

WANGARATTA PLANNING SCHEME

AMENDMENT C75

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Rural City of Wangaratta, which is the planning authority for this amendment.

The Amendment has been made at the request of the Rural City of Wangaratta.

Land affected by the Amendment

The Amendment applies to all land within the municipality as the amendment proposes to make changes to the Municipal Strategic Statement (MSS).

What the amendment does

The Amendment implements the recommendations of the Wangaratta Planning Scheme Review: background, issues and review report, and meets Council's obligations under Section 12B of the *Planning and Environment Act 1987* (the Act) to review the planning scheme every three years. More specifically, the Amendment:

- Clarifies, simplifies, and improves the language and format of the Local Planning Policy Framework to make policy clearer and easier to interpret using a consistent matrix of verbs for each strategy. The application of this matrix assists the user in understanding the approach to be taken when applying policy.
- Restructures the Municipal Strategic Statement (Clause 21) to follow the same thematic order as the State Planning Policy Framework.
- Amends the Municipal Strategic Statement (Clause 21) to incorporate revised and updated planning policy, a new Strategic Framework Plan and several new plans.
- Deletes Clauses 21.13 and 21.14 as the restructure means these clauses are not required.
- Introduces new policy into the Municipal Strategic Statement that implements:
 - The current Council Plan
 - The *Population and Housing Strategy*, Aurecon and SGS Environment and Planning, Rural City of Wangaratta, adopted by Council 10 December 2013.
 - The Wangaratta Growth Areas Structure Planning Report: Wangaratta North-western Growth Area Structure Plan; Wangaratta Southern Growth Area Structure Plan, Aurecon, October 2015, adopted by Council November 2015.
 - The Wangaratta Central Activities Area, Future Planning Report, August 2013, SMEC Urban.
 - The Wangaratta Project: A Masterplan for the City, Rural City of Wangaratta, Tract Consultants and Hello City, 2016
 - The Glenrowan, Oxley and Milawa Township Development Plans April 2015.
 - The *Wangaratta Freight and Land Use Strategy*, adopted by Council December 2016

- Deletes four local policies:
 - 22.02 Urban Development and Central Activities Area as this policy has been moved to Clause 21.11 Local Areas in the Municipal Strategic Statement.
 - 22.04 Economic Development as this policy has been moved to 21.08-3 Tourism and two stand-alone policies at 22.10 Licenced Premises and 22.11 Wineries and Cellar Door Sales.
 - 22.05 Industry and Business as this policy has been moved to Clause 21.08 Economic Development and a stand-alone policy at 22.12 Medical Centres in Residential Areas.
 - 22.09 Public Open Space contributions as it duplicates policy in the Municipal Strategic Statement at 21.02 and Clause 52.01 Public Open Space Contribution and Subdivision.
- Amends four local policies:
 - 22.06 Environmental Management and Heritage, which has been renamed 22.06 Heritage Places and Precincts. Policy relating to Effluent Disposal and Water Quality has been moved to 21.11 Infrastructure, policy relating to Ridgelines, Escarpments and Hilltops has been moved to 21.03 Environmental and Landscape Values and policy relating to Heritage remains.
 - 22.07 Infrastructure which is now called Hume Freeway Environs to clarify what the policy applies to.
 - 22.08 Advertising Signs Policy which has been amended to remove duplications with Clause 52.05 Advertising signs, and introduce policy that allows for the assessment of animated and electronic signage.
 - 22.11 Oxley Township which has been renamed Wineries and Cellar Door Sales which was previously located in 22.04 Economic Development. The application of this policy has been extended to enable Council to assess similar non-defined uses including breweries, distilleries and farm gate sales. Policy presently relating to the Oxley Township has been moved to an amended and renamed Clause 22.04 Oxley Township, to assist in locating all policy relating to townships together.
- Introduces two local policies, all of which are existing policies that have been moved to 'stand-alone' policies to clarify where they apply and make it easier to locate policy:
 - 22.10 Licenced Premises which was previously located in 22.04 Economic Development.
 - 22.12 Medical Centres in Residential Areas which was previously located in 22.05 Industry and Business.
- Amends Schedule 1 to Clause 43.02 Design and Development Overlay Wangaratta Central Activities Area to delete height controls relating to specific areas that are now redundant.
- Updates the Contents to reflect the changes above.

Table 1 provides more detail of the new framework for Clause 21 Municipal Strategic Statement.

Clause number	New clause name	Effect of the amendment
21.01	Introduction	Updates vision to align with current Council Plan. Deletes irrelevant and duplicitous content. Introduces a new Strategic Framework Plan.
21.02	Settlement	Updates context and issues. Introduces a settlement hierarchy based on existing policy and the <i>Population and Housing Strategy</i> . Introduces a Settlement Framework Plan.

Clause number	New clause name	Effect of the amendment
		<p>Introduces an Activity Centre hierarchy and plan including existing and proposed centres based on existing zoning and Growth Area Structure Plans.</p> <p>Introduces new policy and a plan for the Urban Growth areas in Wangaratta.</p> <p>Incorporates policy relating to Townships & Rural Townships, previously located at Clause 21.07 and Public Open Space policy previously located at Clause 21.14 and Clause 22.09, including Glenrowan and Oxley Access, Movement and Open Space Plans.</p>
21.03	Environment and Natural Resources	<p>Strengthens biodiversity policy to make it more specific.</p> <p>Incorporates policy relating to significant environments and landscapes previously located at Clause 22.06.</p> <p>Clarifies Rivers policy, particularly relating to the Heritage Area of the Ovens River.</p>
21.04	Environmental Risks	<p>Maintains floodplains policy.</p> <p>Maintains soil degradation policy.</p> <p>Incorporates local bushfire policy to assist with the application of discretion in the Bushfire Management Overlay, based on the <i>Township Development Plans</i>.</p>
21.05	Natural Resource Management	<p>Renames the existing Clause 21.05 from Rural Land Use and Agriculture to Natural Resource Management to align with the SPPF.</p> <p>Retains existing rural land and agriculture policy.</p> <p>Maintains water policy.</p>
21.06	Built Environment and Heritage	<p>Maintains urban environment policy.</p> <p>Introduces new sustainable development policy based on the <i>Population and Housing Strategy</i>.</p> <p>Maintains heritage policy.</p>
21.07	Housing	<p>Introduces new residential development policy based on the <i>Population and Housing Strategy</i>.</p> <p>Introduces new affordable housing policy based on the <i>Population and Housing Strategy</i>.</p> <p>Retains existing housing form policy.</p>
21.08	Economic Development	<p>Maintains commercial policy.</p> <p>Incorporates and strengthens industry policy previously located in Clause 22.05.</p> <p>Maintains tourism policy.</p>
21.09	Transport	<p>Maintains transport policy.</p> <p>Introduces policy relating to the freight strategy for Wangaratta.</p> <p>Introduces a Transport Structure Plan.</p>
21.10	Infrastructure	<p>Maintains infrastructure policy.</p> <p>Incorporates Water Supply policy previously located in Clause 22.06.</p>

Clause number	New clause name	Effect of the amendment
21.11	Local Areas	<p>Consolidates policy relating to specific local areas rather than distributing them throughout Clause 21.02 – 21.10.</p> <p>Deletes superseded policy for the Wangaratta Central Activities Area.</p> <p>Introduces new content and a plan for the Wangaratta Central Activities Area based on the <i>Wangaratta CAA Futures Report</i> and the <i>Wangaratta Masterplan</i>.</p> <p>Rationalises the South Wangaratta Urban Renewal Area policy to remove duplications and incorporates a plan.</p> <p>Maintains policy for the North Wangaratta Industrial Area.</p> <p>Provides a structure for policy for other local areas to be incorporated as strategic work is completed.</p>
21.12	Reference documents	<p>Updates the reference documents list to reflect current background policies referred to in the Municipal Strategic Statement.</p> <p>Introduces a consistent format for referencing.</p>
21.13	DELETED	Deletes Clause 21.13 Monitoring as no longer required under the Practice Note.
21.14	DELETED	Deletes Clause 21.14 Public Open Space as the policy has been incorporated into Clause 21.02 Settlement.

Table 1 – Summary of changes proposed by Wangaratta Amendment C75.

Strategic assessment of the Amendment

Why is the Amendment required?

The purpose of the review was to enhance the effectiveness and efficiency of the scheme in achieving the objectives of planning in Victoria, and the objectives and strategies of the planning scheme, including the State Planning Policy Framework and the Local Policy Planning Framework (Section 12B of the *Planning and Environment Act 1987*).

The review was undertaken in accordance with the *Review of Planning Schemes Practice Note* (February 2006) and included an audit and analysis of: current population and demographic data, the current Wangaratta Planning Scheme, outcomes at VCAT and Planning Panels, categories of planning permit applications received, and new policies, plans and strategies adopted by Council.

Consultation was undertaken with Council and external authorities during 2016. Consultation on all the new policy documents being implemented through this review has been undertaken as part of the preparation of those policies.

The Local Planning Policy Framework and Schedule 1 to Clause 43.02 the Design and Development Overlay has been streamlined, duplicitous and unnecessary material has been removed, and current Council policy has been incorporated and written with reference to the Practice Notes *Writing a Municipal Strategic Statement (September 2010)* and *Writing a Local Planning Policy (September 2010)*.

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

The amendment implements the objectives of the Planning and Environment Act 1987 as it will facilitate the fair, orderly, economic and sustainable use and development of land within the Municipality, through the clarification and updating of strategic directions within the Planning Scheme, to guide future and sustainable land use decision making.

The revision and updating of the MSS, including Local Policies align with both regional and Council adopted plans.

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

Environmental effects:

The amendment has fully considered environmental effects.

The amendment will provide more sustainable land use outcomes and protection of environmental values in the Municipality. The amendment includes the referencing of a range of community and agency environmental policy documents as reference (policy) documents to the Wangaratta Planning Scheme.

Social effects:

The amendment is expected to have positive social benefits for the Rural City of Wangaratta generally. Positive social effects and benefits will accrue from the amendment through the introduction of land use strategies and policies for various social and community issues, such as housing and service provision.

Economic effects:

The amendment is expected to have positive economic benefits for the Rural City of Wangaratta generally. Positive economic effects and benefits will accrue from the amendment through the introduction of land use strategies and policies for various economic activity issues, such as business. The amendment includes the referencing of a range of economic policy documents as reference (policy) documents to the Wangaratta Planning Scheme.

Does the Amendment address relevant bushfire risk?

The amendment addresses and meets bushfire risk as it:

- Meets State Planning Policy Framework directions to enhance bushfire risk assessment and protection considerations, facilitate bushfire recovery, strengthen community resilience to bushfire and prioritise the protection of human life.
- Implements strategic directions for bushfire risk and makes reference to planning controls for land use planning in bushfire prone areas under Clause 21.04-3, Environmental risk.

The amendment does not change the application of the Bushfire Management Overlay.

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

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

The amendment has also considered and is consistent with Ministerial Direction 11 – Strategic Assessment of Amendments.

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

The Local Planning Policy Framework provides a local context response to the matters addressed in the State Planning Policy Framework, as they are relevant to the Rural City of Wangaratta and the surrounding environment.

The new LPPF is structured in accordance with the SPPF as indicated in the 'Table of changes'. Appropriate guidance is provided through the MSS in each of the following SPPF areas:

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

The alignment of the two policy areas under the common headings further strengthens and supports the relevant State policy.

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

The amendment replaces the Local Planning Policy Framework, specifically the Municipal Strategic Statement to incorporate current information and policy, remove repetition and by integrating several Local Policies into more appropriate parts of the planning scheme.

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

The amendment removes matters unrelated to planning decision making, minimises duplication between different clauses in the scheme and aligns with the structure of the State Planning Policy Framework for ease of use.

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

All external referral agencies were invited to participate in the planning scheme review process which underpins this amendment. North East Water and VicRoads actively participated in this process and as appropriate feedback and changes have been accommodated within this amendment.

All relevant agencies have been directly notified of this amendment and are invited to make submission as relevant.

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

The amendment introduces new Local Planning Policy in the form of Clause 21.09 Transport which provides a local context to support Clause 18 Transport of the State Planning Policy.

The purpose of the Transport Integration Act is to 'create a new framework for the provision of an integrated and sustainable transport system in Victoria consistent with the vision statement'.

The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible State.

The objectives of the Transport Integration Act 2010 relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, safety, and health and wellbeing.

This amendment is consistent with these objectives by providing policy support for economic growth through the referencing of the Wangaratta Freight and land use Strategy (2016) and the consideration of all forms of transport through the inclusion of a new Clause 21.09 (Transport), which promotes the integration of all forms of local transport including infrastructure, like roads, bridges, pathways and public transport.

There are no specific requirements of the Transport Integration Act, 2010 that apply to this amendment. No statements of policy principle have been issued at this time.

Resource and administrative costs

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

The amendment will provide a clearer, up to date and simplified Local Planning Policy Framework which will reduce officer time spent on interpreting planning controls which are unclear, out of date, or create confusion by duplicating other planning scheme controls. The amendment will provide a greater level of guidance and alignment with other Council policy that will create resource and administrative efficiencies.

Where you may inspect this Amendment

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

Rural City of Wangaratta
Wangaratta Government Centre
62-68 Ovens Street
(Corner Ford and Ovens Streets)
WANGARATTA VIC 3677

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

Submissions

Any person who may be affected by the Amendment [and/or planning permit] may make a submission to the planning authority. Submissions about the Amendment must be received by **Tuesday 17 October, 2017**.

A submission must be sent to:

Post: **Amendment C75**
Strategy Team
Rural City of Wangaratta
PO Box 238
WANGARATTA VIC 3676

Or Email: planningmail@wangaratta.vic.gov.au

Panel hearing dates

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

- directions hearing: **Week of 5 February, 2018**
- panel hearing: **Week of 12 March, 2018**