning framework.

Figure 2: Current Hepburn Shire Planning Scheme (Outgoing Framework)

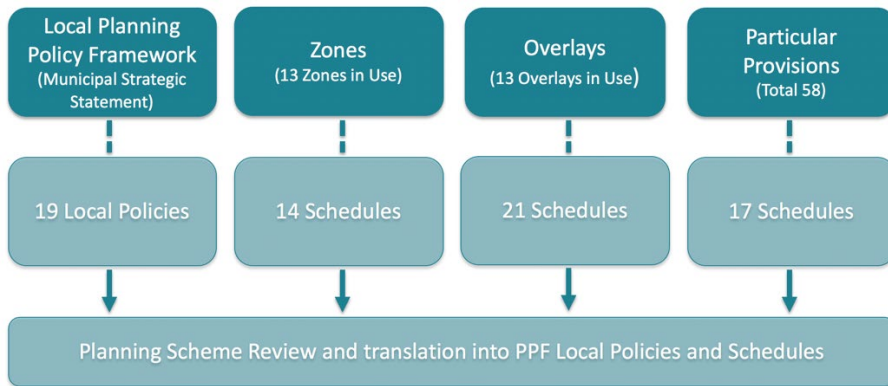
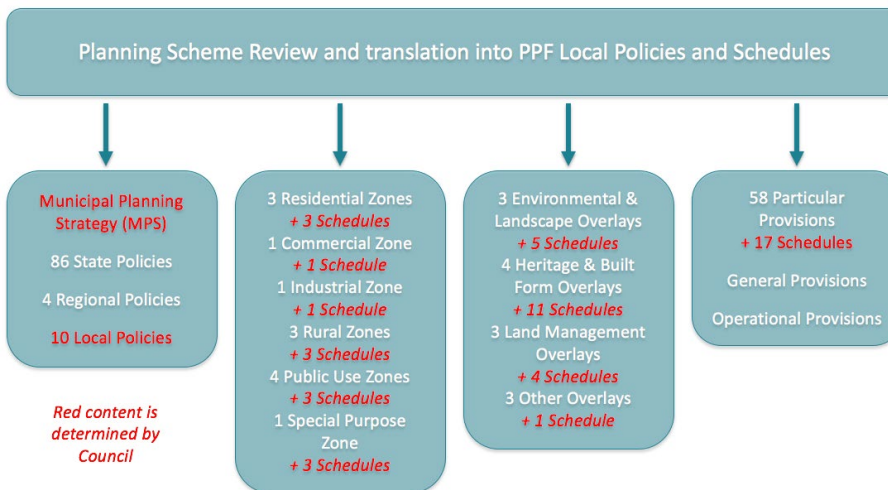


Figure 3: Forthcoming Hepburn Shire Planning Scheme (New Framework)



2.1.6 Planning Policy Framework (PPF)

The PPF sets out State and regional policies for land use and development in Victoria. Councils must have regard for all relevant State policy objectives and strategies when developing local policies, identifying structure or settlement plans or assessing development proposals. The Hepburn Planning Scheme currently contains State and regional planning policies in the PPF but no local policies. Local policies are currently included in a separate section of the planning scheme.

Note that the state planning provisions do not form part of this review. They are subject to separate processes led by the State Government.

The PPF was previously called the SPPF, and was restructured in 2010 into nine clauses containing specific objectives and strategies for:

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

2.1.7 Local Planning Policy Framework (LPPF)

The review of the LPPF is central to this review. All local policies must be consistent with the general directions provided in State policies.

The outgoing LPPF contains the following components:

- Clause 21 – the Municipal Strategic Statement (the MSS)

Section 12A(1) of the Act requires Councils to prepare a MSS. The MSS provides a statement of the key strategic planning, land use and development objectives for the municipality, and sets out the strategies and actions for achieving those objectives. Although the outgoing MSS will be replaced by a revised Municipal Planning Statement (MPS) the principles are the same. Amendments to the P&E Act are currently underway to update references made to the MSS to the MPS.

- Clause 22: Local Planning Policies

Local planning policies are policy statements of intent or expectation about specific types of land uses or development, or circumstance, for example: neighbourhood character and car parking. In making decisions on planning matters, such as a planning permit application, Council must consider all relevant parts of their planning scheme.

- Schedules to zones and overlays

There are a multitude of schedules to zones and overlays included in the planning scheme. For example: the Schedule to the Heritage Overlay (Clause 43.01) contains a list of heritage places within Hepburn Shire.

- Background and incorporated documents

There are a large number of background documents (or reference documents) and incorporated documents included in the planning scheme. For example: a range of documents facilitate State projects or are used as background documents to inform assessments on planning permit applications and planning scheme amendments.

In addition to reviewing the effectiveness and efficiency of the existing LPPF, any existing or new local planning policies and schedules must be converted into the new PPF format.

COMMUNITY AND STAKEHOLDER ASPIRATIONS



3. COMMUNITY AND STAKEHOLDER ASPIRATIONS

3.1 Community Consultation Overview

An extensive community consultation process was undertaken to understand the community and stakeholder's aspirations for the Shire. These are further outlined in the Community Consultation Report (See **Attachment 2**) with a summary provided below.

3.2 Eight Key Themes Applied in Community Consultation

A two part community consultation process was undertaken to inform the review. The initial phases of the consultation involved an online survey, pop up sessions at the Creswick and Trentham markets and a visit to Daylesford Primary School. A total of 179 people responded to the online survey, approximately 80 people attended pop-up and drop-in sessions and twenty children were engaged at Daylesford Primary School.

The results of the first round of engagement were transcribed and placed into eight themes. In the second round, the key outcomes were tested ('what we heard') and potential planning scheme responses tested. The themes were:

1. Agricultural land.
2. Growth and development.
3. Township character.
4. Landscape protection.
5. Environment and sustainability.
6. Tourism.
7. Infrastructure and transport.
8. Planning.

3.2.1 Agricultural Land

The community told us: Agricultural land is a valued resource in Hepburn.

Agriculture is part of the Shire's history and will remain an important business providing jobs and opportunities into the future. They told us:

- Agricultural land should be protected.
- A more flexible approach to what constitutes agriculture should be considered with potential for innovation and different farming practices.

A range of potential planning scheme actions were tested with the community. There was agreement that further work was needed in this area to support policy development with the most controversial area being whether minimum lot sizes should be increased or decreased.

3.2.2 Growth and Development

The community told us: Some development within Hepburn Shire is inevitable to provide housing and services for residents and visitors. This should be carefully considered and be in keeping with the heritage and rural feel of the areas. They told us development should:

- Be kept within town boundaries.
- Be in keeping with local surrounds (maintain gardens, heritage and general level of density).
- Not impact on landscapes.
- Occur in a planned and considered way.

A range of potential planning scheme actions were tested with the community. The most popular responses related to limiting development to key townships and ensuring that inappropriate areas were restructured. There was strong desire for structure plans to be prepared and translated into planning scheme controls.

3.2.3 Township character

The community told us: The townships are loved and valued by residents and visitors alike with a strong sense of community and the heritage character. They told us the townships should:

- Maintain the heritage and small town feel.
- Provide opportunities for a range of services and facilities (not just tourist shops).
- Look for opportunities to provide a range of housing options including affordable housing.

There was strong support for undertaking further work to document township character and ultimately determine built form controls, and for greater guidance on heritage and design. The challenge of providing smaller and more affordable housing was also identified as a challenge.

3.2.4 Landscape Protection

The community told us: The landscape of Hepburn Shire is loved and is a key asset of the Shire. Protecting the landscape from development or major change is important. They told us the planning scheme should:

- Offer protection for current landscapes.
- Prevent development that impacts negatively on landscapes.

A range of potential planning scheme actions were tested with the community. The most popular was to undertake further work to document landscapes of significance. The protection of sites for significance for the Dja Dja Wurrung was also identified.

3.2.5 Environment and Sustainability

The community told us: Hepburn Shire is an area with a range of renewable resources that are valued by community and visitors. The sustainable use of these resources and protecting them for future generations is essential. To remain sustainable they told us that Council should:

- Protect the food growing heritage/ soil/ water/ infrastructure.
- Plan for/ mitigate against climate change.
- Better protect environmental resources.
- Plan to mitigate the impact of bushfire.

A range of potential planning scheme responses were tested with the community. The most popular was to develop a policy to encourage sustainable building design and subdivision, lobby the State government to put in greater requirements for environmentally sustainable development (ESD), and to protect biodiversity through the planning scheme.

3.2.6 Tourism

The community told us: Tourism is an important industry in Hepburn Shire. Visitors enjoy the opportunity to visit the beautiful towns and countryside. Tourism will remain an essential industry for Hepburn Shire. To manage tourism they told us that Council should:

- Broadly maintain the current tourism that is on offer.
- Manage tourism to ensure the need of tourists and residents are met.
- Look at methods to maintain housing affordability for local residents.
- Look at opportunities to reduce the numbers of empty houses.

A range of potential planning scheme responses were tested with the community. There was support for local policies that supported affordable housing in some townships, to keep abreast of State led initiatives in affordable housing, and lobby for assistance to manage the impacts of AirBnB. The community are seeking greater tools to manage the negative impacts of tourism.

3.2.7 Infrastructure and transport

The community told us: Hepburn Shire covers a large area and requires good infrastructure to provide for the needs of its community. They told us that:

- There is a need for better transport connections.
- Infrastructure needs to keep up with population/tourism growth.

A range of potential planning scheme actions were tested with the community. Advocating for the need for increased public transport to service the municipality was the highest priority while greater guidance through the planning scheme to encourage walking and cycling was also identified.

3.2.8 Planning

The community told us: Planning is often confusing and costly. Residents need to have a clear understanding of the planning rules and their rights and responsibilities. They told us that Council can assist in this by:

- Ensuring a consistent approach to the application of planning scheme.
- Reviewing some designations particularly rural living and agricultural land.
- Assessing the opportunity for succession planning by providing housing opportunities on rural land (second dwelling).
- Clarifying how and when land can be subdivided.
- Reviewing the zoning of marginal farming land.

A range of potential planning scheme responses were tested with the community. There was great support for a rewrite of the planning scheme into the new format with clarification and simplification of the planning scheme. Ensuring the planning scheme recognised the different character in each township was also raised along with more transparent decision making.

It is important to note that a number of submissions were received throughout the engagement process, despite it being made clear throughout consultations that the review process did not include the consideration of submissions. Any that were received have been summarised and noted in the *Stakeholder and Community Engagement Report*. A submissions process will be involved in the subsequent planning scheme amendment related to the implementation of the review.

3.3 Stakeholder Consultation

A number of stakeholder sessions were held and stakeholder engagement was conducted with groups who have a particular interest in the planning scheme. These groups included:

- The Dja Dja Wurrung Community.
- Landcare groups.
- Z-Net.

- Local business/ development/ tourism interests.
- Farmers.
- Friends of Ajax Road.
- State Departments, Agencies and Authorities.

The comments have been themed and are presented by each stakeholder group below.

Dja Dja Wurrung

The Dja Dja Wurrung community would like to see recognition of the traditional owners in the planning scheme; heritage to include aboriginal heritage; the importance of surveying cultural heritage and developing a plan for its protection; and, noting that the cost of housing is of particular interest to community who want to return to country.

Landcare groups

Land care groups would like to see the protection and enhancement of biodiversity as a key vision, principle and goal of the scheme; protection for groundwater and public open spaces; strengthening the protection of roadside vegetation and remove the planning permit exemption for removing roadside vegetation; a review of ESOs to cover remnant vegetation; and, detailed biodiversity mapping.

Z-Net

Hepburn Z-NET is a collaborative project between local sustainability groups, Hepburn Wind, Hepburn Shire Council, engaged individuals and industry experts. They have developed 10-year plan to reduce carbon emissions and have indicated a desire to see the planning scheme aligned with their plan.

Local Business/ development/ tourism interests

Comments from business, development and tourism interests included a desire for the planning scheme to accommodate emerging tourism trends such as glamping; permits being provided more quickly and a reduction in planning red tape; transparency of submission management; and, a need for more industrial space for employment.

Farming

Comments from a number of farmers ranging from small farmers to those with large acreage included: a desire to ensure farmland is protected for food growing; lifestyle resident impacts are managed, particularly increases to land cost and poor management of land; land needing to be properly farmed not left fallow; a need for better understanding of reasonable farm sizes; farmers needing to be able to live on their land; the right sort of farming being consistent with other zones such as rural living zones and rural conservation zones; and, bushfire management overlays being overused.

Friends of Ajax Road

The Friends of Ajax Road are looking to the review to see if there are potential planning responses for the long running issue in relation to the management activities and location of the Daylesford Transfer Station. Residents are concerned over the management and impacts of the facility on residents in the local area which has been exacerbated by further subdivision within the area.

Friends of Jubilee Lake

The Friends of Jubilee Lake are looking to the review to see what planning responses are available to ensure development responds to the setting of both Jubilee Lake and Lake Daylesford. Concerns include the siting and design of development within both public and private land around these important landscape features. More appropriate outcomes are sought commensurate with their important heritage, social, community and tourism values.

State Departments, Agencies and Authorities

Discussions were held with the following State Departments, Agencies and Authorities

- Goulburn Murray Water.
- Coliban Water.
- Central Highlands Water.
- North Central Catchment Management Authority.
- Country Fire Authority (CFA).
- Department of Environment, Land, Water and Planning (DELWP).

- VicTrack.
- Department of Jobs, Precincts and Regions (DJPR).
- Department of Transport (DoT)
- Regional Development Victoria.
- Heritage Victoria.
- Regional Roads Victoria.
- National Trust of Victoria (Australia).

This has highlighted some areas where there are synergies with the review and their work, with opportunities to improve the planning scheme to meet their strategies and issues that the new planning scheme needs to be cognisant of.

The water authorities were particularly interested in where future growth was expected and the protection of the declared water catchment and ensuring their assets had appropriate planning controls. The National Trust was interested in ensuring that heritage was integrated across the planning scheme and the need to put in place the listing of the goldfields as a cultural landscape. The CFA were concerned about some settlements particularly at the edge of existing townships and isolated settlements. DoT were keen that Council had an understanding of the Movement and Place Framework and the State Freight Strategy, as well as some minor adjustments to existing road designations in the planning scheme.

3.4 Recommendations

The following recommendations related to this chapter and are summarised in Chapter 10:

- Implement an interim Design Development Overlay based on recommended buffers from the Environment Protection Authority (EPA) over land adjacent to the Daylesford Transfer Station to limit development in the area until Council has undertaken further strategic work to determine the future use and management of the transfer station site.
- Develop a local policy for Lake Daylesford, Jubilee Lake and Hepburn Springs Reserve (could be part of the neighbourhood character local policy) to ensure development responds to the important setting of these environments.

WHAT ARE THE KEY POLICIES THAT HAVE SHAPED HEPBURN'S PLANNING OUTCOMES



4. WHAT ARE THE KEY POLICIES THAT HAVE SHAPED HEPBURN'S PLANNING OUTCOMES?

Since the last planning scheme review there have been significant developments in both State and local policy initiatives. These are outlined in the Data and Evidence Report (See **Attachment 1**) with the key initiatives summarised below.

4.1 State Policies and Initiatives

4.1.1 Central Highlands Regional Growth Plan, May 2014

The Central Highlands Regional Growth Plan provides strong directions for the planning of the municipality, identifying the principles and key directions that need to be applied at the local level. These should inform the basis of any future land use and development planning in the Shire in order to provide more detailed application of these principles at the local level through any new strategies prepared which are implemented into the planning scheme.

This plan provides clear direction on the regional role for the towns and the future growth for each. Creswick is identified as a town for medium growth while some level of growth is anticipated in Clunes within a sustainable change scenario. Daylesford is identified for contained growth with other towns, such as Trentham, not anticipated for large amounts of change. Management of landscapes, retention of non-urban breaks between towns and maintaining productive agricultural and farming land are other key themes.

4.1.2 Plan Melbourne 2017-2050

Plan Melbourne provides clear State direction to Council in its role managing and protecting the municipality's peri-urban region attributes and values. Over 50% of the Hepburn Shire is within 100 kms of Melbourne although large parts of this are forested. Providing fresh produce produced in the Shire's highly productive agricultural land to markets is critical and may require upgrades to roads such as to the Midland Highway (planned for in the Regional Roads Victoria program) and the Ballan-Daylesford Road.

Plan Melbourne notes the liveability of regional Victoria and its benefits. Hepburn Shire is well placed in its connections to Ballarat, Bendigo, Castlemaine and

Melbourne to provide a high quality living and working environment. Any future local policies will draw on the opportunities identified in this leading policy.

4.1.3 Reformed Residential Zones

Residential zones were reformed significantly by the Victorian Government in 2012-14 introducing three new zones: minimal change (Neighbourhood Residential Zone), moderate change (General Residential Zone) and substantial change (Residential Growth Zone). Planning authorities were then able to apply these zones based on housing, settlement and neighbourhood character strategies. To this point, Council have continued to apply the General Residential Zone, Township Zone and Low Density Residential Zone and associated schedules to residential areas in townships.

More recently in 2017 through Amendment VC110, further changes were made to the Neighbourhood Residential Zone (NRZ) and the General Residential Zone (GRZ) to restrict building height to 9 metres in the NRZ and 11 metres in the GRZ. A garden area requirement was also introduced which has had some impacts on dwelling yield.

These changes have had limited impact on development in the Shire given its low rate of growth but further work is needed on the schedules to the zones.

4.1.4 Reformed Commercial and Industrial Zones

In 2012-13 the Victorian Government implemented substantial changes to Victoria's commercial and industrial zones that facilitated shops, supermarkets and restricted retailing uses in commercial zones and industrial zones.

These changes provided greater liberalisation of uses with less restriction on restricted retail premises, convenience retailing and offices. Accommodation uses were also less restricted in the Commercial 1 Zone. Floor area restrictions were retained in rural and regional Victoria but none have been applied in Hepburn to date. Some of the impacts for Hepburn include greater diversity of land uses in commercial centres and more pressure on commercial floor space for non-

commercial uses such as accommodation. Council should monitor the impacts of these changes and consider these potential impacts when preparing structure plans for townships.

4.1.5 Reforms to Rural Zones

The suite of existing rural zones that are applied in the Hepburn Planning Scheme were implemented through Amendment C37 in 2006. This introduced the Rural Conservation Zone (RCZ) in place of the Environmental Rural Zone and the Farming Zone (FZ) in place of the Rural Zone with associated schedules. These changes provided greater clarity around allowable uses in rural areas encouraging commercial uses to locate in townships.

More recently, significant rural zone reforms were undertaken by the Victorian Government in 2012-13 with many changes implemented which enabled a greater number of uses to locate in rural zones. The “in-conjunction” requirements were deleted for many uses in the Farming Zone with mandatory maximum two lot subdivision and section 173 agreement requirements removed from all rural zones. Minimum lot sizes in some rural zones were also modified in the VPP parent provisions but not usually in locally specific schedules.

This affected the application of the three rural zones in the municipality being the FZ, RCZ and Rural Living Zone (RLZ). Specifically, more tourism, commercial and industrial uses were able to be considered in the rural zones outside of township zones. While a greater range of subdivisions including those following approval of a dwelling were able to be considered by Council, Council needs to provide clearer direction on the suite of allowable uses in its rural areas and the suitability of the FZ, RCZ, RLZ and (if applied in future) Rural Activity Zone (RAZ) across rural land in the Shire.

4.1.6 Protecting and Supporting Melbourne’s Strategic Agricultural Land

The Victorian Government is undertaking a review of agricultural land outside Melbourne’s urban growth boundary and within 100 km of central Melbourne and has consulted with stakeholders in this area.

Figure 4 highlights the 100km boundary and the extent of Hepburn Shire with at least 50% of the Shire being identified as strategic agricultural land.

New zones and State policy to protect productive farm land are being considered as part of the suite of implementation measures by the Victorian Government.

Figure 4: Plan Melbourne: Peri-Urban Area - 100 Km Arc



Source (with indicative Shire boundary highlighted in red) : Capire, “Protecting and supporting Melbourne’s strategic agricultural land. Engagement findings report. Final Report” 3 July 2019.

Although land in the western part of the Shire is outside the 100km radius, it should also continue to be regarded as important strategic agricultural land. (This has been well documented through previous strategic work undertaken by Council.)

In early to mid 2020, the State government intends to consult on proposed agricultural land reforms but any new planning controls are unlikely to be in place before 2021.

4.1.7 State and Regional Planning Scheme Amendments

Since the gazettal of the Hepburn planning scheme in 2000, there have been 175 State Government Amendments gazetted (9 V and 166 VC Amendments) plus a number of relevant GC Amendments. These have introduced State wide reforms to the planning scheme such as changes to the VPPs including new zones, overlays and provisions, and the facilitation of regional projects. **Appendix 2** provides a list of State Government Amendments gazetted since 2010 and notes how these amendments have influenced planning in the Shire.

4.1.8 Implications for Hepburn as a Result of these State Led Amendments and Policies

There are a number of implications as a result of State led amendments and policy that influence the planning scheme review. These include:

- The review of strategic agricultural land reinforces the importance of the shire's farming land on a state and national level. Any changes to the planning scheme must protect farm land and be consistent with the review's key findings. New planning controls for Victorian farm land are anticipated in the near future. It is not clear how the FZ and RCA will be influenced by this further work.
- The Central Highlands Regional Growth Plan does not anticipate significant growth in the Shire in the future. This is despite the liveability and connectivity the Shire provides. A 'go slow' approach to growth enables the Shire to carefully plan for new policies and strategies in the revised planning scheme.
- The new format heritage overlay establishes a higher standard for including a new site in the heritage overlay. This may influence the number of sites council adds to the heritage overlay given the extensive resources needed.
- Strengthening of bushfire policy and application of the BMO to protect human life as paramount. This reinforces a policy of residential growth being contained within townships.

- Reforms to Victoria's biodiversity and native vegetation provisions were significant. The revised Hepburn planning scheme should further augment these directions through improved local polices and an increase in the vegetation protection overlay.
- Council needs to further understand the local impacts of initiatives for more renewable energy facilities (e.g. wind farms and associated infrastructure) on the local landscape character.

4.2 Local Policies

A summary of strategic work undertaken since the adoption of the planning scheme is outlined in the *Data and Evidence Report*. The review highlights that while Council has prepared a number of pieces of work to support the development of the planning scheme, there are only two pieces of work that have resulted in changes to the planning scheme. They are the:

- (i) Daylesford Neighbourhood Character Study, 2002, Planisphere.
- (ii) Hepburn Township Structure Plans Review, 2006, PLANIT.

There is currently no strategic work underway by Council to support the development of specific initiatives into the planning scheme.

This lack of continuous improvement has resulted in a very out of date planning scheme that fails to address the current issues facing the municipality.

4.2.1 Local Planning Scheme Amendments

Since 2000, there have been 43 amendments gazetted. These include a number of amendments to facilitate major projects within, or through, the municipality and to correct mapping or zoning maps made as a result of the translation to the new format planning scheme in 2000. Other amendments have been as a result of referral authorities altering permit exemptions and referral requirements. **Appendix 2** provides a summary of Hepburn Shire led Amendments gazetted since 2000.

The following timeline shown in **Table 1** from the *Data and Evidence Report* provides a short history of the development of the Hepburn Planning Scheme and strategic work to support its continuous improvement over the last two decades.

Table 1: Short History of the Development of the Hepburn Planning Scheme (State Government and Council Led Amendments)

1998 - 1999	Preparation of the new format Hepburn Planning Scheme based on a range of documents with the most influential being the Hepburn Shire Land Use Strategy Settlement Review 1999.	2012	A Restructure Plan Report assessed the opportunities to restructure land use planning and policy directions for Wheatsheaf, Drummond and Sailors Falls settlements. No new implementation or restructure plans were prepared.
2000	Gazettal of the new format Hepburn Shire Planning Scheme on 8 June 2000 which introduced a new Municipal Strategic Statement (MSS), local policies, municipal wide planning scheme maps and standardised zones and overlays with locally based schedule content.	2013	The Hepburn Structure Plan Review 2007 provided structure plans for Daylesford, Hepburn Springs, Creswick, Clunes and Trentham which were then implemented through Amendment C38.
2002	Council prepared the Daylesford Neighbourhood Character Study which is subsequently implemented through Amendment C19 in May 2005.	2013	In Amendment VC103 the Victorian Government revised permit requirements, use prohibitions and mandatory section 173 agreements on rural zone subdivisions.
2003	The Hepburn Shire Three Year MSS and Planning Scheme Review 2003, identified a number of areas for improvement and strategic work of which some was undertaken.	2013 - 2014	All residential land in the municipality was replaced with the General Residential Zone. Commercial zones replaced the former business zones in Amendments VC100 and GC11.
2006	Amendment C37 introduced the Farming Zone to replace the Rural Zone and the Rural Conservation Zone to replace the Environmental Rural Zone. This did not change local policy and was initiated by the State Government.	2016	Recommendations of the Hepburn Significant Tree Register Nominations 2011 - Statements of Significance Report were implemented in Amendment C54 by applying a Vegetation Protection Overlay or HO to significant trees or tree planting.
2001 - 2006	Various Amendments were led by the State government and included correcting mapping, rezoning land (often in public ownership) and adding Victorian Heritage Register properties to the Heritage Overlay (HO).	2017	Mapping and provisions for Hepburn's Bushfire Management Overlay were updated and the former Wildfire Management Overlay (WMO) was deleted by Amendment GC13.
2007	Council undertook a review of agricultural land in the municipality (EnPlan Reports) to determine opportunities and options to implement new rural zones gazetted in 2006 however no planning scheme amendments resulted from this work.	2017	The Victorian Government in Amendment VC140 provided clearer and more directive policy enabling a more resilient response to settlement planning for bushfires and priority to the protection of human life over all other planning matters in considering bushfire risk.
2006 - 2007	Council undertook reviews of the township structure plans for Hepburn Springs, Daylesford, Creswick, Clunes and Trentham and introduced township boundaries. Amendment C38 was finally gazetted in January 2013.	2018	The integrated Planning Policy Framework (PPF) replaced the SPPF through Amendment VC148. The revised PPF, zones, overlays, signage, car parking and other provisions provide the template for the Hepburn Planning Scheme Review.
2008	The Hepburn Planning Scheme Review 2008 recommended review of planning processes and protocols, the MSS and LPPF "with a view to bolstering the relevance of (the) current Planning Scheme and ensuring that it represents a clear vision for the Shire until 2030."	2019	Administrative, style and technical changes were made to local policy and local schedules of the Hepburn Planning Scheme for the operation of a new state-wide Amendment Tracking System (ATS) through Amendment GC122.
2011	Hepburn Planning Scheme Review 2011 recommended a revision of the LPPF, incorporation of strategic studies and new strategic work, however few recommendations were implemented.	2013 - 2020	A number of "house-keeping" Amendments support public authorities to implement infrastructure projects, and resolve minor technical and mapping anomalies and errors.

THE AUDIT: ASSESSMENT OF THE PERFORMANCE OF THE CURRENT PLANNING SCHEME



5. THE AUDIT: ASSESSMENT OF THE PERFORMANCE OF THE CURRENT PLANNING SCHEME

This chapter provides an assessment of the current performance of the Hepburn Planning Scheme based on a review of independent Panel Reports, VCAT appeals and a review of planning permit data. The outcomes of this assessment highlight areas of the scheme which require further work to improve its performance in achieving desirable outcomes.

5.1 Independent Panel Reports

There have been six independent Planning Panel Reports issued as a result of planning scheme amendments since 2000. These were for:

- Amendment C11 and C12 – C11 (not gazetted) to apply the Public Acquisition Overlay to facilitate the expansion of the Daylesford Wastewater Treatment Plant – C12 rezoned land purchased by Central Highlands Water for extension of a wastewater treatment plant from a rural zone to Public Use Zone Schedule 1.
 - Comment: Amendment C11 did not proceed. Since then Central Highlands water has not initiated any further major capital upgrades.
- Amendment C13 -Rezoned part of the Hepburn Mineral Springs Reserve from Special Use Zone Schedule 1 (Golf Course) to Public Park and Recreation Reserve and consolidated the Heritage Overlay description and mapping of the heritage places within the Hepburn Springs Reserve into a single reference.
 - Comment: Further work is needed to correct the schedule to the heritage overlay and its associated mapping.
- Amendment C15 - Corrected a number of errors in the Heritage Overlay maps and Schedule and added sites to the Heritage Overlay from the former Kyneton Shire, previously omitted from the Hepburn Planning Scheme.
 - Comment: Further work is needed to correct the schedule to the heritage overlay and its associated mapping.
- Amendment C28 - Amended clause 21.09 and updated Wildfire Management Overlay mapping.

- Comment: This local amendment was consistent with state led amendments on bushfire management.
- Amendment C38 -Amended the MSS (Clauses 21.01, 21.02, 21.03, 21.05, 21.07 and 21.09), updated structure plans for Daylesford, Hepburn Springs, Creswick, Clunes and Trentham, introduced the Hepburn Structure Plan Review 2007 as a reference document and deleted Clause 22.07 to implement the Hepburn Structure Plan Review.
 - Comment: The Shire’s structure plans are critical to local township planning. Further work is needed to shape these townships for the future.
- Amendment C40 - Rezoned the area around Beckworth Court, Clunes from the Low Density Residential Zone to the Rural Living Zone, and rezoned the public land within the Beckworth Court Low Density Residential Zone area to the Public Use Zone in accordance with updated information. The amendment was initiated due to a mapping error.
 - Comment: Further work on accommodating residential growth should be addressed in future structure planning processes.

These Panel Reports are now very old. Amendment C38 provides some useful information to the review in that the Panel felt that Council needed to undertake more work to understand the ability of land identified for township expansion to be serviced by infrastructure. The demand for further expansion to the township was also questioned given the ongoing slow take up of residential land. A number of the recommendations to undertake further work to justify proposed growth areas do not appear to have been actioned.

Key learnings:

- A solid evidence basis for any demand for expansion of townships and a thorough investigation of the ability to service any areas of expansion should underpin any new structure planning work in the near future.
- Amendment C40 maintained the position that residential living in Clunes should be constrained and be in line with the structure plan and State Policy.

Land that was the subject of the amendment should be retained for agricultural activities.

5.2 Planning Applications Review

An analysis of planning applications between January 2013 to November 2019 detailed in **Table 2** and represented in **Figure 5** shows that a total of 2842 applications were received, which equates to an average of 474 applications per annum.

Table 2: Analysis of Planning Application Data 2013-2019*

Planning Application Status	Number of Applications	Percentage (%)
In progress	114	4.0
Permit issued by delegate	2229	78.4
Permit issued by RA (Council)	18	0.6
NOD issued by delegate	73	2.6
NOD issued by RA (Council)	8	0.3
Refusal issued by delegate	22	0.8
Refusal issued by RA (Council)	36	1.3
No permit required	64	2.3
Withdrawn	212	7.4
Lapsed	66	2.3
Failure to determine	0	0
Total Applications	2842	100
Applications per annum	474	
VCAT Appeals	27	1

* Note: figures are rounded to nearest whole number or decimal point and based on planning application data provided by Council for the period January 2013 to November 2019.

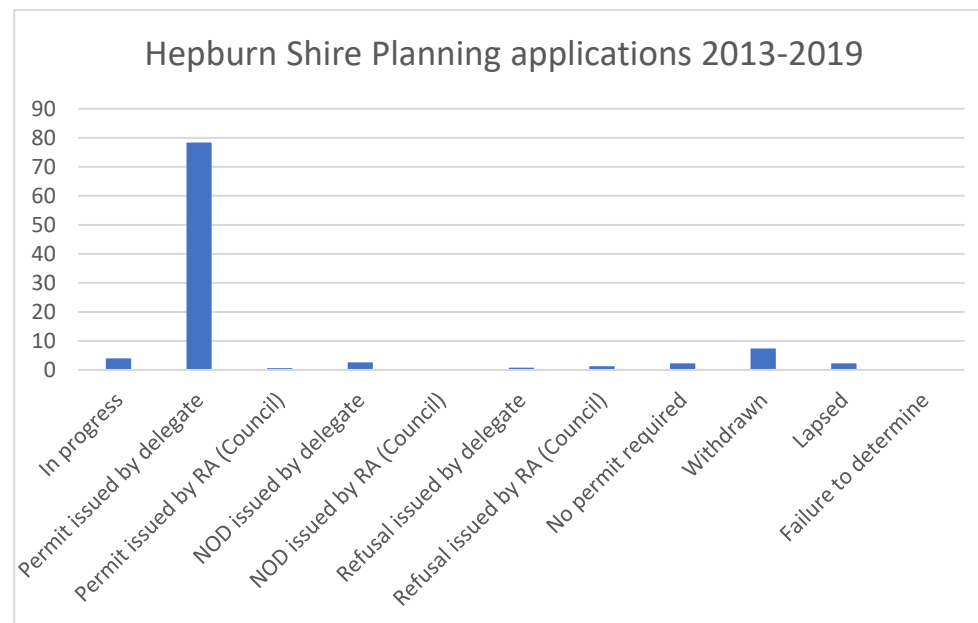
Of those applications, the vast majority (81.9%) were approved by Council (mostly by Council delegate) and 2.1% of applications received were refused by Council. The percentage of applications refused is quite low and reflects the rural and small township nature of the municipality and slow population growth.

There were 2.3% of applications that lapsed and a further 2.3% of applications where no planning permit was required. Interestingly, 7.4% of applications were withdrawn, which is a relatively high rate of applications being withdrawn. This suggests that permit triggers in the existing planning scheme are unclear to applicants. An initial response to this issue is that:

- Permit triggers could be tightened and clarified.
- There is benefit in Council officers conducting pre application meetings with applicants.
- ‘Request for written planning advice’ to applicants should be encouraged.

The number of applications that were appealed to the Victorian Civil and Administrative Tribunal was 1% which is a relatively low amount, reflecting the rural nature of the municipality and the predisposition to negotiating planning application outcomes.

Figure 5: Graphical Analysis of Planning Application Data 2013-2019



Approximately 24.1% of annual applications are outstanding. This reflects a lack of council officer resources, the need for greater education of planners and the community and the need for a less complicated planning scheme.

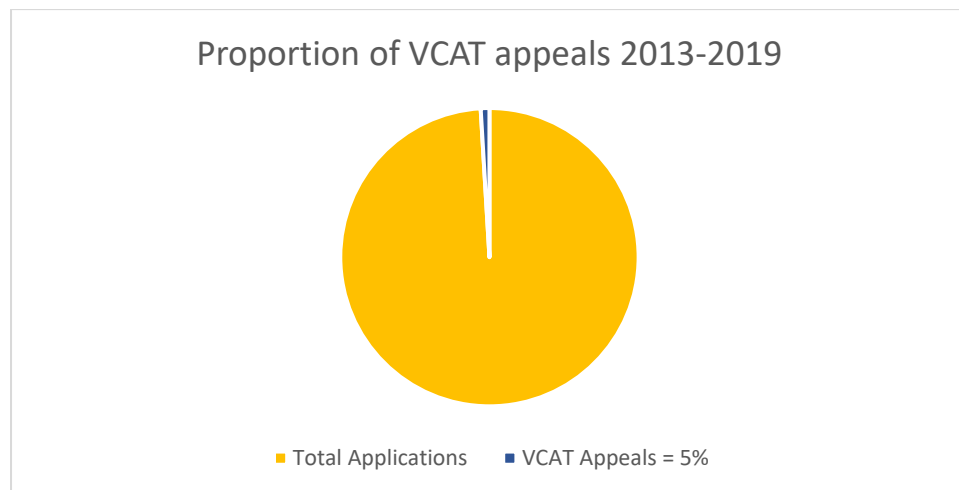
The introduction of VicSmart provides a new framework for planning permits for new developments to be approved faster, generally within a 10 day time period. This will reduce the turn around time for decisions on applications with benefits for applicants and Council's administration but has some resourcing implications.

5.3 VCAT Planning Appeals

An analysis of 12 of Hepburn's planning appeals between 2008 and 2017 showed that Council has a very low rate of appeals on planning application decisions, with around 1% of applications appealed per annum. This equates to around 5 appeals per year which is quite a low appeal rate that is characteristic of many rural municipalities.

Figure 6 graphically shows the proportion of Council appeals in relation to total applications received.

Figure 6: Graphical Analysis of Council Planning Appeals Data 2013-2019



Some of the key issues raised in a selection of VCAT determinations include the following:

- Generally strong support for residential development to meet existing and preferred neighbourhood character provisions.
- Variable support for Council's rural land policy and provisions, with a range of decisions supporting new dwellings and others not supporting new dwellings.
- Support for residential amenity in relation to industrial uses and developments.
- Support for careful management of sewerage and potable water in the declared water catchment area which affects the entire Shire.

These point to improvements being needed to Council policy and provisions relating to:

- Neighbourhood character in townships.
- Improved design requirements and guidelines for residential, commercial and industrial development (including subdivision).
- Clearer and improved policy about rural enterprises and dwellings on rural land.
- Retaining controls and policies about the declared potable water catchment and the management of effluent and stormwater.

5.4 Recommendations

The following recommendations relate to this chapter and are summarised in Chapter 10:

- Utilise the analysis provided of the operation of the planning scheme and recent policy initiatives to prepare and apply a new Municipal Planning Strategy, local planning policies, zones, overlays and other provisions based on Victorian Government Ministerial Directions, best practice and the requirements of the Victoria Planning Provisions.
- Consider opportunities for administrative and process improvements to the scheme by better utilising tools available such as VicSmart to improve processing times, minimise permit requirements and more timely decisions.

THE AUDIT: ASSESSMENT AGAINST THE PLANNING POLICY FRAMEWORK

Working Draft



6. THE AUDIT: ASSESSMENT AGAINST THE PLANNING POLICY FRAMEWORK

6.1 Assessment Against Planning Policy Framework

The Hepburn Planning Scheme has been assessed against the PPF as detailed in Chapters 2 and 5. This includes assessment against the 10 themes of the PPF and the cumulative effect of almost 180 V, VC and GC Amendments to the VPP over 20 years.

The new PPF replaced the former SPPF through Amendment VC148 with revised planning policies (and format) plus a range of changes to zones, overlays, signage, car parking and other provisions. These changes provide the template for the revised planning scheme required as a result of this review.

The move towards the PPF model for integrated state, regional and local planning policy has a profound impact on how policy is presented in the planning scheme. The PPF approach provides an integrated policy framework and avoids the repetition of policy content that has characterised many planning schemes with the SPPF/LPPF model. With the PPF, local policy content need only include the specific policy objectives, strategies and guidance required to inform discretionary planning decision making in the local context that is complimented by regional and state policies. Local policy is, however, disaggregated across themes and particular topics rather than place-based.

There are gaps in planning policy at the local level on topics such as heritage, urban design, rural land use, dwellings in rural areas and environmentally sustainable development, among other issues. Specific changes to planning policies that better respond to the PPF are outlined in Chapter 8 of this review report.

6.2 Assessment Against Ministerial Directions

The *Ministerial Direction on Form and Content of Planning Schemes* has been substantially revised since 2000, which has significant implications for the rewriting of the planning scheme as a contemporary document.

Recently, through the Smart Planning Program, the Victorian Government has undertaken extensive changes to the Victorian planning system in terms of VPP tools and schedule templates, an integrated policy framework and new Municipal Planning Strategies.

New guidelines and requirements have been introduced for planning authorities to utilise as they update their planning schemes and will be implemented as a result of this review. Specific changes to planning strategies, policies and provisions that respond to current Ministerial Directions are outlined in Chapter 8 of this review report.

6.3 Recommendations

The following recommendations relate to this chapter and are summarised in Chapter 10:

- Prepare a new Municipal Planning Strategy that establishes the foundations for a significantly revised planning scheme that meets the needs of the municipality for the next 10-20 years.
- Apply and map existing zones and overlays based on Victorian Government Ministerial Directions, best practice and the requirements of the *Victoria Planning Provisions*.

THE AUDIT: REVIEW OF THE LOCAL PLANNING POLICY FRAMEWORK AND LOCAL PROVISIONS



7. THE AUDIT: REVIEW OF THE LOCAL PLANNING POLICY FRAMEWORK AND LOCAL PROVISIONS

7.1 Clauses 21 and 22

Clauses 21 and 22 provide a ‘Hepburn response’ to State and regional policies that are provided in Clauses 10-19 of the planning scheme. Clause 21 (the MSS) and Clause 22 (local policies) require a significant rewrite in order to align with the most recent State initiatives (outlined in Chapters 4 and 5), relevant practice notes and any new local strategies developed that are suitable for inclusion in the planning scheme. This will ensure that local planning content will continue to serve as a useful and practical decision-making tool. The review of the LPPF is also considered in the context of the Smart Planning initiatives, and the State’s requirements to move to an integrated PPF.

7.2 Assessing the Effectiveness of Clause 21

The current Clause 21 and subclauses were introduced in 2000 and have remained largely the same since 2013, when changes were made to implement the Neighbourhood Character Study and township structure plans were implemented. There are currently 10 subclauses within Clause 21. The age of the MSS and its lack of a major edit and rewrite since original gazettal in 2000, point to a need to rewrite the MSS completely. This rewrite will take the new form of a ‘Municipal Planning Strategy’ (MPS). **Table 3** provides commentary on some of the key elements that need to be addressed in the rewrite of the MSS to a new MPS.

Table 3: Review of Clause 21

Clause	Description	Recommendation
Clause 21.01 – Municipal Profile	Provides descriptive information about the profile of the municipality.	Information needs to be updated and included in the Clause 02.01 Context and the Municipal Planning Strategy.
Clause 21.02 – Key Issues and Influences	Provides a high-level discussion on key	Information needs to be updated and included in the Clause 02.01 Context and the Municipal

Clause	Description	Recommendation
	issues and influences in the municipality.	Planning Strategy. Information needs to be updated and included in the Clause 02.01 Context and the Municipal Planning Strategy.
Clause 21.03 – Vision and Strategic Framework	Provides a vision for the municipality and framework plans on key thematic issues.	Information needs to be updated and included in the Clause 02.02 Vision, 02.03 Strategic Directions, 02.04 Strategic Framework Plans and the Municipal Planning Strategy.
Clause 21.04 – Objectives - Strategies - Implementation	Provides guidance on the structure of the Municipal Strategic Statement.	Information needs to be updated and included in the Clause 02.03 Strategic Directions and the Municipal Planning Strategy
Clause 21.05 – Settlement and Housing	Provides guidance on the management of settlement and housing in the Shire.	Information needs to be updated and included in local policy content in Clauses 11, 15 and 16 and the Municipal Planning Strategy.
Clause 21.06 – Infrastructure and Transport	Provides guidance on the management of infrastructure and transport within the Shire.	Information needs to be updated and included in local policy content in Clauses 18 and 19 and the Municipal Planning Strategy.
Clause 21.07 – Economic Development	Provides guidance on the location and form of industry and employment generating land uses.	Information needs to be updated and included in local policy content in Clause 17 and the Municipal Planning Strategy.

Clause	Description	Recommendation
Clause 21.08 – Rural Land Use and Agriculture	Provides guidance on the protection and development of agricultural land and management of interfaces with environment and landscape.	Information needs to be updated and included in local policy content in Clause 14 and the Municipal Planning Strategy.
Clause 21.09 – Environment and Heritage	Provides guidance on the management of environment and heritage matters in the Shire.	Information needs to be updated and included in local policy content in Clauses 12, 13 and 15 and the Municipal Planning Strategy.
Clause 21.10 – Monitoring and Review	Provides guidance on how the planning scheme will be monitored and reviewed.	No clause included for this information to be placed into. Section 12B of the P&E Act requires regular monitoring and review of the planning scheme.

Councils are required to prepare a Council Plan every four years. The next Council Plan is due to be developed in 2021 following the election of a new Council in late 2020. The strategic directions of the new Council Plan should influence the MSS while the findings of this Review Report can also be used to influence the development of the new Council Plan.

7.3 Assessing the Effectiveness of Clause 22

Clause 22 provides the local planning policies and in conjunction with Clause 21 forms the LPPF of the planning scheme. A local planning policy has a defined role in planning schemes in that they assist the responsible authority and planning authority to understand how discretion in a zone, overlay or particularly provision is to be exercised. It can also assist applicants and the community to understand how a proposal will be considered and what will influence decision-making.

Practice Note 8 – *Writing a Local Planning Policy* outlines a series of principles to determine whether a local planning policy is justified and appropriate. The principles state that a local planning policy:

- Should not repeat or contradict the SPPF, MSS, other local planning policies and controls in the zone or overlay
- Should not contain broad strategic objectives and strategies.
- Should be derived from an objective of a strategy in the MSS (or MPS).
- Should relate to a specific permit discretion.
- Should be self-contained.
- Should not contain mandatory uses.
- Should be clear.
- Where possible, zones and overlays should be used to achieve policy objectives.

Section 6.4.1 of *A Practitioner's Guide to Victorian Planning Schemes, August 2019* (Version 1.2) provides additional direction on the role and content of local planning policy. It states that local policy helps a Council to implement state policy in a way that is relevant to their vision for the municipality. It further states that:

“Local policy has a role in providing direction at a municipal level where:

- Locally specific policy guidance is needed on a particular matter
- Directions intersect with a number of controls (for example, urban design considerations may apply to multiple zones)
- Guidance is needed to support decision making associated with a zone, overlay or other controls (such as non- residential uses in a residential zone).”

The above principles and guidance have been used to inform the review of Clause 22 local planning policies.

Table 4 shows that there are currently 19 local policies or subclauses in the scheme, noting that one clause has no content having been removed as part of Amendment C38 in 2013.

Table 4: Review of Clause 22

Clause	Description	Recommendation
Clause 22.01 – Catchment and Land Protection	Policy applies to all land within the municipality and aims to protect soil and water quality within the catchment and maintain significant habitat and habitat diversity.	Review local policy. State policies at Clauses 14.02-1S Catchment Planning and Management, 14.02-2S Water Quality and 19.03-S Integrated Water Management make this local policy redundant unless relevant catchment management plans contain local information suitable for inclusion which will be determined with CMAs. Habitat and habitat diversity issues could be covered under a separate local policy.
Clause 22.02 – Mineral Springs Protection	Policy applies to mapped environs, catchments and aquifers of mineral springs across the Shire and aims to protect the quality and quantity of the mineral springs and their setting.	Include local policy under State policy at either Clauses 14.02-1S Catchment Planning and Management or 14.02-2S Water Quality. The policy in relation to the Mineral Spring setting should sit under Clauses 15.03-1S Heritage or 12.05-2S Landscape of the scheme. Requires significant update of relevant background documents to determine what the basis is for inclusion.
Clause 22.03 – Dams	Policy applies to all land within the municipality and aims to manage	Remove local policy. The schedule to the rural zones triggers a planning permit for earthworks (i.e. dams) which duplicates the licensing

Clause	Description	Recommendation
	dam construction to ensure maintenance of water flows and water supply for domestic use, stock and agriculture.	requirements of the Water Act 1989 and the current local policy considerations in granting that licence by the CMA.
Clause 22.04 – Rural Land	Policy applies to all land in the FZ, RCZ and RLZ and aims to protect agricultural land from inappropriate uses.	Review local policy. The content of this policy is already in State policy at Clause 14.01-1S Protection of agricultural land. Recommend the strategic objectives are incorporated into the new MPS and that greater guidance is provided on an additional dwelling and any potential fragmentation of land in a new local policy.
Clause 22.05 – Abattoir Interest Area	Policy applies to the area in the vicinity of the Daylesford Abattoir and aims to ensure that the site is not encroached on by incompatible uses and that the site expands in an orderly manner.	Remove local policy. The buffer distances are specified in Clause 53.10 Uses with Adverse Amenity Potential which requires a minimum threshold distance from an abattoir to a residential zone, hospital or education centre of 500m. The intent of the policy can be reflected in the new MPS. Current review underway by State into buffers may require a change in approach.

Clause	Description	Recommendation
Clause 22.06 – Public Infrastructure Area	Policy applies to areas around the Creswick and Daylesford Treatment Plants and aims to ensure incompatible uses are not located adjacent to the facility.	<p>Remove local policy.</p> <p>The buffer distances are specified in the EPA guidelines ‘Recommended Buffer Distances for Industrial Residual Air Emissions, EPA Publication No. AQ 2/86, July 1990.’ And more recently in publication number 1518, March 2013.</p> <p>The intent of the policy can be reflected in the new MPS.</p> <p>Consider the application of the ESO and/or other suitable control around the treatment plants to ensure incompatible uses are not located.</p> <p>Current review underway by State into buffers may require a change in approach.</p>
Clause 22.07 – No content	No content	Remove local policy number.
Clause 22.08 – Daylesford Neighbourhood Character	Policy applies to Daylesford township.	<p>Consider rewriting this local policy following a review of the policy against the Neighbourhood Character Overlay schedules and policy. Consider if there needs to be further differentiation of information through additional schedules.</p> <p>For other townships, determine if there is merit in developing policy into a generic neighbourhood character policy until such time as further work</p>

Clause	Description	Recommendation
		is undertaken in each township to develop structure plans.
Clause 22.09 – Daylesford Neighbourhood Character Precinct Four	Policy applies to an area identified on the map in Daylesford.	Consider a comprehensive review of this local policy with the potential to include a more generic neighbourhood character policy following a review of the policy against the GRZ and schedule.
Clause 22.10 – Daylesford Neighbourhood Character Precinct Six	Policy applies to an area identified on the map in Daylesford.	Consider a comprehensive review of this local policy with the potential to include a more generic neighbourhood character policy following a review of the policy against the GRZ and schedule.
Clause 22.11 – Daylesford Neighbourhood Character Precinct Seven	Policy applies to an area identified on the map in Daylesford.	Consider a comprehensive review of this local policy with the potential to include a more generic neighbourhood character policy following a review of the policy against the GRZ and schedule.
Clause 22.12 – Daylesford Neighbourhood Character Precinct Ten	Policy applies to an area identified on the map in Daylesford.	Consider a comprehensive review of this local policy with the potential to include a more generic neighbourhood character policy following a review of the policy against the GRZ and schedule.
Clause 22.13 – Daylesford Neighbourhood Character Precinct Eleven	Policy applies to an area identified on the map in Daylesford.	Consider a comprehensive review of this local policy with the potential to include a more generic neighbourhood character policy following a review of the policy against the GRZ and schedule.

Clause	Description	Recommendation
Clause 22.14 – Daylesford Neighbourhood Character Precinct Twelve	Policy applies to an area identified on the map in Daylesford.	Consider a comprehensive review of this local policy with the potential to include a more generic neighbourhood character policy following a review of the policy against the GRZ and schedule.
Clause 22.15 – Daylesford Neighbourhood Character Precinct Fourteen	Policy applies to an area identified on the map in Daylesford.	Consider a comprehensive review of this local policy with the potential to include a more generic neighbourhood character policy following a review of the policy against the GRZ and schedule.
Clause 22.16 – Daylesford Neighbourhood Character Precinct Fifteen	Policy applies to an area identified on the map in Daylesford.	Consider a comprehensive review of this local policy with the potential to include a more generic neighbourhood character policy following a review of the policy against the GRZ and schedule.
Clause 22.17 – Daylesford Neighbourhood Character Precinct Seventeen	Policy applies to an area identified on the map in Daylesford.	Consider a comprehensive review of this local policy with the potential to include a more generic neighbourhood character policy following a review of the policy against the GRZ and schedule.
Clause 22.18 – Daylesford Neighbourhood Character Precinct Eighteen	Policy applies to an area identified on the map in Daylesford.	Consider a comprehensive review of this local policy with the potential to include a more generic neighbourhood character policy following a review of the policy against the GRZ and schedule.
Clause 22.19 – Daylesford	Policy applies to an area identified	Consider a comprehensive review of this local policy with the potential to

Clause	Description	Recommendation
Neighbourhood Character Precinct Nineteen	on the map in Daylesford.	include a more generic neighbourhood character policy following a review of the policy against the GRZ and schedule.

7.4 Zones and Schedules

There are a total of 13 zones with 14 zone schedules in the Hepburn Shire Planning Scheme. The schedules vary in complexity and localised tailoring from the standard 'default' schedule such as the GRZ Schedule, to modified and tailored schedules such as Schedule 1 to the SUZ.

7.4.1 Residential Zones

Hepburn Shire contains 3,453.28 ha of residentially zoned land. The GRZ makes up 747.96 ha, the Low Density Residential Zone (LDRZ) 1879.85 ha, while the Township Zone (TZ) makes up 825.47 ha all within townships.

The new suite of reformed residential zones were introduced in 2014. To date, Hepburn Shire has only introduced the LDRZ, TZ and GRZ. Council could consider the application of the NRZ following structure planning for townships in areas where minimal levels of change are anticipated and there is a strong character to be preserved. The Residential Growth Zone (RGZ) is unlikely to be appropriate within any of Hepburn's townships given the low growth projections for population and housing however detailed structure planning will confirm this. The General Residential Zone is appropriate to apply in areas where moderate change is anticipated and no significant environmental, landscape, heritage or neighbourhood character constraints apply or where such values do not require specific protections.

Table 5 provides a review of the application of the residential zones.

Table 5: Review of Residential Zones

Control	Description	Recommendation
LDRZ Schedule	Schedule has not been populated.	Requires translation to new schedule template. Potential to map sewerred and non sewerred areas and apply different rates to each schedule to provide greater clarity to the community about minimum lot size.
TZ Schedule	Schedule has not been populated.	Requires translation to new schedule template. Opportunity to introduce neighbourhood character objectives into the schedule (alternative is a Neighbourhood Character Overlay where strategically justified). Opportunity to introduce application requirements and decision guidelines if required.
GRZ Schedule	Schedule has not been populated.	Requires translation to new schedule template. Opportunity to introduce neighbourhood character objectives into the schedule (alternative is a Neighbourhood Character Overlay where strategically justified). Opportunity to introduce application requirements and decision guidelines if required.

Table 6 indicates the number of vacant lots in townships within the municipality based on data from the Victorian Land Use Information System (VLUIS) dataset 2014/15. While this data is several years old, it paints a picture of the significant amount of vacant, subdivided land in townships. These figures do not include land zoned for urban purposes but not yet subdivided, which will add further residential land supply into the townships.

Table 6: Township Vacant Lots & Land

Township	Total Vacant Lots in Townships	Total Area of Vacant Lots within Townships (ha)	Total Township Land (ha)
Daylesford	159	45.36	902.76
Hepburn Springs	79	15.06	236.54
Creswick	107	39.81	576.93
Clunes	174	82.50	392.03
Trentham	111	73.25	609.50
TOTAL	630	255.93	2717.76

Source: Victorian Land Use Information System (VLUIS) dataset 2014/15

7.4.2 Industrial Zones

Hepburn Shire contains 70.5 ha of industrially zoned land all under the Industrial 1 Zone (IN1Z). The IN1Z provides for manufacturing industry, the storage and distribution of goods and associated uses. A schedule to the zone allows for the maximum floor space to be limited for office use.

The majority of this zoned land is located within the Creswick township (35.06 ha) with the remainder located in the Daylesford (16.99 ha) and Trentham townships (17.72 ha).

Best practice for the implementation of the Industrial zones would apply an Industrial 3 Zone providing a buffer between IN1Z land and residential land. Any future review of industrial areas should consider this.

The schedule requires minor updating into the new schedule template.

7.4.3 Commercial Zones

The Commercial 1 Zone (C1Z) applies to 38.03 ha of commercially zoned land in the municipality, applied to the Shire's commercial centres for retail, office, business,

entertainment, community and residential uses. The largest applications of the zone are in the Daylesford Township with 10 ha and the Creswick Township with 11.08 ha. Trentham has 7.09 ha of the C1Z while Clunes contains 3.84 ha and Hepburn Springs 1.38 ha in the core of the townships.

The schedule requires minor updating into the new schedule template.

7.4.4 Rural Zones

The application of rural zones applies to 107,899.49 ha of the Shire's 147,427.08 ha. The largest application is the Farming Zone (FZ) with 99,436.96 ha, followed by the Rural Living Zone (RLZ) with 5,640.1 ha, and the Rural Conservation Zone (RCZ) with 2822.43 ha.

Council has not applied the Rural Activity Zone (RAZ). Some previous studies from Council have suggested applying the zone however they are not clear on appropriate sites to apply the RAZ to. This zone is largely the same as the FZ except that a dwelling and a hotel are a section 2 use in the RAZ (i.e. requires a permit) and industrial uses are limited to rural industry.

Table 7 provides a review of the application of the rural zones.

Table 7: Review of Rural Zones

Control	Description	Recommendation
RLZ Schedule	Sets out minimum subdivision area and minimum area of 8 ha for which no permit is required to use land for a dwelling. There is an exemption for a site in Trentham which has a 4 ha minimum.	Requires translation to new schedule template. An additional schedule will need to be drafted for the land in Trentham.
RCZ Schedule	Sets out minimum subdivision area for 3 areas identified in an attached map. Area 1 and 2 to the west and centre of the Shire include a minimum 40 ha lot size	Requires translation to new schedule template. Three schedules will need to be drafted to represent the three existing mapped areas.

Control	Description	Recommendation
	while land to the east includes a minimum 20 ha lot size.	Conservation values will need to be updated.
FZ Schedule	Sets out minimum subdivision area for 3 areas identified in an attached map. Area 1 and 2 to the west and centre of the Shire include a minimum 40 ha lot size while land to the east includes a minimum 20 ha lot size. Also sets out a minimum setback of 100m from a Road Zone Category 1 or land in a Public Acquisition Overlay (up from 50m in the zone), 40 m from a Road Zone Category 2 and 20 m from any other zone. A dwelling must also be setback 100 m from another dwelling not in the same ownership and 5m from any other boundary.	Requires translation to new schedule template. Three schedules will need to be drafted to represent the three existing mapped areas.

7.4.5 Public Land Zones

Public land zones apply to 35,770.77 ha across the municipality reflecting large areas of National Park and State Forest areas. The Public Conservation and Resource Zone (PCRZ) is applied to 31,701.41 ha of land, while the Public Use Zone (PUZ) is applied to 1,933.56 ha and the Public Park and Recreation Zone (PPRZ) to 761.28 ha. The Road Zone (RD1Z and RD2Z) is applied to 1,374.52 ha of land but does not allow for the application of a schedule.

Table 8 provides a review of the application of the public land zones with schedules.

Table 8: Review of Public Land Zones

Control	Description	Recommendation
PUZ Schedule	The schedule has applied no local provisions.	Requires translation to new schedule template.
PPRZ Schedule	Places a number of heritage listed sites in a Category 3 for advertising signs.	Requires translation to new schedule template. Consider changing the signage category to allow some other signage to be considered with a permit.
PCRZ Schedule	Includes conditions on the Goldfield Superpipe Project that traverses the State Forest at Werona.	Requires translation to new schedule template.

Note: Regional Roads Victoria have indicated they would like some of the zone categories and alignments in the RD1Z and RD2Z to be corrected through the Review Amendment.

7.4.6 Special Use Zones

The Special Use Zone (SUZ) is the only Specific Purpose Zone that has been applied in the planning scheme. The SUZ has been applied to 195 ha of land within the municipality across various golf courses and the Daylesford Lawn Tennis Club.

The SUZ enables detailed land use requirements to be specified in a schedule to the zone and enables exemptions from notification and review to be specified. Any proposed changes to the SUZ that flow from a change of use in the future should be accompanied by detailed master planning that responds to the site's location which are often in sensitive environmental areas. Any changes would usually require a planning scheme amendment on a case by case basis.

Table 9 provides a review of the application of the special use zones.

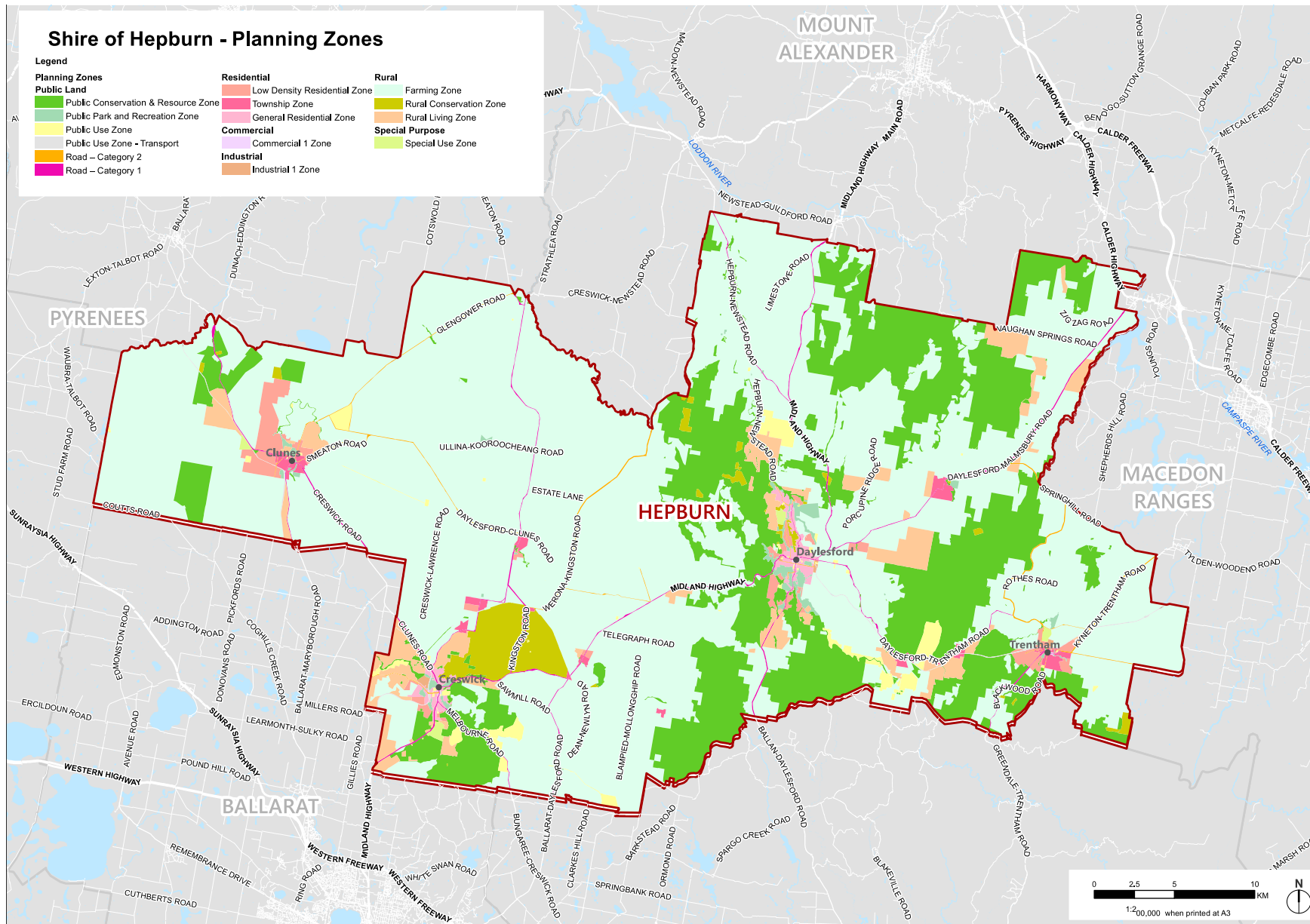
Table 9: Review of Special Use Zones

Control	Description	Recommendation
SUZ 1	Sets out a table of uses.	Requires translation to new schedule template. Uses need to be made consistent with the Ministerial Direction and provisions need to be included under use of land, subdivision, buildings and works and signs.
SUZ 2	Sets out a table of uses.	Requires translation to new schedule template. Uses need to be made consistent with the Ministerial Direction and provisions need to be included under use of land, subdivision, buildings and works and signs.
SUZ 3	Sets out a table of uses and one buildings and works requirement.	Requires translation to new schedule template. Uses need to be made consistent with the Ministerial Direction and provisions need to be included under use of land, subdivision, buildings and works and signs.

Current zones applied in the Hepburn Planning Scheme are shown in **Figure 7**.

On a final note, the issues and recommendations identified for zones may require further changes once redrafting of the revised planning scheme commences. Additional issues and recommendations may be identified by the consultants, DELWP and Council prior to approval of the exhibited Amendment by Council. Any additional revisions can be further considered at this time by Council.

Figure 7: Hepburn Shire Planning Zones



Source: VicMap (Admin, Planning Transport and Hydro) September 2019

7.5 Overlays and Schedules

There are a total of 13 overlays with 21 overlay schedules in the Hepburn Planning Scheme. All the overlays contain schedules except the Environmental Audit Overlay and the Road Closure Overlay. Overlays with schedules vary in their level of complexity and content.

7.5.1 Clause 42.01 Environmental Significance Overlay

The Environmental Significance Overlay (ESO) contains two schedules:

- Schedule 1- over the municipality to protect the declared water catchment.
- Schedule 2 – Mineral Springs and Groundwater Protection.

These require significant redrafting to comply with Ministerial Directions and review to ensure they comply with an appropriate source document. This should be undertaken in conjunction with the water authorities and DELWP. Coliban Water have also identified a catchment specific ESO schedule for the Upper Coliban Catchment which could be explored.

7.5.2 Clause 42.02 Vegetation Protection Overlay

The Vegetation Protection Overlay (VPO) contains two schedules:

- Schedule 1- Remnant Vegetation.
- Schedule 2 – Significant exotic and native vegetation.

These schedules require some redrafting to comply with Ministerial Directions. Additional schedules may be required to implement any future biodiversity studies. Reference to the Goldfields Superpipe Project in Schedule VPO1 should be removed as the project has been completed.

Although Council can rely on Clause 52.17 – Native vegetation for a ‘first pass’ form of development control on sites greater than 4000 sqm, there is a need to be more thorough in the level of protection provided. Identification of significant stands of vegetation is required both outside and within townships for protection.

7.5.3 Clause 42.03 Significant Landscape Overlay

The Significant Landscape Overlay (SLO) contains one schedule:

- Schedule 1- Volcanic peaks landscape significance area, ridges and escarpments and sites of geological significance.

These schedules require some redrafting to comply with Ministerial Directions and maps should be removed. Reference to the Goldfields Superpipe Project should be removed as the project has been completed. Additional schedules may be required to implement any future biodiversity studies or landscape assessments. Council can consider implementing the South West Landscape Assessment Study through the amendment to expand the existing SLO1 (Hepburn Goldfields and Volcanic District) and the introduction of SLO2 (Island Uplands - Mount Beckworth). The SLO should be reviewed as part of further strategic work on landscape assessment identified in Chapter 9 and detailed in **Appendix 3**.

Lastly, although Council can rely on Clause 52.17 – Native vegetation for a ‘first pass’ form of development control of significant stands of vegetation, on sites greater than 4000 sqm, there is a need to be more thorough in the level of protection provided and a broader review of the elements that contribute to significant landscapes.

7.5.4 Clause 43.01 Heritage Overlay

The Heritage Overlay (HO) contains one schedule:

- Schedule to the Heritage Overlay.

The HO covers 986 sites including a range of individual places and precincts, buildings, gardens, dry stone walls and trees with 43 places listed on the Victorian Heritage Register. The schedule requires some redrafting to comply with Ministerial Directions. Application requirements could be specified and could include reference to incorporated plans, statements of significance and heritage design guidelines (where available). This would be a significant piece of work to prepare this revision.

The HO is derived from work undertaken in the late 1980s and early 1990s by former local government authorities (LGAs). No further studies have been undertaken to ensure the Shire’s heritage assets are protected through the schedule or meet updated requirements for Statements of Significance. Since then there have been significant changes in how heritage places are assessed and

protected. For example, architectural significance is no longer the only criteria but also social, cultural, natural and aboriginal heritage significance.

A review of Council’s heritage strategy is underway and will incorporate the shire’s Thematic Environmental History (TEH). A TEH is used to scope further gaps in heritage protection and would be based on the Victorian government’s framework¹. Due to the significant heritage assets within the Shire, this is likely to require significant investment from Council over a number of years and needs to be carefully staged. Gaps in heritage protection include individual places, dry stone walls, aboriginal cultural heritage, trees and landscapes and collections of individual places that may form a contiguous collection, such as the potato farmers huts that are spread across the Shire. There is also a need to continuously add places to Heritage Victoria’s HERMES data base system to maximise access for all.

7.5.5 Clause 43.02 Design and Development Overlay

The Design and Development Overlay (DDO) contains five schedules that relate to the siting of buildings on important entries and approaches to Daylesford and Hepburn Springs and around Lake Daylesford and include:

- Schedule 1 - Main Road, Daylesford.
- Schedule 2 – Ballan Road-King Road, Daylesford.
- Schedule 3 – Midland Highway, Daylesford.
- Schedule 4 – Lake Daylesford and Surrounds.
- Schedule 5 – Hepburn-Newstead Road to Breakneck Gorge, Hepburn Springs.

These schedules are outlined in **Table 10** and summarised below.

Table 10: Review of Design and Development Overlay

Control	Description	Recommendation
DDO – Schedule 1	Requires translation to new schedule template.	Revise content to provide appropriate clarity and guidance for decision-making.
DDO – Schedule 2	Requires translation to new schedule template.	Revise content to provide appropriate clarity and guidance for decision-making.
DDO – Schedule 3	Requires translation to new schedule template.	Revise content to provide appropriate clarity and guidance for decision-making.
DDO – Schedule 4	Requires translation to new schedule template.	Revise content to provide appropriate clarity and guidance for decision-making.
DDO – Schedule 5	Requires translation to new schedule template.	Revise content to provide appropriate clarity and guidance for decision-making.

The DDOs have been in place since 2000. It is important they be retained due to the special character of Daylesford and Hepburn Springs but they require updating to provide clearer direction on the design and siting of buildings adjacent to these important areas. The DDO schedules and background documents should be reviewed as part of structure planning for Daylesford and Hepburn Springs. There may be other areas across the municipality that the DDO should be applied which should be identified through structure planning in the five main townships.

The DDO provides Council with a strong tool to guide the form, scale, design and siting of development. It could be used to provide greater guidance across areas of the municipality where these issues are important. The HO and NCO can perform similar roles, and careful application of the most appropriate tool needs to be made

¹ https://www.heritage.vic.gov.au/__data/assets/pdf_file/0022/61465/Victoria_Framework_Historical_Themes_themes.pdf

to ensure clear direction and no duplication. Additional studies will be required to provide evidence for new controls.

7.5.6 Clause 43.04 Development Plan Overlay

The Development Plan Overlay (DPO) contains three schedules:

- Schedule 1 – Daylesford Abattoir Development Plan.
- Schedule 2 – WD Seeds Pty Ltd Development Plan.
- Schedule 3 – Creswick Golf Course Development Plan.

These schedules are outlined in **Table 11** and summarised below.

Table 11: Review of Development Plan Overlay

Control	Description	Recommendation
DPO – Schedule 1	Requires translation to new schedule template.	Although the abattoir is no longer operating, the role of this DPO needs careful consideration based on the ongoing commercial interest in new abattoir operations in the Shire. Council could consider removal of Schedule subject to better understanding of land owner intentions and the long term planning response.
DPO – Schedule 2	Requires translation to new schedule template.	Revise content to provide appropriate clarity and guidance for decision-making. Remove Schedule if development outcome has been implemented.
DPO – Schedule 3	Requires translation to new schedule template.	Revise content to provide appropriate clarity and guidance for decision-making. Remove Schedule if development outcome has been implemented.

These clauses need redrafting according to Planning Practice Note 23.

7.5.7 Clause 43.05 Neighbourhood Character Overlay

The Neighbourhood Character Overlay (NCO) contains two schedules:

- Schedule 1- Daylesford Neighbourhood Character Precincts One and Thirteen.
- Schedule 2 - Daylesford Neighbourhood Character Precincts Two, Five and Nine, and Part of Daylesford Neighbourhood Character Precinct Fourteen (Excluding land which is within the Heritage Overlay Precinct HO697).

These two schedules require redrafting to meet the Ministerial Direction. It is recommended that a schedule is prepared for each neighbourhood character precinct rather than grouped into one to improve clarity and desired outcomes.

Consistent with comments provided in Chapter 6, it may be appropriate to create new schedules for additional neighbourhood character precincts identified in the existing NCO and local policies. DELWP has recently released two new Planning Practice Notes (90 and 91) about Housing and Applying the Residential Zones which will need to be considered further for their implications in the redrafting of the NCO Schedules.

7.5.8 Clause 44.01 Erosion Management Overlay

The Erosion Management Overlay (EMO) contains one schedule:

- Schedule 1- Erosion Management Overlay.

The schedule requires significant redrafting to meet the Ministerial Direction. Management objectives and risks need to be identified. Any additional areas identified by the CMA or DELWP could be included in any amendment depending on the level of strategic work that has already been undertaken.

7.5.9 Clause 44.04 Land Subject to Inundation Overlay

The Land Subject to Inundation Overlay (LSIO) contains one schedule:

- Schedule 1 – Land Subject to Inundation Overlay.

The current schedule has not been populated and therefore will require significant redrafting to meet the Ministerial Direction. This needs to be considered in

conjunction with proposed Amendment C77 for the upper Coliban region. Council will be guided by Planning Practice Note 12: *Applying the Flood Provisions*.

7.5.10 Clause 44.06 Bushfire Management Overlay

The Bushfire Management Overlay (BMO) contains two overlays:

- Schedule 1- Creswick, Daylesford, Hepburn, Trentham BAL - 12.5 Areas.
- Schedule 2 – Hepburn, Hepburn Springs BAL - 29 Areas.

The schedules require minor redrafting to meet the Ministerial Direction.

7.5.11 Clause 45.03 Environmental Audit Overlay

There is no schedule to the Environmental Audit Overlay (EAO).

7.5.12 Clause 45.04 Road Closure Overlay

There is no schedule to the Road Closure Overlay (RCO).

It may be populated in coming years. Council's Road Asset Management Plan was reviewed in 2018 and did not identify any opportunities for a road discontinuance.

7.5.13 Clause 45.05 Restructure Overlay

The Restructure Overlay (RO) contains two separate areas listed in the schedule at Drummond (RO1) and Sailors Falls (RO2).

The schedule needs minor redrafting to be compliant with the Ministerial Direction. There are however no restructure plans listed in the schedule table as these have not been prepared. To be compliant with the overlay they must be included. This plan would need to include details of any lot consolidation, minimum lot sizes, siting, drainage issues and ability to treat effluent on site. Bushfire is a significant risk that needs to be managed and any ability to be compliant with the bushfire overlay would require significant vegetation removal. It is recommended that restructure plans be prepared for each RO1 and RO2 areas through additional strategic work and implementation through a separate planning scheme amendment that would follow the review planning scheme amendment. The preparation of a Restructure Overlay for Wheatsheaf should also be undertaken as

identified in the Hepburn Restructure Plan Overlay Report prepared in 2012 for Council.

7.6 Particular, General and Administrative Provisions

7.6.1 Clause 51.01- Specific sites and exclusions

This schedule provides approval for projects of state significance based on an incorporated document which exempts the projects from all other planning scheme requirements.

The projects listed should be reviewed and removed if completed.

7.6.2 Clause 52.05 Schedule Advertising Signs

This schedule requires minor redrafting to meet Ministerial Directions.

7.6.3 Clause 52.12 Bushfire Protection: Exemptions

No changes are needed to this provision.

7.6.4 Clause 52.16 Native Vegetation Precinct Plan

This schedule requires minor redrafting to meet Ministerial Directions.

7.6.5 Clause 52.17 Native Vegetation

This schedule requires minor redrafting to meet Ministerial Directions.

7.6.6 Clause 52.27 Licensed Premises

This schedule requires minor redrafting to meet Ministerial Directions.

Council does not have a liquor licensing local policy.

7.6.7 Clause 52.28 Gaming

This schedule requires minor redrafting to meet Ministerial Directions.

Council has not listed any locations where this provision would apply.

Council does not have a gaming local policy.

7.6.8 Clause 52.33 Post Boxes and Dry Stone Walls

This schedule requires minor redrafting to meet Ministerial Directions.

Council has not listed any locations where this provision would apply which could require a permit to be issued for removal of a post box erected prior to 1930 and for removal of dry stone walls prior to 1940 if they are listed in the schedule. Any new heritage study could identify the locations where this provision could apply. Internal heritage advice has highlighted that there is a loss of dry stone walls currently occurring. There are currently 4 dry stone walls on the Victorian heritage register in the Shire but there are others that require local protection that could be listed in the table to this clause.

7.6.9 Clause 53.01 Public Open Space Contribution

The schedule complies with the Ministerial Direction and lists a 5% contribution for all residential, industrial and commercial subdivisions. While here is currently no basis to increase this percentage a future open space strategy should consider options to increase this.

7.6.10 Clause 53.06 Live Music and Entertainment Noise

The schedule complies with the Ministerial Direction however has not been populated. Should the number of live music venues increase Council could consider options to populate this clause.

7.6.11 Clause 53.15 Statement of Underlying Provision

The schedule complies with the Ministerial Direction however has not been populated.

Further research is needed to determine if land reserved for a public purpose in the shire is being used for that purpose. In cases where this is not the case there are opportunities for Council to work with the responsible public entity to develop an incorporated document to protect the intended use.

7.6.12 Clause 59.15 Local VicSmart Applications

The schedule complies with the Ministerial Direction however has not been populated.

7.6.13 Clause 59.16 Information Requirements and Decision Guidelines for Local VicSmart Applications

The schedule complies with the Ministerial Direction however has not been populated.

7.6.14 Schedule to Clause 66.04 Referral of permit applications under local provisions

This schedule requires minor redrafting to meet the Ministerial Direction. There are a range of referral requirements listed in overlays that should be inserted into the schedule to this clause.

7.6.15 Schedule to Clause 66.06 Notice of permit applications under local provisions

This schedule requires minor redrafting to meet the Ministerial Direction. There are some notice requirements listed in overlays that should be inserted into the schedule to this clause.

7.6.16 Schedule to Clause 72.01 Responsible Authority for this Planning Scheme

The schedule complies with the Ministerial Direction.

7.6.17 Schedule to Clause 72.02 What area is covered by this Planning Scheme?

The schedule complies with the Ministerial Direction.

7.6.18 Schedule to Clause 72.03 What does this Planning Scheme consist of?

The schedule complies with the Ministerial Direction. If there are any mapping changes made to overlays as part of the implementation of the Planning Scheme Review, these will need to be replicated in this Clause.

7.6.19 Clause 72.04 Documents incorporated into this Planning Scheme

The Incorporated Plans listed need to be reviewed, removing any that are redundant and incorporating any documents that should be included.

7.6.20 Clause 72.05 When did this Planning Scheme begin

The schedule complies with the Ministerial Direction and will not require any changes as a result of the review.

7.6.21 Clause 72.08 Background documents

The schedule complies with the Ministerial Direction. It will need significant content included as relevant background documents that provide the local provisions for the planning scheme are removed from schedules and placed into this clause. These documents will require review to ensure they are still relevant and provide appropriate strategic direction and assistance with decision making.

7.6.22 Clause 74.01 Application of Zones, Overlays and Provisions

There is currently no schedule included and this will need to be prepared when the new Municipal Planning Strategy is introduced. This clause will outline the relationship to the Municipal Planning Strategy, the objectives in Clauses 10 to 19 and the controls over the use and development of land in the Planning Scheme.

7.6.23 Clause 74.02 Further Strategic Work

There is currently no schedule included and this will need to be prepared when the new Municipal Planning Strategy is introduced. Items in this schedule will reflect the content provided in **Table 12** of this report.

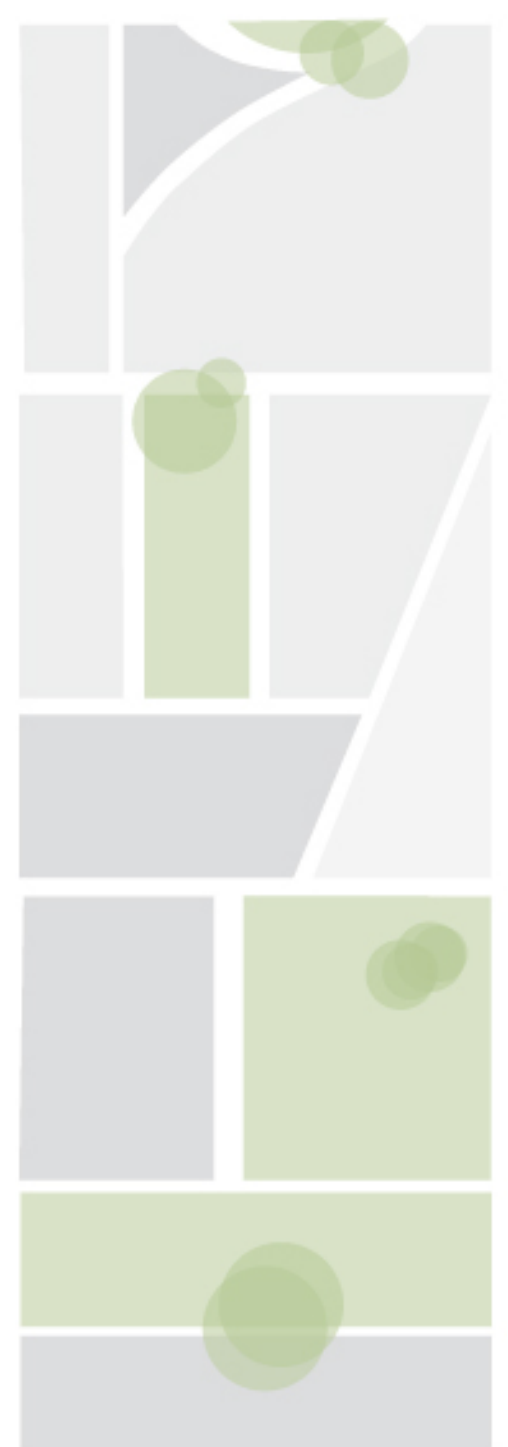
On a final note, the issues and recommendations identified for overlays, particular provisions and general provisions may require further changes once redrafting of the revised planning scheme commences. Additional issues and recommendations may be identified by the consultants, DELWP and Council prior to approval of the exhibited Amendment by Council. Any additional revisions can be further considered at this time by Council.

7.7 Recommendations

The following recommendations relate to this chapter and are summarised in Chapter 10:

- Reformat schedules to zones, overlays and particular provisions so that they meet Victorian Government Ministerial Directions and conform to the requirements of the Smart Planning Program and *Victoria Planning Provisions* and strengthen (where possible) objectives, strategies and decision guidelines to provide greater clarity on expectations as outlined in this Chapter.
- Introduce new local policies to strengthen and provide greater clarity and guidance on key land use and development outcomes and decision making on the following topics:
 - Neighbourhood character.
 - Heritage.
 - Rural enterprises.
 - Urban design.
 - Affordable housing.
 - Dwellings in rural areas.
 - Environmentally sustainable development.
 - Landscape protection.
 - Lake Daylesford, Jubilee Lake and Hepburn Springs Reserve Environs.
 - Vegetation removal.
- Assess the status of, and update or remove, any documents within the current planning scheme that no longer provide strategic direction or assist with decision making.
- Finalise the update to Council's Heritage Strategy as a foundation for future heritage work and include as a background document in the planning scheme.
- Implement the findings of the South West Landscape Assessment Study to expand the existing SLO1 (Hepburn Goldfields and Volcanic District) and the introduction of SLO2 (Island Uplands - Mount Beckworth).
- Commit to the preparation of restructure plans for Drummond and Sailors Falls to underpin the inclusion of the Restructure Overlay RO1 and RO2 and the preparation of a restructure plan and overlay for Wheatsheaf.

SUMMARY OF PLANNING ISSUES FACING THE MUNICIPALITY



8. SUMMARY OF PLANNING ISSUES FACING THE MUNICIPALITY

8.1 Introduction

This chapter provides an overview of the population and key planning issues facing the municipality that are used as a basis for this review report's recommendations. These are drawn from the *Data and Evidence Report* with additional commentary from the implications of the planning scheme audit earlier in this report. Major planning issues facing the Shire have been examined against the eight key themes that guided the community engagement process and have been reviewed as a result of the planning scheme audit and review report.

8.2 Population Change

The Shire's population and demographics are significantly different from when the current MSS was adopted in 2000.

The demographic analysis highlights that Hepburn is not anticipating significant population growth over the coming decades. Growth rates are slow, the population continues to age as younger people leave the municipality for work and education and there are pockets of high disadvantage. Anticipated population increases are matched by a commensurate increase in the number of dwellings.

This points to growth in the ageing of the population which will lead to requirements for different types of, and more affordable, housing. This will also lead to likely growth in new residents from outside of the Shire attracted by lifestyle factors who will probably have greater incomes that again will increase affordability challenges for the municipality. These issues can be influenced by the framework set out in the new MPS and the application of zones and overlays across the municipality.

Up to date demographic data and population predictions should be used to assist in writing the new MPS. The current data in the MSS is very out of date and should not be used to inform the Shire's planning.

8.3 Key Issues

Peri-urban planning issues such as landscape, amenity, infrastructure, services, agricultural land production, rural land fragmentation, climate change, bushfire, heritage, recreation and tourism have significant opportunities for the Shire but also place great constraints and limitations on land use and development.

Future planning approaches should involve anticipatory planning responses for risk from factors such as climate change at the upper levels of scenarios, a precautionary approach to decision-making, and the introduction of regional cross-sectoral policies designed to sustain peri-urban values. Improved peri-urban planning responses for Hepburn should better anticipate risks and mitigation by:

- Strengthening township boundaries and growth.
- Supporting the rural economy and agricultural, horticultural and farming land production.
- Improving significant landscape recognition and vegetation protection.
- Reducing threats to people and property from natural hazards such as bushfire, flooding and reduced water quality.
- Preventing rural land fragmentation on productive land.
- Improving heritage protection.
- Strengthening the relationship of all these factors to regional and local tourism and economic development.

The MPS should highlight the need to respond to the transport challenges in the municipality such as the lack of public transport and reliance on motor vehicles. This should also seek to improve walking and cycling opportunities through the municipality and provide better support and guidance for these sorts of activities.

The implications of these key issues and possible responses for the review are discussed below.

8.4 Key issues Consulted On and Possible Responses

8.4.1 Agricultural Land

Extensive rural areas in the Shire contain communities and landscapes based around traditional agricultural land uses and values, remaining a strong economic contributor for the Shire. Future agricultural requirements and viability issues need to be well understood and opportunities not foregone through short term, and often speculative, planning decisions.

There is extensive land fragmentation in the Shire's rural areas. This has significant implications for natural resource use, food production, environmental quality, and important social and economic costs. Analysis of rural land outside of the Shire's townships shows that there are approximately 1,054 lots between 20 and 40 hectares, 466 lots of between 40 and 80 hectares and 80 lots greater than 80 hectares. There are approximately 8,552 lots of between 1 and 20 hectares, indicating that the Shire does not require further subdivision in rural areas below 20 hectares.

Pressure for further subdivision is a challenge for Council. The review has heard from a number of traditional farmers who wish to retire and subdivide their land and new farmers who are seeking smaller land holdings for their artisan activities. There are, at times, difficult personal circumstances that Council considers but these are rarely planning issues. Council needs to maintain a broader public interest test that preserves the land for the future generations and protects the land viability in the context of increasing natural hazard impacts and requirements for food production.

In addition to exerting a limiting influence on land prices, larger minimum lot sizes and land use controls can: maintain rural landscapes; protect environmental and natural resource assets such as remnant vegetation; protect environmental water flows by controlling the proliferation of small dams on fragmented land holdings; better manage bushfire risk; and, limit infrastructure and servicing costs to small lots that are better located.

The Farming Zone has been widely used across the Shire but there are opportunities to consider the Rural Conservation Zone to areas of high landscape and biodiversity value through further strategic work. The Rural Activity Zone could

also be considered in certain parts of the Shire subject to further strategic work. Further strategic work should examine areas where farming and agricultural activities should be fostered, issues of agricultural viability, biodiversity and how the rural zones should be best applied to facilitate these outcomes.

8.4.2 Growth and Development

Hepburn is within a declared water catchment and is subject to significant number of natural hazards such as bushfire and flooding. Predictions are that these natural hazards will only increase in prevalence and intensity posing risks to life and assets. Hepburn has a legacy of issues with the existing zoning in parts of the municipality that fail to address these planning risks. There are significant tracts of land zoned for low density and rural living (LDRZ and RLZ) outside the townships that are the legacy of what can only be described as poor planning decisions. These are areas where bushfire risks are high, there are significant biodiversity assets and infrastructure provision costs are prohibitive. In Trentham, some of the land within the township appears to be poorly zoned adjacent to PCRZ areas with high fire risk. Some of the smaller townships and settlements are a result of poor planning decisions while some are the legacy of early European settlement.

A policy of settlement containment is recommended for the Shire whereby any new development is concentrated into the main townships. This needs to be strongly exercised whereby no exceptions are made as each decision is cumulative with cumulative impacts and negative costs for the Shire and community overall.

Dealing with legacy issues of poor planning decisions will be challenging. There is little appetite from the State Government to purchase back inappropriate subdivisions such as those identified by Restructure Overlays in Drummond and Sailors Falls. Council could strongly advocate for greater State intervention. There are other locations where similar conditions exist, such as in Wheatsheaf, and further work may be required to understand the risk posed in other small scale settlements in rural areas.

Other options include rezoning LDRZ and RLZ outside of townships. This would no doubt be a challenging option for Council as it may impact on property values and land use and development rights. With appropriate justification, Council could raise the minimum lot sizes in these zones to minimise the number of people living outside of townships and reduce the infrastructure provision burden and impact

on the environment. The use of requirements within overlays could also be used to limit development opportunities.

A number of requests were made in the consultation to rezone land adjacent to township boundaries on land described as 'poor agricultural land'. The land may not be currently suitable for agriculture but it would be irresponsible to rezone the land to residential given the constraints identified in this chapter and strong community values. Structure planning should be used as the process to determine township boundaries.

It is recommended that Council undertake a study to confirm that there is an appropriate amount of zoned land for residential, retail and industrial land in townships and use this information to confirm the township boundaries through structure plans. If additional land requirements are identified, these should be concentrated into areas identified for growth in Creswick and Clunes where bushfire risks are lower, infrastructure provision is available, there is less conflict with environmental and agricultural land values and there is consistency with regional policy.

8.4.3 Township Character (and heritage)

Heritage and neighbourhood character define the municipality's place qualities and underpins the attractiveness and economic performance of the Shire. The mineral springs of the region are unique and provide a significant part of the Shire's identity. The Shire also forms part of a wider gold fields heritage region between Ballarat, Bendigo and Maryborough that is being considered for World Heritage listing. There are many other worthy layers of history within the municipality that have not yet been documented but are highly valued. Development pressure for new dwellings, lifestyle farming and tourism are placing greater pressure on heritage places and threatening the character of the municipality.

Protecting the Shire's heritage and character is of critical importance to the Shire's existing and future economy and the planning scheme can play a significant role in protecting these assets. Council needs to have a better understanding of heritage across the Shire before this can occur. As outlined in Chapter 7, the Shire's current HO is derived from work undertaken late last century and no further studies have been undertaken to ensure the Shire's heritage assets are protected through the

HO Schedule since then. Council needs to finalise a new heritage study to provide a stocktake of its existing heritage work and prioritise a plan for future work.

Best practice would see a Shire wide study based on a thematic approach prepared to identify sites of State and local significance. This would consider not only architectural significance but also social, cultural, natural and aboriginal heritage significance. This may lead to further studies to examine specific heritage types or places. Due to the significant heritage assets within the Shire, this is likely to require significant investment from Council over a number of years.

The character of the townships is a complex interplay between the heritage fabric, subdivision pattern, vegetation, setting, built form and public environment. Protecting this township character while enabling growth that responds to the needs of the township and the community is an important balancing act for Council. It is recommended that Council commit to the preparation of structure plans for each of the five major townships over the coming decade commencing with a review of the heritage studies for the township and a flora and fauna assessment to establish an evidence base.

Documenting and discussing key issues and potential responses with the community and defining preferred township character are key components in these structure plans. This could result in the introduction of new NCO or DDO controls to protect valued elements. These studies should also commence with a strong understanding of the infrastructure available, the growth projections for the township, community facilities needed, and the retail, commercial and industrial needs of each township to inform a discussion with the community about the future township growth and development.

8.4.4 Landscape Protection

Trees and canopy cover are important to the character, and therefore the economy, of the municipality and will be increasingly important for managing climate change. This applies to both native and exotic trees. While Council has protected some trees through its significant tree register amendment, there is a lack of protection of trees particularly within townships. The loss of this canopy would be significant for the character of the townships.

The planning scheme provides a number of ways to protect trees including through the use of the VPO and ESO, and to encourage the planting of more trees in new development through requirements in NCOs and subdivision. This would require the identification and mapping of these tree assets through a study. This could be undertaken as part of township structure plans or separately across the municipality. Alternatively, Council could consider the use of a local law to require a local law permit to be granted to remove trees over certain widths or heights. This is a significantly cheaper and quicker option for Council with lower administration costs than a planning permit.

Native vegetation control exemptions undermine to some extent efforts to protect native vegetation and grasses particularly on rural land. There are extensive exemptions in the native vegetation provisions of the planning scheme that make preservation of trees along road sides and along boundary fence lines in some rural settings challenging. Identification of vegetation to be protected and consideration of other options through improved education of land owners and managers is an integral part of vegetation protection that could be provided by Council.

Landscape character is another important feature of the municipality that is inextricably linked to biodiversity, vegetation, heritage, and land use. Volcanic cones, ridge lines, lava flows, aboriginal cultural sites, agricultural vistas, parks, gardens and vegetated escarpments are the basis for the Shire's landscape values at state, regional and local levels. These landscapes form part of the Shire's identity and unique selling point important for its desirability as a place to live and visit.

Protecting these landscapes is important not only for the intrinsic value of these landscapes but also for their contribution to the local economy. The loss of the landscape character will eventually negatively impact on attractiveness of the area for tourism. Recognising their important value and this link is critical to being able to better protect them.

Landscape protection is possible through the planning scheme with the use of the SLO and HO depending on what values are important to protect. Studies recommended would need to be linked to biodiversity, heritage and vegetation studies and informed by community values. As outlined, Council has further work to undertake in these areas to inform these controls. In particular, the social and

cultural heritage study may provide the basis for application of these controls or greater clarification of areas that require further investigation.

8.4.5 Environment and Sustainability (and Biodiversity)

A commitment to ensuring that the environment is improved and not degraded through further human activity is a key challenge in the context of a changing climate with more extreme climatic conditions and events. Natural systems are under increasing pressures and the need to maintain and enhance areas of environmental significance such as National and State parks and reserves, and to improve biodiversity, is increasingly critical. The sustainability of the built environment to better complement and support the natural environment is a key planning response that should be explored further through local policy approaches, education and advocacy actions.

The Shire is rich in biodiversity which is recognised in areas covered by the VPO and the PCRZ (State and National Parks and Reserves). However, there are still large areas of unprotected biodiversity throughout the Shire, particularly on private land. The Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) protects declared threatened species of both flora and fauna but does not protect general habitats of species to ensure they do not become threatened. Council needs improved information and strategies to supplement any work undertaken at the State and Commonwealth level to enable a more proactive response.

While Council has undertaken some work in this area, and the Victorian Environmental assessment Council (VEAC) has evaluated areas of additional reserves and State and National Parks, further local and regional assessments on private land are required. This further work should include evaluating the use of planning scheme tools to implement improved environmental and biodiversity protections.

8.4.6 Tourism

The tourism offer in the municipality is inextricably linked to the landscape, heritage, environment and rural produce. Ensuring that this link between each is well understood within the community is important to ensure these aspects are protected. The Shire has a long history of tourism, facilitated originally by the railway and the attraction of the mineral springs. This has grown to include a wide

array of food and wine, vineyards, accommodation and activities linked to the goldfields and the natural environment. The Shire also plays a regional role sitting within the sphere of Bendigo, Castlemaine and Ballarat.

Managing and nurturing the tourism offer within the shire is a key challenge for the municipality and critical to ensuring there are jobs for the local community. Ensuring that retail activities associated with agriculture are located within townships is essential to ensuring that retail areas in towns remain viable and that there are opportunities to capture tourist dollars. This has to be managed to ensure that townships also don't become only tourism centres and fail to meet the needs of local residents. During consultation, the impact of AirBnB on neighbourhoods was raised along with the impact of tourists on the retail offer in townships. Managing these impacts is not within the planning scheme's realm and will require working with other local governments and the State to effect beneficial changes.

The lack of protection for a number of important heritage sites and landscapes is surprising given they are so important to the Shire's economy. The area has a rich guest house, gardens, agricultural, aboriginal and goldfields history that could be better developed and marketed. The loss of this heritage fabric would be severely detrimental and limit opportunities for new growth areas in the tourism offer.

8.4.7 Infrastructure and Transport

The main towns of the Shire have sewerage, reticulated water and gas infrastructure. The absence of sewerage across the rest of the municipality presents challenges for the management of the declared water catchment managed through the ESO. It does however limit the subdivision size to 4000 sqm within smaller townships to enable the management of a septic system on the site. This contributes to ensuring that smaller townships retain a low density, rural township character. As growth is expected to be focused on Creswick and Clunes, and Daylesford is to consolidate, the potential expansion of sewerage services could enable small towns to intensify which would not be desirable.

The management of water is a significant issue within the Shire and constrains township growth in a similar manner to the issue of sewerage. During consultations, many people were concerned over the management of water, particularly the extraction of water from bores and the long-term impacts on the water table and a desire to see more self-sufficiency measures for residential

properties. There are a variety of ways to improve the sustainable use of water through integrated water management approaches which focus on recycled water, different forms of water capture and reuse, and water sensitive urban design. This would require Council to work with the water authorities to examine new ways of managing this resource and delivering this infrastructure.

The review has highlighted a number of transport challenges including a lack of public transport and reliance on motor vehicles along with a desire to improve walking and cycling opportunities through the municipality.

The Hepburn Planning Scheme could provide greater guidance on transport requirements for new development and subdivision. The tourism potential of railway corridors could also be highlighted and future work to preserve heritage railway tourism and rail trail opportunities identified. Further work around parking requirements could also be highlighted including whether rural properties and the historic main streets of Hepburn's towns require a Parking Precinct Plan to reduce car parking requirements.

The MPS should highlight the need to protect freight corridors in terms of efficiency and safety of movement by restricting access to highways and arterial roads and providing physically separated paths along highway corridors for pedestrians and bicycle riders. The MPS can be updated to make reference to passenger train services at Clunes and Creswick. Best practice would therefore focus future residential development in these townships particularly around the new station locations and the corridor that links the station to the town centre.

8.4.8 Planning

Ensuring the Shire has a contemporary planning scheme that responds to the issues that it is facing over the coming decades is essential to ensuring improved outcomes are delivered through the planning process. The review has highlighted that the current planning scheme is not delivering the outcomes the community desires and that Council is aiming for. It is also not set up to respond to current and emerging challenges such as climate change, bushfire risk and pressure for development.

The Shire is at a crossroads and at risk of losing those unique elements that are so highly valued by the community and are an essential underpinning of the local

economy and environment. As outlined in previous sections of this chapter, there are real challenges that the planning scheme can assist in achieving. The Hepburn Planning Scheme cannot solve all of these challenges, however there are a range of tools available that provide significant elements which help to complement or provide the required response. A lack of regular strategic work and adaption of the scheme has meant that the planning scheme is now very out of date.

The development of a new planning scheme is a first step in dealing with many of the planning issues the municipality faces. The planning scheme audit provides a range of possible improvements. The scheme will however require an ongoing commitment to further strategic work that is implemented into the scheme if it is to have any impact. Improving the community's understanding of the planning process, investing in planning staff and potentially improving Council's consultation processes will also assist in reducing community concern over planning.

8.5 Recommendations

The following recommendations relate to this chapter and are summarised in Chapter 10:

- Affirm Council's commitment to strategic planning, population/demographic resources, community and stakeholder consultation, and in-house strategic planners to provide ongoing advice to Council about the opportunities to develop and better implement strategies into the Hepburn Planning Scheme.
- Undertake a program of strategic planning work to ensure the planning scheme is continuously improved to meet gaps identified in the review (See **Table 12**).

KEY REVIEW FINDINGS AND PRIORITY ACTIONS



9. KEY REVIEW FINDINGS AND PRIORITY ACTIONS

9.1 Key Review Findings and Priority Actions Overview

This chapter provides a series of key findings and priority actions of the Hepburn Planning Scheme Review and the basis for the recommendations presented in the next chapter building on the *Data and Evidence Report*, *Stakeholder and Community Engagement Report* and the *Planning Scheme Audit and Review Report*. It also includes a number of recommendations about key themes identified through community engagement.

9.2 Key Review Findings

9.2.1 Municipal Planning Strategy

The current MSS is now very out of date and needs to be rewritten as a Municipal Planning Strategy. The development of a new Municipal Planning Strategy provides the opportunity for Council to provide clearer strategic directions for land use and development across the municipality. The MPS will be shorter and more concise than the current MSS and provide for more targeted, proactive and directive ways to deal with anticipated problems and issues.

The key themes to be further developed in the MPS both strategically and spatially include: agricultural land; growth and development; township character; heritage; landscape; landscape protection; environment, sustainability and biodiversity; tourism; and, transport and infrastructure.

As well as providing a “road-map” for current and anticipated planning issues in the Shire, the MPS also enables planning and associated responses to a range of different but related issues to be better integrated, such as for biodiversity and infrastructure. Spatially and strategically representing inter-related themes across the municipality will illustrate Council’s future vision for the Shire, linking to the future strategic work required to achieve that vision over the next decade. The MPS should be redrafted based on the findings of this Review including Chapters 4, 5, 6 and 7.

9.2.2 Local Policy

Many of Council’s current local policies require significant updating while others are no longer required as they are now covered by other parts of the planning scheme or are redundant. The update and introduction of a range of new local policies is an opportunity to provide greater direction on Council’s expectations for land use and development in the municipality. A number of new local policies are proposed. These build on existing strategic work undertaken by Council and should be continuously updated as further strategic work is undertaken and greater clarity on requirements is provided. Local policies should be drafted based on the findings of this Review including in Chapters 4, 5, 6 and 7.

9.2.3 Existing and Proposed Zones, Overlays and Provisions

Council needs to revise the current zones, overlays and provisions to meet the requirements of the VPP and *Ministerial Direction on the Form and Content of Planning Schemes*. This will require revising every schedule for consistency with State requirements. There are also opportunities to strengthen the intent and improve the drafting of existing schedules to ensure greater clarity and effect. Chapter 7 provides greater detail on the requirements for changes to these sections of the planning scheme.

9.2.4 Agricultural land

Agriculture was identified as part of the Shire’s history and employment and that agricultural land needs to be protected. Some wanted a more flexible approach; however the review has found there is already significant land fragmentation and flexibility around innovation and different farming approaches already. Council needs to maintain its agricultural base for the long-term benefits of the Shire and region.

It is recommended that:

Municipal Planning Strategy

- Set out the importance of rural/agricultural land and enterprises.

Local Policy

- Strengthen local policy in relation to land uses in the farming zones and when dwellings are not appropriate.

Further Work

- Monitor the State review into agricultural land underway and ensure alignment with the application of rural zones in the planning scheme.
- Consider the need for a new municipal agricultural land study following the State review findings to develop agricultural land policy for the Shire or in parts of the Shire.

Advocacy

- The Economic Development team work with Agriculture Victoria to address agricultural land issues.

9.2.5 Growth and Development

Managing the impacts of growth in the Shire and ensuring improved development outcomes in keeping with the setting and character of the municipality is the key challenge facing the municipality. Ensuring that the municipality maintains the key components that attracts people to live and visit is critical.

There was a strong desire to see growth limited to within existing townships with more debate about what constituted good development. The development of township structure plans provides an opportunity for the Council and community to further explore these issues within a structured, evidence based and facilitated process.

It is recommended that:

Municipal Planning Strategy

- Set out a contained growth and development municipal plan and criteria for any expansion beyond existing township boundaries.

Planning Scheme

- Nil

Further Work

- Undertake an industrial, commercial and residential land demand study for the Shire.
- Undertake structure plans for Trentham, Creswick, Clunes, Daylesford, Hepburn Springs, and Glenlyon.

Advocacy

- Advocate to the VPA/Victorian Government for funding to assist with Creswick and Clunes structure planning.

9.2.6 Township Character

The character of the Hepburn townships was highly valued by the community with concerns raised over the nature of, intensity, location and quality of new development and the lack of differentiation between township qualities. The link between township character and the economic and tourist success of the Shire was well understood.

The Daylesford Neighbourhood Character Study was highly praised, with a desire by residents of other townships to have a neighbourhood character study undertaken in their townships and around Lake Daylesford, Jubilee Lake and Hepburn Springs Reserve. To date the planning scheme only incorporates significant direction on township or neighbourhood character for Daylesford.

It is recommended that:

Municipal Planning Strategy

- Set out the importance of township character for the five major townships and smaller settlements.

Local Policy

- Develop a generic neighbourhood character local policy to apply to the five major townships and other settlements applying greater detail for Daylesford (as a study has been completed) as an interim measure until structure plans are developed for each township, and the findings incorporated into the planning scheme.

- Develop a local policy for Lake Daylesford, Jubilee Lake and Hepburn Springs Reserve (could be part of the neighbourhood character local policy) to ensure development responds to the important setting of these environments.

Further Work

- Further heritage work in townships (see heritage).
- Incorporate neighbourhood/township character studies as part of structure plans and incorporate findings into the MPS, local policy and the schedules to zones and overlays where appropriate.

Advocacy

- Seek funding opportunities from Commonwealth and State Governments for township structure plans.

9.2.7 Heritage

Heritage was identified in Environment and Town Character as very important to the community with a perception there is greater protection of the Shire's heritage than actually exists. As previously identified, the value and protection of heritage assets is a critical and inter-related issue for the Shire. Therefore a series of findings specifically on heritage is provided.

It is recommended that:

Municipal Planning Strategy

- Set out the importance and scope of heritage assets within the municipality.

Local Policy

- Develop a new local policy to provide clearer guidance on design and development providing clarity on the siting, design and details for new development within the HO and the criteria around when demolitions are permitted.

Further Work

- Complete a Council Heritage Strategy.
- Undertake a municipal Themed Environmental History.
- Undertake heritage studies for each major town and theme to identify sites for protection and develop statements of significance.

- Add the municipality's heritage listing to the Heritage Victoria database including statements of significance.
- Rewrite local policy and update the HO (ongoing as studies are completed).

Advocacy

- Advocate to State and Commonwealth Governments for assistance with funding to assist the municipality to protect its heritage assets and be ready for World Heritage listing and to capitalize on the economic benefits this will provide.

9.2.8 Landscape Protection

The distinctive landscape characters in Hepburn are valued by the community and their management and protection is critical to the future economic, social and environmental future of the municipality. The South West Landscape Assessment Study provides guidance on State significant landscapes. More strategic work is required to both identify landscapes of regional and local significance and determine the most appropriate planning scheme tools to manage the siting and design of buildings, structures and works in the landscape and to protect significant views and vistas. The landscape also contains agricultural, industrial, aboriginal, cultural and settlement structures and patterns that are worthy of investigation for their heritage and environmental values.

It is recommended that:

Municipal Planning Strategy

- Set out the importance of the landscape to the character of the Shire.

Local Policy

- Develop a local policy in relation to the design and siting of buildings within the landscape (South West Landscape Assessment Study provides some basis) providing guidance on expectations in relation to the design and siting of buildings within the landscape.
- Implement the SW Landscape Assessment Study recommendation to apply the SLO to the Island Uplands (Mount Beckworth) and expand the existing SLO1 extent over the volcanic plains and goldfields in the west of the Shire.

Further Work

- Undertake a shire wide landscape character assessment study (may be part of a heritage study) to document significant landscapes and implement planning scheme controls where necessary.

Advocacy

- Seek funding opportunities from Commonwealth and State Governments to undertake the landscape character assessment study.

9.2.9 Environment, Sustainability and Biodiversity

Significant work has been undertaken on environmental sustainability with an overall goal to achieve a carbon neutral Shire by 2030. Work has also been undertaken on a Biodiversity Strategy. The community identified the need to align the planning scheme to achieve the community and Council's environment, sustainability and biodiversity goals.

It is recommended that:

Municipal Planning Strategy

- Set out the importance of environment, biodiversity and the community and Council's sustainability goals.

Local Policy

- Develop a local policy for ESD and development of buildings and subdivision to provide clarity on Council's expectations about the development of ESD such as energy performance, integrated water management, indoor environmental quality, waste management and urban ecology.
- Develop a local policy for vegetation and habitat protection providing guidance on the importance of vegetation to the Shire for both habitat and vegetated setting and character, providing greater clarity in relation to removal of vegetation.

Further Work

- Undertake biodiversity mapping with a clear implementation framework.
- Vegetation protection strategy on Council land and roadsides.

Advocacy

- Advocate to the Commonwealth and State Governments for improved ESD Requirements through the National Construction Code (NCC).
- Advocate to DELWP for funding to undertake further biodiversity planning and implementation.

9.2.10 Tourism

Tourism is an important economic driver of the Shire. Visitors come to the Shire to experience the heritage and environmental landscape, the township character, the produce of the region, accommodation and the mineral springs offer. New tourism opportunities such as rail trails, farm stays and culinary events, need to be fostered, developed and promoted. Managing the impacts of tourism on local residents was identified as a key issue by the community.

Planning can assist in facilitating tourism by ensuring that the region's strengths are protected and managed, balancing tourist needs and the places that they come to visit. This is a key challenge for the municipality as work is undertaken over the coming years to further understand and implement heritage, township character, environment, agricultural and landscape work.

It is recommended that:

Municipal Planning Strategy

- Set out the importance of tourism to the municipality and the links to the key underpinnings of the tourism offer identified (such as heritage, landscape, township character, environment) and the need to balance the benefits and manage the disbenefits.

Local Policy

- Develop a local policy in relation to tourism uses within the farming zones and the need for tourism facilities to be preferably located within townships with criteria identified for out of township development providing clarity on where rural enterprises will be allowed to locate (such as conference centres, place of assembly, restaurants, hotels, schools, industry, warehouse and wineries).

Further Work

- Ensure Council's further tourism work is supported through land use and development integration in the planning scheme (see Heritage, Agriculture, Environment and Sustainability).

Advocacy

- Advocate to the State for greater ability to manage the disbenefits of AirBnB establishments in the Shire and work with surrounding local governments to lobby for greater controls.
- Look at synergies/relationship to local laws and other relevant regulation.

9.2.11 Transport and Infrastructure

Providing infrastructure to meet the needs of a changing and large municipality is a key issue with a need for better transport connections and to manage the impacts of population and tourism growth.

It is recommended that:

Municipal Planning Strategy

- Set out the importance of infrastructure and locations for community and social infrastructure within Shire and, where known, identify locations for future infrastructure.

Local Policy

- Ensure protection of infrastructure assets and manage appropriate buffer distances between infrastructure and sensitive uses.
- Develop urban design local policy to ensure adequate provision and sensitive design and development of new infrastructure within new developments.

- Provide clarity on Council's expectations in relation to the quality of urban design to be achieved within the municipality including architectural quality, subdivision siting and layout, open space integration and connectivity in townships.

Further Work

- Ensure infrastructure provision is reviewed as part of structure plans for townships and identify any new infrastructure requirements.

Advocacy

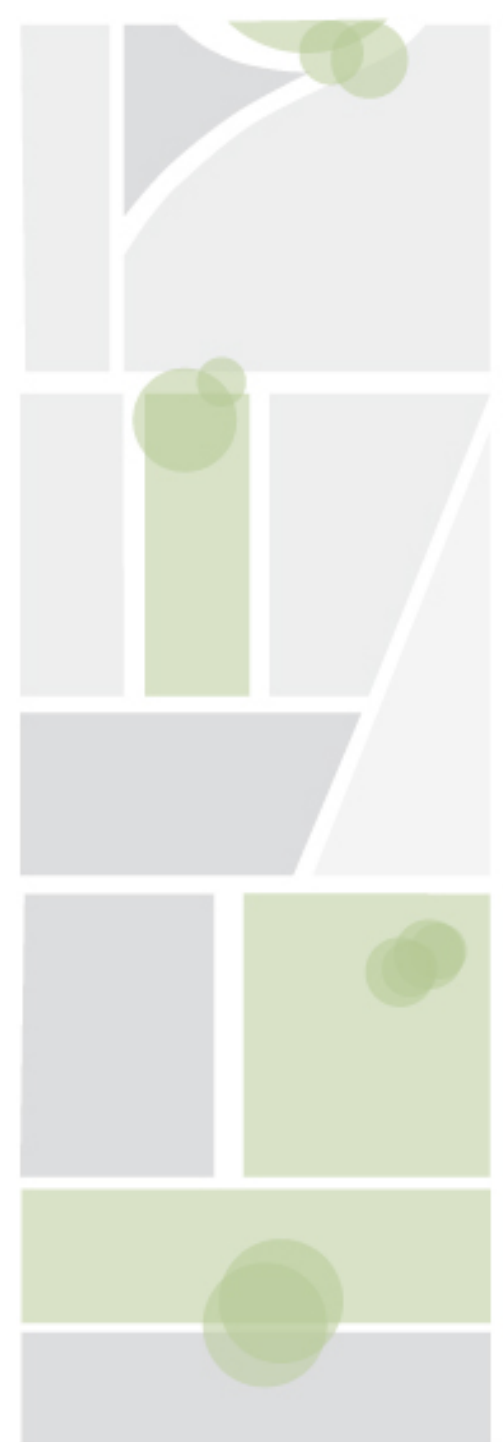
- Advocate for improved public transport throughout the Shire.
- Invest in improved active transport infrastructure to support movement to and within townships for local residents and visitors.

9.3 Recommendations

The following recommendations relate to this chapter and are summarised in Chapter 10:

- Note the key findings as outlined in Chapter 9 to rewrite the Hepburn Planning Scheme including a new MPS and revised schedules to zones and overlays in line with recommendations outlined in Chapters 4, 5, 6 and 7.
- Implement the priority actions as outlined in Chapter 9 including changes to the MPS, local policies, further work and advocacy from 2020 onwards.

REVIEW RECOMMENDATIONS



10. REVIEW RECOMMENDATIONS

10.1 Introduction

This chapter provides a summary of the key recommendations for the Hepburn Planning Scheme Review as outlined in Chapters 3 – 9 of this *Planning Scheme Audit and Review Report*. It is recommended that Council work to implement the findings of this report immediately through the adoption of this review report and preparation and exhibition of a planning scheme amendment, while committing to a program of further strategic work over the short and medium term and a program of ongoing work to address gaps identified through the review. In summary the recommendations are:

1. Pursuant to section 12B(1) of the Planning and Environment Act, adopt the Hepburn Planning Scheme Review.
2. Forward the *Planning Scheme Audit and Review Report* to the Minister for Planning as required by section 12B(5) of the Planning and Environment Act.
3. Draft new local policies to be included in the revised Hepburn Planning Scheme. These policies will cover off on key principles, with more detailed and updated content undertaken during township structure planning. Release draft local policies to the community for their comment on the following topics:
 - (i) Neighbourhood character.
 - (ii) Heritage.
 - (iii) Rural enterprises.
 - (iv) Urban design.
 - (v) Affordable housing.
 - (vi) Dwellings in rural areas.
 - (vii) Environmentally sustainable development.
 - (viii) Landscape protection.
 - (ix) Lake Daylesford, Jubilee Lake and Hepburn Springs Reserve environs.
4. Release the draft Heritage Strategy to the community and key stakeholders for comment.
5. Appoint a dedicated strategic planning officer to further commit to continuous improvement of the Hepburn Planning Scheme.
6. Prepare a planning scheme amendment to the Hepburn Planning Scheme that is provided in the updated (VPP) planning scheme format. It will include:
 - A draft Municipal Planning Strategy.
 - Ten draft local policies (listed in Rec.3) that have incorporated community feedback.
 - Updated draft local schedules to the zones, overlays and particular provisions as outlined in Chapter 7.
 - An updated draft list of key background (or reference) documents.
 - The findings of the South West Landscape Assessment Study to expand the existing SLO1 (Hepburn Goldfields and Volcanic District) and the introduction of SLO2 (Island Uplands - Mount Beckworth).
 - An interim Design Development Overlay over land adjacent to the Daylesford Transfer Station to limit development in the area until Council has undertaken further strategic work to determine the future use and management of the transfer station site.
7. Adopt the draft (updated) Heritage Strategy and recommend its inclusion as a background document in the revised Hepburn Planning Scheme.
8. Place the draft revised Hepburn Planning Scheme on exhibition.
9. Undertake a program of strategic planning work over the short and medium term along with ongoing work to ensure the planning scheme is continuously improved to meet gaps identified in the review (See **Table 12**).

Table 12: Planning Scheme Review – Further Strategic Work

Key

- IMMEDIATE: A NEW PLANNING SCHEME.** Includes new local policies to guide development, makes corrections and removes outdated information
- SHORT TERM: TOWNSHIPS.** Structure plans for each town
- MEDIUM TERM: THE RURAL RESPONSE.** Responding to biodiversity issues and agricultural land
- ONGOING: HERITAGE UPDATES** An ongoing imperative to protect our individual places, precincts, trees and landscapes

Rec. no	Recommendation	Benefits of Implementation	Timing	Risks Associated With Inaction	Resource Needed
IMMEDIATE					
1.	Pursuant to section 12B(1) of the Planning and Environment Act, adopt the Hepburn Planning Scheme Review.	Compliance with the requirement of the Act. Implements the Annual Plan 2019-2020.	Immediate 2020	Failure to comply with obligations under the Planning and Environment Act.	Current resources
2.	Forward the Review report to the Minister for Planning as required by section 12B(5) of the Planning and Environment Act.	Compliance with the requirement of the Act.	Immediate 2020	Failure to comply with obligations under the Planning and Environment Act.	Current resources
3.	Draft new local policies to be included in the new Scheme. These policies will cover off on key principles, with more detailed and updated content undertaken during future structure planning. Release drafts to the community for their comment: <ol style="list-style-type: none"> 1. Neighbourhood character. 2. Heritage. 3. Rural enterprises. 4. Urban design. 5. Affordable housing. 6. Dwellings in rural areas. 7. Environmentally sustainable development. 8. Landscape protection. 9. Lake Daylesford, Jubilee Lake and Hepburn Springs Reserve environs. 10. Vegetation and habitat protection. 	Allows feedback before these local policies before they are incorporated into a planning scheme amendment. The new local policies will strengthen and provide greater clarity and guidance to local townships and areas.	Early – mid 2020	The community engagement process undertaken in late 2019 identified the need for these local policies. Feedback received from the community on these local policies will ensure any outstanding matters are addressed before the policies proceed through the planning scheme amendment process.	Consultant (Budget) Strategic planning officer
4.	Release the draft Heritage Strategy for community and key stakeholders for comment.	The draft heritage strategy contains a Thematic Environmental History. The Thematic Environmental History is arranged according to themes, which will provide a context to assist with the identification of heritage places including buildings, precincts, unique individual places and landscapes. The strategy also provides a summary	Early – mid 2020	Failure to comply with the Direction from the Planning Minister and Heritage Victoria. Lack of clarity around council’s continuous improvement for heritage protection. The findings may not be incorporated in to the new	Strategic planning officer

Rec. no	Recommendation	Benefits of Implementation	Timing	Risks Associated With Inaction	Resource Needed
		program of actions that align with this Inventory of Actions. The actions also support initiatives in the Council Plan and budget		Council Plan following the 2020 Council election cycle	
5.	Appoint a dedicated strategic planning officer to further commit to continuous improvement of the Hepburn Planning Scheme.	Provides an ongoing resource to ensure a program of continuous improvement	Mid 2020	Ongoing strategic planning and regular scheme updates may not be realised	Budget
6.	Prepare a planning scheme amendment to the Hepburn Planning Scheme that is provided in the updated (VPP) planning scheme format. It will include: <ul style="list-style-type: none"> - A draft Municipal Planning Strategy - Ten draft local policies (listed above in Rec.3) that have incorporated community feedback. - Updated draft local schedules to the zones, overlays and particular provisions. - An updated draft list of key background (or reference) documents. - the findings of the South West Landscape Assessment Study to expand the existing SLO1 (Hepburn Goldfields and Volcanic District) and the introduction of SLO2 (Island Uplands - Mount Beckworth. - an interim Design Development Overlay over land adjacent to the Daylesford Transfer Station to limit development in the area until Council has undertaken further strategic work to determine the future use and management of the transfer station site. 	Compliance with the <i>Ministerial Direction on the Form and Content of Planning Schemes</i> and the requirements of the Smart Planning Program and <i>Victoria Planning Provisions</i> . Ten new local policies to guide development and respond to key issues identified in the consultation process. This initiative 'fills a policy gap' with more detailed structure planning proposed for 2021.	Mid 2020	Council will continue to have an outdated planning scheme. The new local policies 'fill a policy gap' that was identified in the consultation process.	Consultant (Budget) Strategic planning officer
7.	Adopt the draft (updated) Heritage Strategy and recommend its inclusion as a background document in the new planning scheme.	Includes a priority list heritage actions to guide Council into the future. By adopting the heritage themes and recommending that they be included as a background document in the planning scheme, greater clarity is provided around decision making.	Mid 2020	Heritage places may be lost to inappropriate development.	Consultant (Budget) Strategic planning officer
8.	Place the draft revised Hepburn Planning Scheme on exhibition.	Ensures the Planning Scheme Review's recommendations are realised and actioned as soon as possible.	Mid 2020	If the exhibition of the planning scheme is delayed until 2021 and after the 2020 Council election cycle there may be	Consultant (Budget) Strategic planning officer

Rec. no	Recommendation	Benefits of Implementation	Timing	Risks Associated With Inaction	Resource Needed
		There is an expectation that an independent panel will be appointed before the end of 2020.		further delays in the planning scheme review process.	Planning scheme amendment fees and charges
SHORT TERM					
9.	Undertake a shire wide Industrial, Commercial and Residential Land Demand Study to inform the structure planning process. Do we have enough land in the right zones? The study will produce: <ul style="list-style-type: none"> - Metrics on land types according to current zones. - Recommendations for land zones in each of the Shire's townships (Rural land to be reviewed in Rec nos 17 and 18) . 	Ensures the Planning Scheme Review's recommendations are realised. Ensures that key land use demands are understood in the Shire in terms of undersupply/oversupply and short, medium and long term projections.	Early 2021	A township structure plan needs to be informed by a land supply analysis. Failure to provide up to date information will lead to a flawed planning outcome.	Consultant (Budget) Strategic planning officer
10.	Prepare a waste management plan to guide the future land use and management of the Shire (including the Ajax Road site.) This document should be referenced in the Planning Scheme as a background document and incorporated as part of the planning scheme amendment in Rec no. 11 below.	Ensures the Planning Scheme Review's recommendations are realised. Ensures a high standard of amenity for the residential areas around Ajax Road.	Early 2021	Negative impact on surrounding residential amenity.	Consultant (Budget)
11.	Commence Phase 1 of township structure planning for: 1a: Trentham. 1b: Creswick. 1c: Glenlyon. 1d: Clunes. 1e: Daylesford/ Hepburn. Phase 1 will produce localised responses to: <ul style="list-style-type: none"> - Flora and Fauna Assessments (Stage 1 of a larger Shire wide biodiversity review). - Heritage places (recommended precincts, places, gardens and trees applying the adopted Thematic Environmental History). - A review of key infrastructure. - A summary of key aboriginal heritage places. 	Ensures the Planning Scheme Review's recommendations are realised. Ensures key heritage, biodiversity and infrastructure matters are understood before the structure plan is developed.	Mid to late 2021	A township structure plan needs to safeguard key heritage and environmental values before the vision is developed. Failure to provide up to date information will lead to a flawed planning outcome.	Consultant (Budget) Strategic planning officer
12.	Commence Phases 2a, 2b, 2c, 2d and 2e of township structure planning for: 2a: Trentham. 2b: Creswick. 2c: Glenlyon. 2d: Clunes.	Ensures the Planning Scheme Review's recommendations are realised. Structure plans across the Shire are out of date and need review.	Early 2022/23	Council will continue to make planning decisions using out of date and inadequate data and policies.	Consultant (Budget) Strategic planning officer

Rec. no	Recommendation	Benefits of Implementation	Timing	Risks Associated With Inaction	Resource Needed
	2e: Daylesford/ Hepburn (See Rec no. 10 above). Phase 2 will produce: <ul style="list-style-type: none"> - Revised/confirmed township boundaries. - Urban design guidelines for key streets. - Neighbourhood character policies. - Urban design guidelines. - Public realm improvements. - Native vegetation management plan. - Identify opportunities for infrastructure contributions. This process will include comprehensive community consultation.	The process will fully engage the community with informed outcomes.			Planning scheme amendment fees and charges
13.	Commence Phase 3 of Township structure plans: Planning scheme amendment process. The amendment will: <ul style="list-style-type: none"> - Secure township boundaries. - Add places to the heritage overlay. - Add overlays to protect the environment and for other matters such as infrastructure contributions and native vegetation precinct plans. - Add any other local policy that will safeguard the planning for the townships. 	Ensures the Planning Scheme Review's recommendations are realised.	Throughout 2023	Council will continue to make planning decisions using out of date and inadequate data and policies.	Consultant (Budget) Strategic planning officer Planning scheme amendment fees and charges
MEDIUM TERM					
14.	Complete Stage 2 of the broader biodiversity review. These areas encompass all land beyond the township areas that were investigated in the Phase 1 township structure planning process. Assessments should focus on important biodiversity themes in different areas of the Shire. Phase 2 will produce: <ul style="list-style-type: none"> - A review of landscape character across the shire (may require separate study). - A vegetation protection strategy for council owned land and roadsides. - Updated biodiversity mapping. - Recommendations for new overlays (and potentially zones such as the rural conservation zone) in the Shire. 	Ensures the Planning Scheme Review's recommendations are realised.	Throughout 2022	Council will continue to make planning decisions using out of date and inadequate data and policies.	Consultant (Budget) Strategic planning officer Planning scheme amendment fees and charges
15.	Commence Phase 3 of the biodiversity review: Planning scheme amendment process.	Ensures the Planning Scheme Review's recommendations are realised.	Throughout 2023	Council will continue to make planning decisions using out of	Consultant (Budget)

Rec. no	Recommendation	Benefits of Implementation	Timing	Risks Associated With Inaction	Resource Needed
	The amendment will add overlays to protect the environment and its significant landscapes.			date and inadequate data and policies.	Strategic planning officer Planning scheme amendment fees and charges
16.	Commit to the preparation of restructure plans for Drummond and Sailors Falls to underpin the inclusion of the Restructure Overlay RO1 and RO2; and the addition of a new Restructure Overlay for Wheatsheaf: Planning scheme amendment process. The amendment will add a restructure overlay to the planning scheme.	Provides clarity in these settlements on future development and to guide the redevelopment of these subdivisions.	2024	Council will continue to make planning decisions using out of date and inadequate data and policies.	Consultant Strategic planning officer
17.	Undertake an agricultural land study to determine the future agricultural needs and requirements in the Shire. The outputs of this study could ensure that the Shire's strategic agricultural land is protected.	Ensures the Planning Scheme Review's recommendations are realised. Protects the Shire's strategic agricultural land.	2024/2025	Strategic agricultural land may be at risk.	Consultant Strategic planning officer
18.	Prepare of a Rural Settlement Strategy to better understand the risks and challenges posed in small scale settlements in rural areas and potential local policies to guide development consistent with the Shire's inherent rural character.	Confirms Council's position in the ongoing subdivision of land in the Farming zone. By 2022 the Victorian government should have released its preferred land use zones and policies for agricultural land in Melbourne's peri urban areas.			
ONGOING					
19.	Undertake ongoing heritage studies across the Shire based on the Hepburn's Thematic Environmental History. Planning scheme amendment process to include these places in the Schedule to the Heritage Overlay.	Ensures the Shire's heritage places are protected, either through the Hepburn Planning Scheme or the Victorian Heritage Register.	Ongoing	Significant heritage places in the shire may be demolished. This includes buildings, dry stone walls, trees and gardens.	Consultant Strategic planning officer
20.	Upload heritage data into the Victorian heritage data base.	Allows greater transparency on all heritage asset and greater community awareness.	Ongoing	Individual heritage places, trees and gardens may be demolished or at risk due to a lack of awareness of the cultural heritage significance of a place.	Strategic planning officer

APPENDIX 1: ZONING AREA TOTALS

Table 13: Shire Wide Area of Zones in Hectares

Planning Zone	Total Area (ha)
COMMERCIAL 1 ZONE	38.03
FARMING ZONE	99,436.96
GENERAL RESIDENTIAL ZONE	747.96
INDUSTRIAL 1 ZONE	70.51
LOW DENSITY RESIDENTIAL ZONE	1879.85
PUBLIC CONSERVATION AND RESOURCE ZONE	31,701.41
PUBLIC PARK AND RECREATION ZONE	761.28
PUBLIC USE ZONE	1,933.56
RURAL CONSERVATION ZONE	2822.43
ROAD ZONE	1,374.52
RURAL LIVING ZONE	5,640.10
SPECIAL USE ZONE	195.00
TOWNSHIP ZONE	825.47
TOTAL	147,427.08

Source: VicMap September 2019

Table 14: Township Vacant Lots & Land Areas

Township	Total Vacant lots	Total Area of Vacant Lots within townships (ha)	Total Residential Land (ha)	Total Township Land (ha)
Daylesford	159	45.36	486.03	898.14
Hepburn Springs	79	15.06	178.83	236.52
Creswick	107	39.81	349.89	576.07
Clunes	174	82.50	301.25	392.01
Trentham	111	73.25	468.89	609.49
TOTAL	630	255.93	1784.89	2717.76

Source: Victorian Land Use Information System (VLUIS) dataset 2014/15

Table 15: Township Area of Zones by Hectare

Planning Zone	Daylesford township (ha)	Hepburn Springs township (ha)	Creswick township (ha)	Clunes township (ha)	Trentham township (a)
COMMERCIAL 1 ZONE	10.00	1.38	11.08	3.84	7.09
FARMING ZONE	26.70	0.01	0.96	1.30	4.07
GENERAL RESIDENTIAL ZONE	316.01	120.93	273.41	0	0
INDUSTRIAL 1 ZONE	16.99	0	35.06	0	17.72
LOW DENSITY RESIDENTIAL ZONE	170.02	57.90	76.48	131.49	321.12
PUBLIC CONSERVATION AND RESOURCE ZONE	76.50	0.679	7.97	0	3.85
PUBLIC PARK AND RECREATION ZONE	194.25	13.68	90.08	43.23	19.44
PUBLIC USE ZONE	28.81	2.18	39.54	14.11	24.13
RURAL CONSERVATION ZONE	13.83	25.69	0.58	0	0
ROAD ZONE - CATEGORY 1	43.35	13.14	36.97	26.68	26.64
RURAL LIVING ZONE	0.76	0.09	3.94	1.60	0.03
SPECIAL USE ZONE	0.92	0.84	0	0	37.63
TOWNSHIP ZONE	0	0	0	169.76	147.77
TOTAL	898.14	236.52	576.07	392.01	609.49

Source: VicMap September 2019

APPENDIX 2: AMENDMENTS TO HEPBURN PLANNING SCHEME

Table 16: C Amendments to Hepburn Planning Scheme

Amendment number	In operation from	Brief description
C3	17 MAY 2001	Updates the mapping for a number of sites listed in the Overlay control of the scheme to accord with the Victorian Heritage Register
C5	19 JUL 2001	Includes Cl. 45.03 from VPP into planning scheme. Includes CA2 part, Section A, Parish of Clunes (40 Station Flat Road) in Rural Living Zone, adds Map 11EAO to scheme, and applies Environmental Audit Overlay to the site.
C7	19 JUL 2001	Includes CA6, Sec. 3, Township of Hepburn (7 Mineral Springs Crescent) in Residential 1 zone.
C10	20 DEC 2001	Rezones all land occupied by the Calder Highway from Rural Zone to Road Zone Category 1, and rezones all land occupied by the Melbourne and Murray River Railway from Rural Zone to Public Use Zone 4, to achieve consistent zoning between municipalities.
C2 (Part 1)	17 JAN 2002	Includes the Creswick Golf Course within Special Use Zone 2 and the Development Plan Overlay
C6	21 MAR 2002	Inserts a substitute schedule in place of the existing schedule 1 in clause 42-01 in Environment Significance Overlay.
C8	27 JUN 2002	The amendment rezones the former Creswick – Daylesford Railway line from PUZ4 to a combination of Rural Living, Rural and Public Park and Recreation Zone to reflect the surrounding development. Numerous parcels of privately owned land across the Shire inadvertently zoned PCRZ are rezoned to reflect the zoning for the surrounding properties. The amendment also rezones land at 10 Albert Street from Residential 1 Zone to Business 1 Zone, to reflect the lands use as the Hepburn Shire Council office car park.
C2 (Part 2)	5 JUN 2003	Includes land to the north east and south of the Creswick Golf Course within the Special Use Zone and the Development Plan Overlay and makes changes to the Special Use Zone and the Development Plan Overlay schedules.
C14	18 SEP 2003	Applies the Heritage Overlay and changes the Heritage Overlay schedule to reference the inclusion of the following sites on the Victorian Heritage Register. Orde's/Ogden Brothers Mill, Loddon River Road, Wombat State Forest.Graves and Frasers

Amendment number	In operation from	Brief description
		Mill, Wombat State Forest. Telegraph (Grave's) Sawmill, Stony Creek, Wombat State Forest
C20	22 JAN 2004	Rezones privately owned land in the Dean area bounded by Daylesford-Ballarat Road, a Water Supply Reserve (Dean Reservoir pipe track), the western boundary of the Dean Reservoir Reserve and the southern boundary of the municipality from a Public Park and Recreation Zone to a Rural Zone to correct a cartographic error.
C13	29 JAN 2004	Rezones part of the Hepburn Mineral Springs Reserve from Special Use Zone Schedule 1 (Golf Course) to Public Park and Recreation Reserve and consolidates the Heritage Overlay description and mapping of the heritage places within the Hepburn Springs Reserve into a single reference.
C21	29 JAN 2004	Applies the Heritage Overlay and changes the Heritage Overlay schedule to reference the inclusion of the Castlemaine Diggings National Heritage Park on the Victorian Heritage Register.
C12	8 JUL 2004	Rezones land purchased by Central Highlands Water for extension of a wastewater treatment plant from Rural Zone to Public Use 1 Zone.
C23	15 JUL 2004	Corrects a number of minor errors in zoning maps.
C24	15 JUL 2004	Amends Schedule 3 to the Development Plan Overlay.
C19	12 MAY 2005	Implements the recommendations of the Daylesford Neighbourhood Character Study by amending the MSS, including Clauses 22.08 to 22.19 relating to Daylesford neighbourhood character policy in the LPPF, including the VPP Neighbourhood Character Overlay provision and two schedules to that overlay, making changes to four schedules to the Design and Development Overlay, and inserting Neighbourhood Character Overlay Maps: 30NCO, 31NCO, 32NCO, 33NCO.
C29	16 JUN 2005	Corrects a number of errors in zoning maps in the localities of Daylesford, Trentham, Bullarto South and Glenlyon.
C32	7 JUL 2005	Implements Section 48 of the <i>Heritage Act</i> 1995 by identifying places listed on the Victorian Heritage Register on the Planning Scheme Maps and Schedule to the Heritage Overlay in accordance with their listing on the Victorian Heritage Register. The place is Elvezia Homestead Complex, Limestone

Amendment number	In operation from	Brief description
		Road, Yandoit (HO651 & VHR H2065)
C26	14 JUL 2005	Rezones 7 – 13 Pearman Street, and 2A Water Street, Creswick from Residential 1 Zone to Business 1 Zone, and a section of the Creswick Creek Walking Reserve from Public Use Zone 2 to Public Park and Recreation Zone.
C25	25 AUG 2005	Introduces the Special Use Zone Schedule 3 into the Hepburn Planning Scheme and rezones the land at 66 West Street from Public Park and Recreation Zone to part Special Use Zone 3 and part Residential 1 Zone. Introduces the Business 2 Zone into the Hepburn Planning Scheme and rezones the land at 1 Leggatt Street, Daylesford from Public Park and Recreation Zone to Business 2 Zone. Rezones the southern section of the land at 102 Vincent Street, Daylesford from Residential 1 Zone to Public Use Zone 2. Rezones 158 Daylesford-Trentham Road, Daylesford from Rural Zone to Public Use Zone 6. Updates the Schedule to Clause 52.01 to include a 5 per cent public open space contribution for subdivision applications.
C27	27 OCT 2005	Rezones 136 Raglan Street, Daylesford from Industrial 1 Zone to Residential 1 Zone.
C15	11 SEP 2006	Corrects a number of errors in the Heritage Overlay maps and Schedule and adds Heritage Overlay items from the former Kyneton Shire, previously omitted from the Hepburn Planning Scheme.
C37	28 SEP 2006	Introduces the Rural Conservation and Farming Zones into the Scheme and rezones all land in the Environmental Rural Zone to Rural Conservation and all land in the Rural Zone to the Farming Zone. The Environmental Rural Zone and Rural Zone are deleted from the Scheme.
C36	8 MAR 2007	Amends the schedule to the Rural Living Zone to introduce a minimum subdivision area of 4 hectares and a minimum area of 4 hectares for which no permit is required to use land for a dwelling at 145 Trentham- Kyneton Road in Trentham.
C28	10 MAY 2007	Amends clause 21.09 and updates Wildfire Management Overlay mapping.
C39	7 JUN 2007	Makes minor adjustments to Heritage Overlay mapping to correct unintended results from a previous amendment.
C41	5 JUL 2007	Applies the PAO1 to land at 275 Blampied-Kooroocheang Rd, Blampied required for a pump station, inserts new Clause 45.01 Public Acquisition Overlay and schedule to this Clause, amends new schedule to Public Conservation and Resource

Amendment number	In operation from	Brief description
		Zone, amends schedule 1 to the Environmental Significance Overlay, schedule 1 to the Vegetation Protection Overlay, schedule 1 to the Significant Landscape Overlay, schedule to the Erosion Management Overlay, schedule to Clause 52.17 Native Vegetation, and replaces Clause 61.03, to facilitate the Goldfields Superpipe Project.
C44	11 OCT 2007	Introduces a specific provision under Clause 52.03 and applies an Incorporated Document, <i>Mildura –Geelong Rail Freight Upgrade Project September 2007</i> to allow the use and development of land along the railway corridor between Gheringhap and Mildura for upgrading and maintenance in accordance with the Incorporated Document.
C45	25 OCT 2007	Rezones land at 275 Blampied-Kooroocheang Road, Blampied from a Farming Zone to a Public Use Zone 1 - Service and Utility and deletes the Public Acquisition Overlay over the land; delete Clause 45.01 and its schedule, and replaces Clause 61.03 to facilitate the Goldfields Superpipe Project.
C40	14 FEB 2008	Rezones the area around Beckworth Court, Clunes from the Low Density Residential Zone to the Rural Living Zone, and rezones the public land within the Beckworth Court Low Density Residential Zone area to public use zones in accordance with updated information.
C16	14 AUG 2008	Corrects a number of errors in zoning where public land was previously included in a non-public land zone and privately owned land was previously included in a public land zone, applies the appropriate zone to land within Creswick and Hepburn Regional Parks and other individual parcels of public land. Deletes a section of the Road Closure Overlay from the road reserve covering the intersection of Stanbridge and Camp Streets, Daylesford, removes an inappropriate Road Zone 2 from Old Ballarat Road and makes a consequential change to the purpose of Schedule 1 to the Special Use Zone (which reflects a change in zoning of the Clunes Golf Course).
C42	11 SEP 2008	Corrects a number of zoning anomalies throughout the shire on behalf of Central Highlands Water to ensure that existing water infrastructure assets are appropriately zoned.
C50	22 APR 2010	Implements Section 48 of the <i>Heritage Act</i> 1995 to ensure that places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.
C47	14 OCT 2010	Includes land at 3720 Creswick-Newstead Road, Smeaton, being Crown Section 65, Parish of Spring Hill, in the Specific Sites and Exclusions provision at clause 52.03 and inserts an incorporated document titled Unigrain Project: Incorporated

Amendment number	In operation from	Brief description
		document pursuant to section 6(2)(j) of the Planning and Environment Act 1987 (September 2010) in the Schedule to Clause 81.01 of the Hepburn Planning Scheme to exempt the specified two lot subdivision of the land from requiring a planning permit.
C58	29 MAR 2012	Amends the schedules to Clause 52.17 and Clause 81.01 to insert the Goulburn-Murray Water Native Vegetation Code of Practice, February 2011 as a Utility installation code of practice. A planning permit is not required to remove destroy or lop native vegetation that accords with the Goulburn-Murray Water Native Vegetation Code of Practice, February 2011.
C38	17 JAN 2013	Amends Clauses 21.01, 21.02, 21.03, 21.05, 21.07 and 21.09, updates structure plans for Daylesford, Hepburn Springs, Creswick, Clunes and Trentham, introduces Hepburn Structure Plan Review 2007 as a reference document and deletes Clause 22.07 to implement the Hepburn Structure Plan Review.
C55	28 MAR 2013	Rezones Crown Allotment 6 Section 41C Township and Parish of Creswick, which is privately owned from Public Park and Recreation Zone to Residential 1 Zone.
C57	28 MAR 2013	Rezones Crown Allotment 2080, Parish of Wombat, 146 Daylesford- Trentham Rd, Daylesford, also described as Lot 1 PS 628986W from Farming Zone to Public Use Zone 5 (Cemetery/Crematorium) to facilitate the extension of the existing Daylesford Cemetery.
C59(Part 1)	18 JUL 2013	Amends Schedule 1 to Clause 42.01 Environmental Significance Overlay to provide a greater number of exemptions for planning permits, remove redundant requirements and introduce exemptions from notice requirements; and amends the Schedule to Clause 66.04 to update the types of applications to be referred to the relevant water authority and remove Department of Sustainability and Environment as a referral authority.
C54	22 DEC 2016	Implements the recommendations of the <i>Hepburn Significant Tree Register Nominations 2011 - Statements of Significance Report, with Planning Scheme Amendment</i> , November 2015 (the Report) by applying a Vegetation Protection Overlay or Heritage Overlay to significant trees or tree planting. The amendment also amends Clauses 21.05, 21.09, 42.02 Schedule 1, 43.01 Schedule and 61.03 Schedule and inserts new Clause 42.02 Schedule 2 and the Report as a reference document.
C67	17 AUG 2017	The Amendment alters the planning scheme maps and the Schedule to the Heritage Overlay so that the Hepburn Planning

Amendment number	In operation from	Brief description
		Scheme is consistent with the Victorian Heritage Register.
C63	7 JUN 2018	The Amendment rezones two parts of the land at 66a West Street, Daylesford (Daylesford Lawn Tennis Club) from Special Use Zone Schedule 3 to General Residential 1 Zone and rezones 209 Main Road, Hepburn from the Rural Conservation Zone to the General Residential 1 Zone. The Amendment also applies the Erosion Management Overlay to 209 Main Road, Hepburn with exemptions from planning permit requirements for the management of planted vegetation.
C72hepb	15 NOV 2018	The Amendment changes the planning provisions for land identified as surplus to Victorian Government requirements. Specifically, the amendment: Rezones 15 Camp Street, Daylesford, from Public Use Zone 1 (Service and Utility) to General Residential Zone – Schedule 1.

Table 17: V, VC and GC Amendments to Hepburn Planning Scheme since 2010

Amendment number	In operation from	Brief description
VC71	20 SEP 2010	Replaced Clauses 10 to 19 of the SPPF with new revised Clauses 10 to 19 and redistributes the existing policies under the following new SPPF themes: Settlement, Environmental and landscape values, Environmental risk, Natural resource management, Built environment and heritage, Housing, Economic development, Transport and Infrastructure. Impact on Hepburn Shire: Provided the current planning scheme format.
VC74	25 OCT 2010	Amended Clause 52.27 to include a permit exemption for variation of liquor licence prescribed under the Liquor Control Reform Regulations 2009. Amends Clause 66 to make the Director of Liquor Licensing a referral authority and the Victoria Police a notice authority for an application under Clause 52.27 in association with a hotel, tavern or nightclub that is to operate after 1am. Impact on Hepburn Shire: Impacts on licensed premises in the Shire.
VC76	19 NOV 2010	Amended Clause 52.43 to introduce a new planning permit exemption for buildings and works associated with a private bushfire shelter. Impact on Hepburn Shire: Significant as large parts of the Shire are subject to the Bushfire management overlay
VC75	16 DEC 2010	Amended references in Clause 16 of the SPPF that relate to the location of residential development and strategic redevelopment sites. Impact on Hepburn Shire: None. The shire does not have any identified strategic development sites that are of state importance.
VC78	15 MAR 2011	Related to Wind energy facility and amends Clause 61.01, 19.01 and 52.32. Impact on Hepburn Shire: Limited. More recent amendments have occurred.
VC79	8 APR 2011	Amended Clause 52.27 to require a planning permit to use land to sell packaged liquor; clarify the circumstances when a

Amendment number	In operation from	Brief description
		planning permit is required under the Clause; and improve the readability of the Clause. Impact on Hepburn Shire: This clause will impact bottle shop, cellar door sales and wineries
VC82	29 AUG 2011	Related to Wind energy facility and amends 52.32, 37.07, 19.01, 52.32 and 81.01. Also amends Clause 36.03 to clarify the condition that relates to land described in the <i>National Parks Act 1975</i> . Impact on Hepburn Shire: Limited. More recent amendments have occurred.
VC77	23 SEP 2011	Amended multiple clauses in the scheme on a suite of specific matters. Impact on Hepburn Shire: Limited. More recent amendments have occurred which update these matters.
VC83	18 NOV 2011	Introduced a new bushfire planning policy and controls and vegetation management and removal controls to Clauses 13.05; 44.06; 52.47 ; 52.48 ; 52.43, 42.01, 42.02, 42.03, 44.01, 44.02, 52.16 and 52.17. Impact on Hepburn Shire: Significant as large parts of the Shire are subject to the Bushfire management overlay
VC86	18 NOV 2011	This amendment responded to bushfire recovery in terms of rebuilding at Clauses 52.38 and 52.39. Impact on Hepburn Shire: Limited as it sets the precedent for more comprehensive bushfire controls in Victoria. The scheme no longer has a clause 52.38 and 52.39. These were sunset clauses that have since been removed.
VC88	20 JAN 2012	Amended the definition and provisions for Restricted retail Clause 74 to expand the types of goods that can be sold; and Clauses 74, 75, 33.01, 33.03, 34.03 and 34.04 Impact on Hepburn Shire: Very small impact as the shire has few businesses of this nature. All definitions are now in Cl 73.03

Amendment number	In operation from	Brief description
VC90	5 JUN 2012	<p>Changed the VPP to introduces Clause 45.09 – Parking Overlay. Amends Clause 52.06, 54.03, 55.03, 37.05.</p> <p>Impact on Hepburn Shire: Very small impact. Hepburn does not have a clause 45.09 or 37.05. CI 52.06, 54.03, 55.03 have been more recently amended.</p>
VC92	29 JUN 2012	<p>Amended Clause 11.04-4 Central Melbourne of the VPP and all planning schemes to introduce a new objective and strategy for major development opportunities that support Central Melbourne’s capital city functions.</p> <p>Impact on Hepburn Shire: No impact</p>
VC94	4 JUL 2012	<p>The amendment introduced new strategies in Clauses 13.01 and 18.03 relating to port planning. Changes Clause 52.06 Car parking.</p> <p>Impact on Hepburn Shire: Limited impact. Port planning is not relevant to the Shire. CI 52.06 has been more recently amended</p>
VC91	31 JUL 2012	<p>Amended Clause 52.32 Wind energy facility to clarify the application requirement, to obtain written consent from dwelling owners located within two kilometres of a turbine, does not apply to a proposed turbine in a residential, an industrial, a business or a special purpose zone.</p> <p>Impact on Hepburn Shire: Significant. The shire has one wind farm with further transmission infrastructure planned.</p>
VC87	8 AUG 2012	<p>Aligned the provisions of Clauses 52.08 and 52.09 with the Mineral Resources Amendment (Sustainable Development) Act 2010.</p> <p>Differentiates between a dry cleaner and a dry cleaning agent and defines a laundromat. Clarifies that a land use listed in Clause 62.01 is permissible in the Rural Conservation Zone, the Farming Zone, the Urban Floodway Zone and the Urban Growth Zone, if the relevant condition is not met. Makes minor administrative and clerical changes to terminology introduced in Amendment VC77.</p>

Amendment number	In operation from	Brief description
		<p>Impact on Hepburn Shire: Very small impact. Clause 62.01 relates to no permit is required for particular infrastructure in the ones listed above.</p>
VC96	15 OCT 2012	<p>Amended Clause 11 Settlement to protect and enhance the significant river corridors of Metropolitan Melbourne.</p> <p>Impact on Hepburn Shire: No impact</p>
VC93	18 DEC 2012	<p>Amended Clause 52.31 to allow an outdoor range area to establish on existing lawfully established broiler farms; and amends Clauses 52.15, 62, 74 and 75 to no longer require a permit for a helicopter landing site that meets amenity requirements.</p> <p>Impact on Hepburn Shire: The Shire does not have a significant number of broiler farms. To date no broader local amenity issues have emerged in relation to heliports, although some local issues were raised during consultations.</p>
VC81	18 FEB 2013	<p>Amended Clause 52.05 to remove the permit requirement for changing the content of an animated or internally-illuminated sign. Amends Clause 52.17 to remove the permit requirement for removing native vegetation by or on behalf of DSE and where it is on Crown land managed by DSE. Amends Clause 52.27 to clarify that a planning permit is not required for a packaged liquor outlet that had a liquor licence before 8 April 2011. Amends clauses 52.27 and 66 to update the title of the ‘Director of Liquor Licensing’ with the ‘Victorian Commission for Gambling and Liquor Regulation’. Amends Clause 52.48 so that a building constructed to replace a dwelling or dependent persons unit damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009 can access these exemptions. Amends Clause 66 to replace the current referral and permit condition requirements for telecommunications facilities with mandatory standard permit conditions on subdivision permits. Amends Clauses 62 and 81.01 to replace references to the outdated <i>Apiary Code of Practice, May 1997</i> with <i>Apiary Code of Practice, May 2011</i>.</p> <p>Impact on Hepburn Shire: Limited impact.</p>

Amendment number	In operation from	Brief description
VC89	5 MAR 2013	Removed Clause 52.43 (Interim measures for bushfire protection) from the <i>Victoria Planning Provisions (VPP)</i> and all planning schemes. Impact on Hepburn Shire: Limited as it sets the precedent for more comprehensive bushfire controls in Victoria. The scheme no longer has a clause 52.43
VC97	5 MAR 2013	This amendment responded to bushfire recovery in terms of rebuilding. Provides Clauses 52.38 and 52.39. Impact on Hepburn Shire: Limited as it sets the precedent for more comprehensive bushfire controls in Victoria. The scheme no longer has a clause 52.38 and 52.39. these were sunset clauses that have since been removed.
VC85	14 MAR 2013	Amended all local schedule relating to heritage, public transport, uses not requiring a permit, Impact on Hepburn Shire: Limited.
VC95	19 APR 2013	The amendment changed the <i>Victoria Planning Provisions (VPP)</i> and all planning schemes by amending Clauses 18, 52.06 and 55.03 and deletes the schedule to Clause 52.06. Impact on Hepburn Shire: Ongoing impacts related mainly to revised car parking provisions.
VC100	15 JUL 2013	The amendment changed the <i>Victoria Planning Provisions (VPP)</i> and all planning schemes to introduce reformed zones and schedules to these zones. These include Clauses 32.03 and 32.05 . 33.01 Industrial 1 Zone and its schedule; introduces a new Clause 34.01 Commercial 1 Zone; replaces all of the Business Zones with the new Commercial 2 Zone in planning schemes and updates all clauses in the scheme to reflect the new zones. Impact on Hepburn Shire: Has an ongoing impact on the Commercial 1, Industrial 1, Township and Low Density Residential Zones but is limited given that these provisions have been operating for seven years. Key matters that need further examination are the

Amendment number	In operation from	Brief description
		schedules to these zones; the minimum lot size in the LDRZ and the performance of the Township Zone. Impact on Hepburn Shire: The Commercial 2 Zone is not applied in the Shire and there were no major implications as a result of the zone translations.
VC104	22 AUG 2013	Amended the residential zones and requirements of Clause 55 because of VC100 and the C1Z to ensure that a design response is provided. Impact on Hepburn Shire: Limited and is superseded by Amendment VC110.
VC103	5 SEP 2013	Introduced the reformed rural zones. Impact on Hepburn Shire: Has an ongoing impact on the future of farming. Council needs to review its performance.
VC102	28 OCT 2013	The amendment changed the <i>Victoria Planning Provisions (VPP)</i> and all planning schemes by: <ul style="list-style-type: none"> ▪ amending Clause 52.01 – Public open space contribution and subdivision ▪ amending Clause 52.29 – Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road ▪ amending Clause 66 – Referral and notice provisions. The amendment changes the VPP and some planning schemes by amending Clause 45.01 – Public Acquisition Overlay and the schedule to Clause 66.04 – Referral of permit applications under local provisions. Impact on Hepburn Shire: Has been implemented into the planning scheme and has an ongoing impact on the provisions used to assess various types of applications.
VC99	10 DEC 2013	The amendment changed the <i>Victoria Planning Provisions</i> and all planning schemes by modifying Standards A10, A11 and A13 in Clauses 54.04-1, 54.04-2 and 54.04-4 and Standards B17, B18 and B20 in Clauses 55.04-1, 55.04-2 and 55.04-4 to: <ul style="list-style-type: none"> ▪ Increase the distance between a wall and a side or rear boundary threshold from 150mm to 200mm for the wall to be considered a wall on boundary. ▪ Increase the average maximum height of a wall on

Amendment number	In operation from	Brief description
		<p>boundary from 3.0 metres to 3.2 metres.</p> <ul style="list-style-type: none"> Update Diagrams A1 and B1 – Side and rear setbacks and Diagrams A3 and B3 – North-facing windows to include dimensions up to 13.5 metres. <p>Impact on Hepburn Shire: Has an ongoing impact on the provisions used to assess residential applications.</p>
VC105	20 DEC 2013	<p>The amendment implemented reforms to Victoria’s native vegetation and biodiversity provisions by:</p> <ul style="list-style-type: none"> Amending Clause 12.01 (Biodiversity) to reflect the new ‘no net loss’ approach rather than the previous ‘net gain’ approach. Amending Clause 52.16 (Native vegetation precinct plan) to reflect the intent of the native vegetation and biodiversity reform package; and Amending Clause 52.17 (Native vegetation) to rationalise information requirements, implement the new risk-based assessment pathways, include a simplified approach for applications under a low-risk based pathway and streamline the determination of offset requirements. Amending Clause 66.02-2 (Native Vegetation - Referral and Notice Provisions) to require the class of application in the high risk pathway as defined in the document ‘Permitted clearing of native vegetation – Biodiversity assessment guidelines’ (Department of Environment and Primary Industries, September 2013) be referred to the Secretary to the Department of Environment and Primary Industries as a recommending referral authority; and Amending Clause 81.01 (Table of incorporated documents in this scheme) to replace ‘Victoria’s Native Vegetation – Framework for Action’ with a new incorporated document ‘Permitted clearing of native vegetation – Biodiversity assessment guidelines’ (Department of Environment and Primary Industries, September 2013). <p>The amendment also updates outdated references to the Department of Sustainability and Environment to reflect the department’s new name, the Department of Environment and Primary Industries in relevant clauses.</p>

Amendment number	In operation from	Brief description
		<p>Impact on Hepburn Shire: Significant with changes to the native vegetation and biodiversity provisions given the Shire contains extensive biodiversity and native vegetation areas.</p>
VC115	4 APR 2014	<p>Changed the Victoria Planning Provisions and relevant planning schemes by:</p> <ul style="list-style-type: none"> providing that the permit exemptions at Clauses 62.01, 62.02-1 and 62.02-2 do not apply to permit requirements in Clause 36.03 ‘Public Conservation and Resource Zone’; amending Clause 36.03-1 ‘Tables of Uses’ to require a use listed in Clause 62.01 be subject to conditions that a use must be conducted by, on behalf of a public land manager or be specified in an incorporated plan; and amending Clause 36.03-3 to require an application for a permit to be accompanied by the written consent of the Secretary to the Department of Environment and Primary Industries where there is no public land manager for the subject land. <p>Impact on Hepburn Shire: Significant with changes to the PCRZ, this affects extensive areas of national and state parks throughout the Shire and the role of the public land manager.</p>
VC108	16 APR 2014	<p>Amended 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 April 2015. Amends 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 April 2015.</p> <p>Impact on Hepburn Shire: Minimal as this clauses has now expired.</p>
VC111	16 APR 2014	<p>Amends Clause 37.07 – Urban Growth Zone in “Part A – Provisions for land where no precinct structure plan applies” and Clause 66 – Referral and Notice Provisions to replace “Growth Areas Authority” with “Metropolitan Planning Authority” to reflect the creation of the new planning authority.</p> <p>Impact on Hepburn Shire: No impact as the Shire does not have any Urban Growth Zone land.</p>

Amendment number	In operation from	Brief description
VC106	30 MAY 2014	The <i>Victoria Planning Provisions (VPP)</i> and all planning schemes were amended to recognise <i>Plan Melbourne</i> and Victoria's Regional Growth Plans by adding, modifying and deleting various clauses Impact on Hepburn Shire: Significant. Applied the Central Highlands Regional Growth Plan to Hepburn.
GC11	13 JUN 2014	The amendment replaced all land in the Residential 1 Zone and Residential 2 Zone with the General Residential Zone and updates the planning scheme maps to reflect the reformed commercial zones. Impact on Hepburn Shire: Significant as the amendment translated most residential land in the Shire into the General Residential Zone.
VC116	1 JUL 2014	Amendment VC116 changed the VPP and all planning schemes by replacing the User Guide. It amended residential zones, schedules to the zones and incorporated plan overlays impacting on those sites. Impact on Hepburn Shire: This amendment introduced the new VPPs and replaced the user guide for planning schemes across Victoria.
VC109	31 JUL 2014	The amendment changed the <i>Victorian Planning Provisions (VPP)</i> and all Victorian planning schemes by amending: <ul style="list-style-type: none"> Clause 44.06 'Bushfire Management Overlay' (BMO) to move the application requirements to Clause 52.47 and include a new mandatory condition for bushfire bunkers. Clause 52.17 'Native Vegetation' to enable the clearing of native vegetation to be undertaken by private landholders on Crown land with the written permission of the Secretary of the Department of Environment and Primary Industries for the purposes of maintaining wild dog exclusion fences. Clause 52.47 'Planning for bushfire' to provide approved and alternative bushfire safety measures for new single dwellings, replacement or extension to an existing dwelling and other buildings. Clause 52.48 'Bushfire Protection: Exemptions' to provide exemptions for the provision of defensible space for a dwelling approved under the BMO. Clause 66 'Referral and Notice Provisions' to change the

Amendment number	In operation from	Brief description
		referral authority status for relevant fire authorities for some development from determining to recommending referral authority Impact on Hepburn Shire: Significant as large parts of the Shire are subject to the Bushfire management overlay
VC113	31 JUL 2014	The amendment changed the <i>Victoria Planning Provisions (VPP)</i> and all planning schemes by amending Clause 52.32 – Wind energy facility to enable minor amendments to be made to a Wind energy facility planning permit issued prior to 15 March 2011. Impact on Hepburn Shire: Limited given the retrospective nature of the amendment. The Shire has one wind farm with further transmission infrastructure planned.
VC117	22 AUG 2014	The amendment introduced Clause 11.14 – Planning for distinctive areas. Impact on Hepburn Shire: No impact as this is outside of the Shire
VC118	22 AUG 2014	The amendment changed the <i>Victoria Planning Provisions (VPP)</i> and all Victorian planning schemes by amending various clauses. Impact on Hepburn Shire: Limited impact. Some aspects of this amendment were policy neutral and administrative in nature. Others affect sites outside the Shire. Other amendments relate to an expired clause and specific use matters such as laundromat and updating references.
VC120	4 SEP 2014	The Amendment changed the <i>Victoria Planning Provisions</i> and all planning schemes by introducing a new Clause 52.43 Live music and entertainment noise. Impact on Hepburn Shire: Limited impact.
VC114	19 SEP 2014	The amendment changed the <i>Victoria Planning Provisions (VPP)</i> and all planning schemes by introducing Vic Smart into Victorian planning schemes across various clauses. <ul style="list-style-type: none"> Clauses 90, 91, 92, 93, 94, 95, 61.01, 65

Amendment number	In operation from	Brief description
		<p>Impact on Hepburn Shire: Further amendments have meant that Vic Smart matters are now embedded throughout the scheme in the zones and overlays and clauses 59.15 and 59.16.</p>
VC124	2 APR 2015	<p>The amendment changed the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes to provide for renewable energy and wind farms. It also amended the VPO, SLO, EMO, SMO and the requirements for a native vegetation precinct plan.</p> <p>Impact on Hepburn Shire: Limited given the retrospective nature of the amendment. The Shire has one wind farm with further transmission infrastructure planned.</p>
VC119	30 APR 2015	<p>The Amendment changed the <i>Victoria Planning Provisions</i> and all planning schemes by:</p> <ul style="list-style-type: none"> amending Clause 52.38 (2009 Bushfire recovery) to extend the timeframe for continued use of a building for temporary accommodation without a planning permit to 30 September 2018; amending Clause 52.39 (2009 Bushfire – Replacement buildings) to extend the timeframe for submitting a site plan to the responsible authority for rebuilding a dwelling, dependent person's unit or building used for agriculture to 30 September 2017. <p>Impact on Hepburn Shire: Limited as this clause has now expired.</p>
VC125	11 JUN 2015	<p>Introduced the current format for wind farms into the scheme by amending Clause 19.01-1, 52.32 and Clause 74.</p> <p>Impact on Hepburn Shire: The Shire has one wind farm with further transmission infrastructure planned.</p>
VC128	8 OCT 2015	<p>The Amendment changed the <i>Victoria Planning Provisions</i> and all planning schemes to address matters outside the Shire.</p> <p>Impact on Hepburn Shire: No impact.</p>
VC101	29 OCT 2015	<p>The Amendment:</p> <ul style="list-style-type: none"> Removed outdated State government reference documents:

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> Added and updated reference and incorporated documents relating to apiaries, bushfire management, cycling and environmental management. Key waste water and potable water matters included: <ul style="list-style-type: none"> Updated the incorporated and reference document Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.2, EPA, 2008) to Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.3, EPA, February 2013) in Clause 19 (Infrastructure) and Clause 81.01 (Table of documents incorporated in this scheme); Updated the reference document Guidelines for planning permit applications in open, potable water supply catchment areas (Department of Planning and Community Development, 2009) to Guidelines for planning permit applications in open, potable water supply catchment areas (Department of Sustainability Environment, 2012) in Clause 14 (Natural resource management) and Clause 19 (Infrastructure). Made a number of corrections, clarification and updates to the VPP including updating names of authorities, removing clauses that had a sunset clause, <p>Impact on Hepburn Shire: Some impact as new guidelines were introduced to manage waste water. This is important as the whole Shire is in a catchment area.</p>
VC107	26 NOV 2015	<p>The Amendment changed to the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes by amendment clauses relating to renewable energy and airports. The renewable energy clauses that were amended are: Clause 19.01-1, 52.32, 61.01-1 and 74.</p> <p>Impact on Hepburn Shire: The airport clauses are of no relevance.</p> <p>The wind farm clauses have limited relevance. The shire has only one wind farm but is anticipating more infrastructure in future.</p>
VC121	21 DEC 2015	<p>The amendment related to the protection of the Yarra River protection.</p>

Amendment number	In operation from	Brief description
		Impact on Hepburn Shire: No impact.
VC126	28 JAN 2016	The Amendment changed the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes by amending: <ul style="list-style-type: none"> Wind energy facility Clauses 52.32 and 19.01-1 Clause 61.01 Impact on Hepburn Shire: Limited. Adds further provisions to wind farms. Hepburn does not have a current Clause 61.01
VC127	4 FEB 2016	The Amendment changed the <i>Victoria Planning Provisions</i> and all planning schemes by updating reference to the coastal strategy 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. <p>Impact on Hepburn Shire: Limited. The Victorian Coastal strategy does not apply to Hepburn. Shared housing is an emerging activity in the Shire.</p>
VC130	4 JUL 2016	The Amendment changed the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes by amending Clause 52.32 (Wind energy facility) to delete clause 52.32-8. <p>Impact on Hepburn Shire: Limited. Adds further provisions to wind farms.</p>
GC39	21 JUL 2016	The state wide amendment changed all schemes in Victoria. It lists uses not requiring a permit. <p>Impact on Hepburn Shire: Uses of note include signage, telecommunications facility, powerlines, how roads are used for alternative use such as roadside stalls, etc.</p>
GC52	29 SEP 2016	The amendment applied to various sites in Victoria and only one in Hepburn, rezoning the rear of 39 East Street, Daylesford, from PUZ1 to IN1Z. <p>Impact on Hepburn Shire: Localised beneficial impact.</p>
VC131	24 NOV 2016	The amendment changed the <i>Victoria Planning Provisions</i> and all planning schemes by amending Clause 52.19 - <i>Telecommunications</i> facility, to exempt a permit application for

Amendment number	In operation from	Brief description
		a telecommunications facility funded (or partly funded) under the Commonwealth Government's <i>Mobile Black Spot Program</i> from the notice and review requirements of the <i>Planning and Environment Act 1987</i> . <p>Impact on Hepburn Shire: Localised beneficial impact to improve mobile coverage and reception throughout the Shire. Council may play a coordinating role with other authorities such as Aboriginal Victoria, Heritage Victoria.</p>
GC57	1 DEC 2016	Amended the schedules to Clauses 52.17 and 81.01 to incorporate the Powerline Bushfire Safety Program - Native Vegetation Removal Code of Practice, August 2016 . A planning permit is not required to remove, destroy or lop native vegetation in accordance with the Code's requirements. <p>Impact on Hepburn Shire: Council should be aware of any significant species and provide this information when needed. It would be unfortunate if significant species were lost if alternatives for powerline location could not be negotiated. (In special cases the powerlines can be placed underground).</p>
VC110	27 MAR 2017	Implemented 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. <p>Impact on Hepburn Shire: Significant to residential zones. Although this review was geared to metropolitan Melbourne residential issues it is relevant to Hepburn's townships and residential zones</p>
VC135	27 MAR 2017	The amendment introduced additional classes of application into the VicSmart provisions, and increased the 'cost of development' threshold of some existing VicSmart buildings and works classes of application. <p>Impact on Hepburn Shire: Administrative impact only.</p>
VC134	31 MAR 2017	The Amendment changed the <i>Victoria Planning Provisions</i> and all planning schemes in Victoria by introducing the new

Amendment number	In operation from	Brief description
		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. Impact on Hepburn Shire: Significant impact and made the planning scheme smaller in size and more tailored to Hepburn. Plan Melbourne noted the significant role of regional Victoria and particularly peri urban Melbourne.
VC136	13 APR 2017	Amendment VC136 introduced state-wide planning requirements for apartment developments. Impact on Hepburn Shire: Limited. The Shire has very few apartments. It may be of increasing relevance in the future.
VC133	25 MAY 2017	The Amendment corrected inconsistencies and improves the structure of planning schemes to enable their migration into the Planning Scheme Information Management System (PSIMS) Impact on Hepburn Shire: Administrative impact only.
VC137	27 JUL 2017	The amendment introduced additional classes of application into the VicSmart provisions for residential, commercial, industrial and rural zones. Impact on Hepburn Shire: Significant. The amendment introduced a significant number of additional classes of application into the VicSmart provisions for residential, commercial, industrial and rural zones with reduced processing times.
VC139	29 AUG 2017	The amendment: <ul style="list-style-type: none"> Introduced new planning requirements for racing dog keeping and training facilities; apartment developments and healthy neighbourhoods. Removed redundant State government references Impact on Hepburn Shire: Limited impact. The urban design guidelines are a useful document. The Shire has limited, if no need for higher density

Amendment number	In operation from	Brief description
		residential design guidelines. The racing dog provisions are relevant.
VC132	19 SEP 2017	Amendment VC132 is a general amendment that made administrative corrections and other changes to the Victoria Planning Provisions (VPP) and all planning schemes in Victoria. Impact on Hepburn Shire: Administrative impact only.
GC13	3 OCT 2017	The Amendment updated the mapping and ordinance for the Bushfire Management Overlay across Victoria by: <ul style="list-style-type: none"> Inserting updated BMO maps into 64 planning schemes. Inserting schedules to Clause 44.06 in 47 planning schemes Deleting redundant references to the Wildfire Management Overlay (WMO) Deleting the BMO (maps and ordinance) in some areas where the vegetation no longer meets the criteria as set out in Advisory Note 46. Amending schedules to clause 61.03 for planning schemes to update the maps listed in the scheme. Impact on Hepburn Shire: Significant impact due to applying the BMO maps and provisions consistently into the planning scheme.
VC141	21 NOV 2017	The Amendment added further provisions to wind farms and updated Heritage Victoria as a referral authority for subdivisions and references to the Heritage Act 2017. Impact on Hepburn Shire: Largely administrative impact.
VC138	12 DEC 2017	The Amendment introduced the state's Protecting Victoria's Environment - Biodiversity 2037. Impact on Hepburn Shire: Positive as it supports Hepburn's biodiversity priorities.
VC140	12 DEC 2017	The Amendment made the State Planning Policy Framework for Bushfire clearer and more directive to enable a resilient response to settlement planning for bushfires. The Amendment made changes to the Victoria Planning Provisions and all planning schemes by: <ul style="list-style-type: none"> Inserting an updated State Planning Policy Framework

Amendment number	In operation from	Brief description
		<p>at <i>Clause 10 Operation of the State Planning Policy Framework</i></p> <ul style="list-style-type: none"> Inserting an updated State Planning Policy Framework at <i>Clause 13 Environmental Risks</i> <p>Impact on Hepburn Shire: Significant and supports Hepburn's concerns regarding mitigating bushfire risk.</p>
VC142	16 JAN 2018	<p>The Amendment included a wide range of reforms across the VPP that generally remove permit triggers, expand permit exemptions for land uses and buildings and works, remove superfluous and outdated provisions, update references, improve and update definitions, clarify common points of confusion and improve the usability of the VPP.</p> <p>Impact on Hepburn Shire: Administrative impact only.</p>
VC144	27 FEB 2018	<p>The Amendment changed the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> Amending Clause 52.05 (Advertising signs) to specify 'electronic sign' in Section 2 of Category 3 - High amenity areas (Clause 52.05-9), with a condition that the advertisement area must not exceed three square metres. Increase the size of the permitted maximum advertisement area of a 'promotion sign' in Section 2 of Category 3 from two to three square metres. Amending Clauses 52.05 and 73 to replace the term 'home occupation' with 'home based business'. Correcting minor errors in Clauses 52.05 and 62. <p>Impact on Hepburn Shire: Largely administrative impact only, although the increase to the size allowed for electronic signage in high amenity issues could create issues in residential areas..</p>
VC145	28 MAR 2018	<p>The amendment amended the <i>Victorian Planning Provisions</i> (VPP) and all planning schemes by:</p> <ul style="list-style-type: none"> Amending Clause 11.05-2 – <i>Distinctive areas of state significance</i>, to reference the Yarra Ranges Localised Planning Statement; Amending Clause 43.01 – <i>Heritage Overlay</i>, to

Amendment number	In operation from	Brief description
		<p>reinstate administrative corrections that were made in Amendment VC132 but inadvertently removed by Amendment VC141;</p> <ul style="list-style-type: none"> Amending Clause 52.19 – <i>Telecommunications Facility</i>, to clarify notice and review exemptions for telecommunications facility permit applications that are funded (or partly funded) by the Victorian or Commonwealth government; and Separating clauses and subclauses into separate documents and the consequential renumbering and rationalisation of certain clauses to enable their migration into the Planning Scheme Information Management System (PSIMS). <p>Impact on Hepburn Shire: Largely administrative impact.</p>
VC143	15 MAY 2018	<p>The Amendment changed the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> Amending Clause 32.07 (Residential Growth Zone) to remove Food and drink premises and Shop from Section 1 – Permit not required and make them Section 2 – Permit required uses subject to conditions. Amending Clause 32.08-4 (General Residential Zone) to enable an area to be exempt from the minimum garden area requirement through a schedule to the zone. Amending Clauses 32.08-3 (General Residential Zone) and 32.09- 3 (Neighbourhood Residential Zone) to: <ul style="list-style-type: none"> Exclude the creation of a vacant lot of 400 square metres or greater from the minimum garden area requirement. Clarify that the minimum garden area requirement does not apply to: <ul style="list-style-type: none"> The creation of a vacant lot less than 400 square metres where there is a precinct structure plan or equivalent strategic plan. The creation of a vacant lot less than 400 square metres where there is an incorporated plan or approved development plan. The creation of a vacant lot less than 400 square metres where there is an approved residential development.

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> ▪ Amending clauses 32.08-4 (General Residential Zone) and 32.09- 4 (Neighbourhood Residential Zone) to: <ul style="list-style-type: none"> ▪ Remove the minimum garden area requirement from applying ▪ to the construction or extension of a dwelling or residential building where a planning permit is not required. ▪ Remove the reference to garden area being required to be provided at ground level. ▪ Clarify that the minimum garden area requirement does not apply to: <ul style="list-style-type: none"> - A medium density housing site in an approved precinct structure plan or equivalent strategic plan. - A medium density housing site in an incorporated plan or approved development plan. - An existing building that did not meet the minimum garden area requirement prior to approval of Amendment VC110. ▪ Amending the Garden area definition at Clause 72 (General Terms) to provide greater clarity about garden area inclusions and exclusions. <p>Impact on Hepburn Shire: Significant and relates to the application of the General Residential Zone in the Shire's townships.</p>
VC146	15 MAY 2018	<p>Amendment VC146 introduced a new overlay, Clause 45.11 (Infrastructure Contributions Overlay).</p> <p>Impact on Hepburn Shire: The planning scheme does not currently have an infrastructure contributions plan. It is however a possibility in the future.</p>
VC148	31 JUL 2018	<p>The amendment changed to the <i>Victoria Planning Provisions</i> and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Deleting the State Planning Policy Framework (SPPF) and replacing it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19. ▪ Deleting Clauses 1.0 (Preliminary) 2.0 (User Guide). ▪ Moving the planning scheme purposes from Clause 1.0 to new Clause 01 (Purposes of this planning scheme) and inserting new Clause 00 (Purpose and Vision).

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> ▪ Moving the operational provisions for the Local Planning Policy Framework (LPPF) to new Clauses 23.02 and 23.03 and inserting a new Clause 23.01 to explain the relationship between the LPPF and the PPF. ▪ Amending provisions (including schedules) to update references to the new MPS and PPF and as a result of the restructure and reorganising of provisions. ▪ Amending Clauses 37.03 (Urban Floodway Zone); 42.01 (Environmental Significance Overlay); 42.02 (Vegetation Protection Overlay); 42.03 (Significant Landscape Overlay); 43.01 (Heritage Overlay); 43.02 (Design and Development Overlay); 43.04 (Development Plan Overlay); 44.01 (Erosion Management Overlay); 44.02 (Salinity Management Overlay); 44.03 (Floodway Overlay); 44.04 (Land Subject to Inundation Overlay); 44.05 (Special Building Overlay and 52.28 (Gaming) to enable schedules to specify additional matters. ▪ Amending Clause 43.01 (Heritage Overlay) to require the schedule 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. ▪ Amending Clause 43.04 (Development Plan Overlay) to clarify when an application is exempt from the notice and review requirements. ▪ Introducing the Specific Controls Overlay (Clause 45.12). ▪ Organising particular provisions into three new categories at Clauses 51, 52 and 53. ▪ Inserting a new section, 'Operational provisions' (Clauses 70 to 74) that consolidates operational, administrative and other provisions. ▪ Making various changes to advertising signs provisions at Clauses 32.04 (Mixed Use Zone), 52.05 (Signs), 62.02, 62.01 and at newly numbered Clauses 73.02 (Sign terms) and 73.03 (Land use terms). ▪ Amending Clause 52.29 (Land Adjacent to a Road Zone 1, Category 1, or a Public Acquisition Overlay for a Category 1 Road) to exempt an application from notice and review requirements and to clarify permit exemptions. ▪ Amending Clause 33.01 (Industrial 1 Zone) to remove the requirement to obtain a planning permit to use land for a 'convenience shop' and 'take away food premises'.

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> Amending Clause 33.03 (Industrial 3 Zone) to remove the requirement to obtain a planning permit to use land for a 'service industry' (in certain circumstances) and a 'take away food premises' Deleting Clause 52.12 (Service station). Amending Clauses 33.01 (Industrial 1 Zone) and 32.04 (Mixed Use Zone) to ensure impacts of service stations are considered. Deleting Clauses 52.13 (Car wash) and 52.14 (Motor vehicle, boat or caravan sales). Amending Clause 52.06 (Car parking) to change the planning permit requirements and number of spaces to be provided in certain circumstances. Introducing incorporated document <i>Principal Public Transport Network Area Maps</i> (State Government of Victoria, 2018). Deleting the VicSmart provisions in Clauses 90 to 95 and consequently: relocating classes of State VicSmart applications to the applicable zones, overlays and particular provisions, local VicSmart provisions to a new Clause 59 (VicSmart applications and requirements) and operational provisions to new Clause 71.06. Making consequential changes to the schedules of applicable particular provisions in planning schemes, including inserting new schedules. <p>Impact on Hepburn Shire: Significant. The Amendment began the translation of the Hepburn Planning Scheme into the new format required by the State Government and provided the basis for the Amendment that flows from the Hepburn Planning Scheme Review.</p>
VC151	6 AUG 2018	<p>Updated the <i>Principal Public Transport Network Area Maps</i> (State Government of Victoria, 2018) with a corrected version of the document.).</p> <p>Impact on Hepburn Shire: Limited. This is a policy natural amendment.</p>
VC147	14 SEP 2018	<p>The amendment made administrative (formatting and clerical matters) changes to the Victoria Planning Provisions (VPP) and all planning schemes.</p> <p>Impact on Hepburn Shire: Minimal. This is a policy neutral amendment</p>

Amendment number	In operation from	Brief description
VC150	21 SEP 2018	<p>The Amendment changed the Victoria Planning Provisions (VPP) and all planning schemes by updating reference documents and provisions relating to animal industries.</p> <p>Impact on Hepburn Shire: Significant as it clarifies and changes the way many farming uses are considered in the Hepburn Planning Scheme and assessed.</p>
VC149	4 OCT 2018	<p>The Amendment changed the Victoria Planning Provisions (VPP) by inserting a new Commercial 3 Zone at Clause 34.03.</p> <p>Impact on Hepburn Shire: Minimal. The Shire has no C3Z land. Other aspects of the amendment further support solar and wind energy.</p>
VC153	4 OCT 2018	<p>Amended Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to extend the expiry date to 30 September 2019.</p> <p>Impact on Hepburn Shire: Administrative and has now expired.</p>
VC152	26 OCT 2018	<p>Responded to various accommodation matters for shared housing, rooming houses, aged care, nursing homes and crisis accommodation.</p> <p>Impact on Hepburn Shire: Supports and augments current housing provisions.</p>
VC154	26 OCT 2018	<p>Changed the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> Deleting Clause 14.02-3S (Water conservation) and integrating these policy statements into a new Clause 19.03-3S (Integrated water management). Amending Clause 19.03-3S (Water supply, sewerage and drainage) to update and broaden water, drainage and stormwater policies to integrated water management policies. 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. Inserting a new particular provision at Clause 53.18 for 'Stormwater management in urban development'. Amending Clause 55 (Two or more dwellings on a lot and residential buildings) to provide transitional provisions for residential development applications to be assessed

Amendment number	In operation from	Brief description
		<p>against the Clause 55 provisions as they existed before the approval date of Amendment VC154.</p> <ul style="list-style-type: none"> 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. 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. Amending Clause 73.01 (General terms) to insert a new general term and definition for ‘stormwater’. <p>Impact on Hepburn Shire: Significant and supports current provisions relating to water management for two or more dwellings on a lot and commercial and industrial developments.</p>
VC155	26 OCT 2018	<p>Amended the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> Amending Clause 15.03-1S (Heritage conservation) to include an additional strategy and policy guideline. 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>Impact on Hepburn Shire: Significant and supports and augments current provisions.</p>
VC157	15 MAR 2019	<p>Introduced changes to the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes to require planning approval for power lines to connect new large-scale electricity generation facilities to the electricity network.</p> <p>Impact on Hepburn Shire: May impact on future transmission lines connecting wind farms to central Melbourne.</p>
GC122	28 MAR 2019	<p>The Amendment made administrative (corrections) changes to all local policy and local schedules.</p> <p>Impact on Hepburn Shire: Minimal. This is a policy neutral amendment.</p>

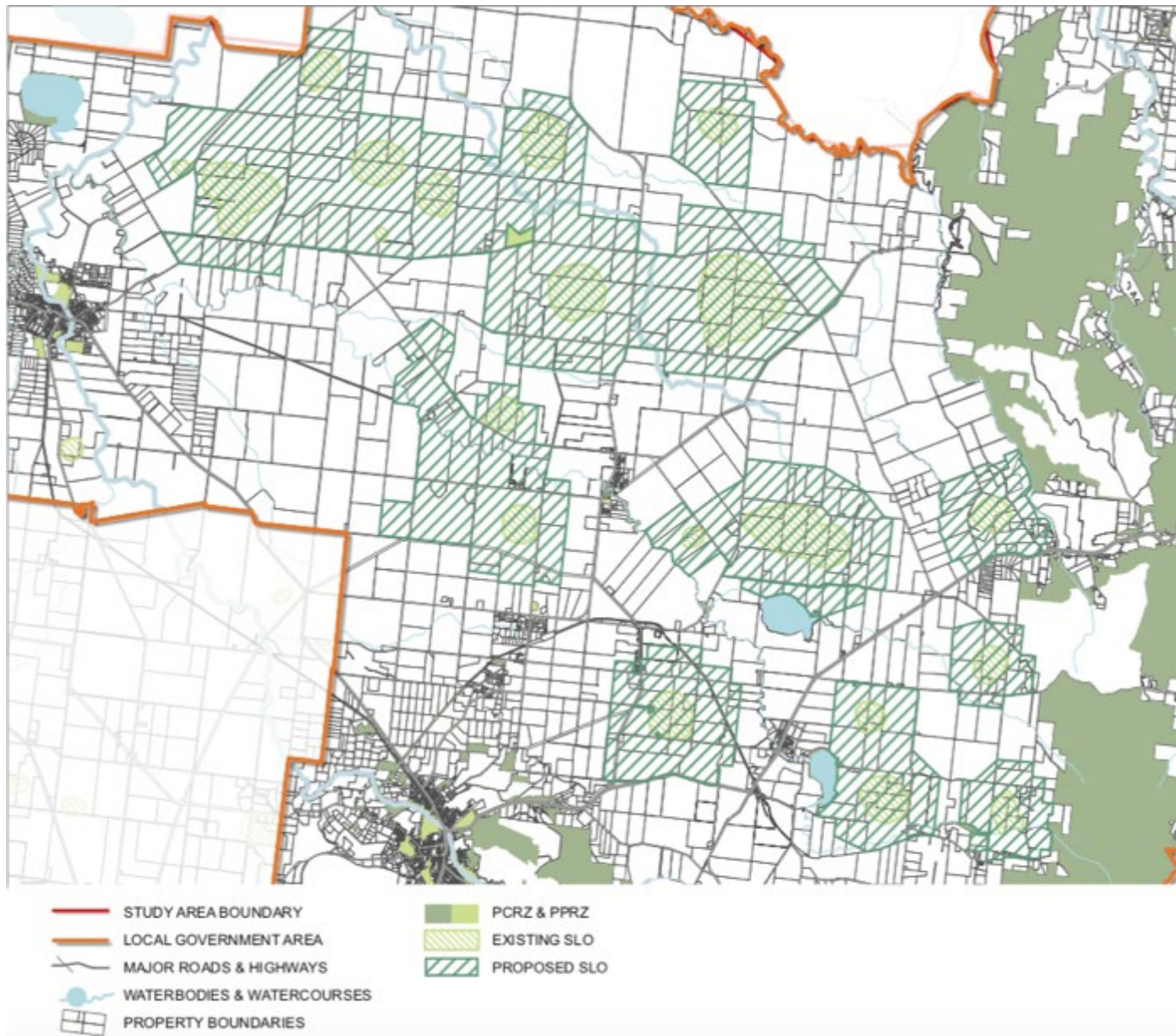
Amendment number	In operation from	Brief description
VC156	11 APR 2019	<p>Introduced changes to the Victoria Planning Provisions and all planning schemes to correct formatting and spelling errors and omissions and to clarify the operation of certain provisions.</p> <p>Impact on Hepburn Shire: Minimal. This is a policy neutral amendment.</p>
VC159	8 AUG 2019	<p>The Amendment supported Smart Planning and addressed land use terms.</p> <p>Impact on Hepburn Shire: Minimal and largely administrative. Supported Smart Planning initiatives and land use definitions used in planning applications.</p>
VC163	16 AUG 2019	<p>Corrected an error in Clause 73.04 (nesting diagrams)</p> <p>Impact on Hepburn Shire: Minimal. This is a policy neutral amendment.</p>
VC161	17 SEP 2019	<p>Amended the Victoria Planning Provisions and all planning schemes to introduce new requirements for renewable energy facilities and a State planning policy for the protection of declared irrigation districts, and makes an administrative correction in relation to Amendment VC157.</p> <p>Impact on Hepburn Shire: Minimal.</p>
VC164	26 SEP 2019	<p>The Amendment changed the Victoria Planning Provisions and all planning schemes by amending Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to extend the expiry date to 31 March 2020.</p> <p>Impact on Hepburn Shire: Minimal. Expiry of this Clause is imminent.</p>
VC158	26 NOV 2019	<p>Introduced a new particular provision to exempt combustible cladding rectification on buildings subject to an emergency order, building notice or building order under Part 8 of the Building Act 1993.</p> <p>Impact on Hepburn Shire: Minimal due to the low rise residential nature of the Shire</p>
VC165	3 DEC 2019	<p>Amended the Victoria Planning Provisions and all planning schemes to introduce notice and review exemptions and to amend the responsible authority status for certain planning</p>

Amendment number	In operation from	Brief description
		applications for non-government primary and secondary schools. Impact on Hepburn Shire: Minimal.
VC160	24 JAN 2020	Amended the Victoria Planning Provisions and all planning schemes to correct errors and omissions, clarify the operation of certain provisions, and implement planning reforms for extractive industries. Impact on Hepburn Shire:

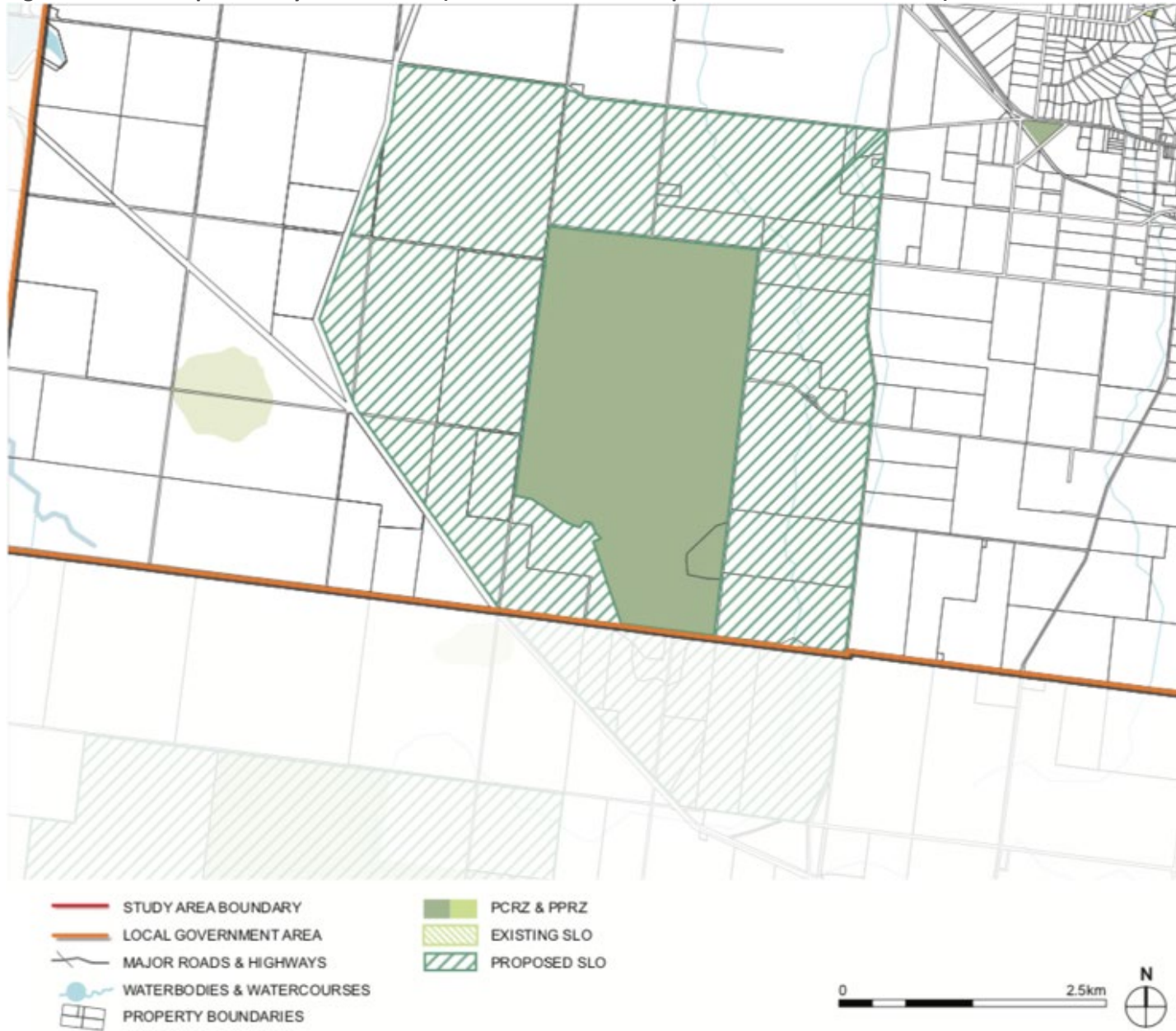
Amendment number	In operation from	Brief description
		Minimal but has some impact on the assessment of extractive industries.
VC170	31 JAN 2020	Introduced a new particular provision to facilitate the Level Crossing Removal Project. Impact on Hepburn Shire: Minimal.

APPENDIX 3: PROPOSED APPLICATION OF SLO1 AND SLO2

Significant Landscape Overlay – Schedule 1 (Expansion of Existing SLO1 for Hepburn Goldmines and Volcanic District)



Significant Landscape Overlay – Schedule 2 (New SLO2 for Island Uplands – Mount Beckworth)



ATTACHMENT 1: DATA AND EVIDENCE REPORT

Provided under separate cover.

ATTACHMENT 2: STAKEHOLDER AND COMMUNITY ENGAGEMENT REPORT

Provided under separate cover.

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