

4. Planning Scheme Amendment C70moyn – Rural Housing and Settlement Strategy, Consideration of Submissions

Directorate: Economic Development and Planning
Report Author: Strategic Planner

Overview: To consider submissions received in response to Planning Scheme Amendment C70moyn – Rural Housing and Settlement Strategy and recommend that all the submissions be referred to a Planning Panel.

Officer's Recommendation

That Council:

- 1. Accepts Submission numbers 59, 60, 61, 62 and 63 as late submissions.**
 - 2. Considers all submissions to Amendment C70moyn to the Moyne Planning Scheme.**
 - 3. Requests the Minister for Planning to appoint an Independent Panel under Part 8 of the Planning and Environment Act 1987 to consider the submissions.**
 - 4. Refers all submissions to the Panel in accordance with section 23 (1) (b) of the Planning and Environment Act 1987.**
 - 5. Submits to the Panel its response to the submissions generally as outlined in this report and the attachment.**
 - 6. Authorise the Director of Economic Development and Planning to submit to the Panel revised Local Planning Policy taking into consideration the Local Planning Policy Framework (LPPF) Translation for consideration, in accordance with the authorisation conditions.**
-

Background

This planning scheme amendment is based on work and strategies, which commenced in 2007.

It seeks to revise the Moyne Planning Scheme to reflect the recommendations of three strategies adopted by Council being:

- Land Capability and Biodiversity Study (2009).

- Rural Housing and Settlement Strategy (RHSS) (2010).
- Addendum Report to both Strategies (2015).

The intention of the Amendment is to:

- Provide an improved strategic framework and suite of statutory controls to guide the use and development of agricultural land within the Shire.
- Support the provision of diversity in housing stock in the Shire.
- Improve the management of residential and rural residential development within the Shire's smaller settlements.
- Formalise within the Planning Scheme existing areas used for rural living purposes, which have been identified in the RHSS.

Amendment 70moyn proposes to:

- Implement the settlement, housing and land use recommendations of the Moyne Warrnambool RHSS (2010) and Addendum Report (2015), to provide an improved strategic framework and planning controls, which will guide the use, and development of agricultural land, rural living development, and the growth and development of the Shire's smaller settlements.

The proposed changes include:

- Rezoning land from the Farming Zone to the Rural Living Zone at Grassmere, Hawkesdale, Koroit (west and south west), Crossley, Illowa, Killarney, Southern Cross, Tower Hill and Woolsthorpe.
- Rezoning land from the Rural Living Zone to the Farming Zone at Caramut and Nullawarre.
- Rezoning land to the Township Zone at Garvoc, Nullawarre and Purnim.
- Rezoning land from the Farming Zone to the Rural Conservation Zone in proximity to the Budj Bim National Park.
- Reducing the minimum lot size for dwellings and subdivision to 15 hectares in the Farming Zone in the designated 'lifestyle farming' area around Bushfield, Grassmere and Wangoom.
- Reducing the minimum lot size for dwellings to ten (10) hectares in the Farming Zone in the designated 'lifestyle farming' area around Koroit, Kirkstall, Crossley and Tower Hill.
- Increasing the minimum lot size for dwellings and subdivision from ten (10) hectares to 40 hectares within a designated area in the Farming Zone south of the Princes

Highway, between Rocks Road and to the east of Gormans Road, at Killarney and Tower Hill.

Prior to the public exhibition of an amendment (the current stage of this amendment), Council must obtain authorisation to proceed with its preparation from the Minister for Planning.

An application for authorisation to prepare and exhibit the amendment was submitted to the Minister for Planning in January 2020. The purpose of authorisation is to identify whether a proposed amendment is consistent with State policy or interests, and ensure that it makes appropriate use of the Victoria Planning Provisions.

On 6 February 2020, under delegation from the Minister for Planning, the Department of Environment, Land, Water and Planning (DELWP) advised Council that *“the application requires further review to understand the overall impact of the proposed changes to the Farming Zone and Rural Living Zone.”*

The overarching issue raised by DELWP was the overall extent and effect of increasing the supply of RLZ land and housing opportunities in rural areas of the Shire.

After considerable negotiation, conditional authorisation was granted for the Amendment on 12 April 2021 by DELWP, under delegation from the Minister for Planning. The authorisation conditions were:

- Remove the proposed Rural Living Zone at Bushfield/Wangoom, Illowa East and Yarrpturk. The proposed RLZ3 at Bushfield/Wangoom may be replaced by the proposed FZ4.
- Reduce the extent of the proposed Rural Living Zone at Hawkesdale, Koroit West, Southern Cross and Woolsthorpe. Land removed from the proposed RLZ2 at Koroit West should be replaced by the proposed FZ3.
- Increase the minimum lot size at Southern Cross to 2 hectares.
- Remove the area currently within the SLO6 from the proposed FZ2 and retain as FZ.
- Amend the zoning map for Nullawarre to correct minor errors and inconsistencies.
- Renumber the existing RLZ schedule to RLZ1 consistent with the Ministerial Direction on the Form and Content of Planning Schemes and update the planning scheme maps accordingly.
- Consider rezoning RLZ land in Port Fairy and Mailors Flat where a 4 hectare minimum lot size applies to RLZ3 to ensure the areas are more clearly identified in the Scheme, and for consistency with the approach taken by C70moyn to apply different schedules to areas with different minimum lot sizes.

- Redraft the proposed Local Planning Policy to take into consideration the Local Planning Policy Framework (LPPF) translation which is currently being undertaken by DELWP as part of the Smart Planning program. The council should ensure that the proposed local policy content is consistent with the rules in Section 4 and writing instructions in Section 6 of the Practitioners Guide to Victorian Planning Schemes.
- Amend the Instruction Sheet and Explanatory Report to reflect the above changes.

Amendment C70moyn was exhibited in accordance with the provisions of the *Planning and Environment Act 1987* over a period of eight weeks between 4 September 2021 and 8 November 2021.

A notice of the preparation of the Amendment was published in the Victorian Government Gazette on 9 September, 2021. The notice appeared in the Warrnambool Standard on 4 September, 2021 and Moyne Gazette on 9 September, 2021. Notice was given to relevant Government departments, statutory authorities, and to all property owners and occupiers affected by the proposed rezonings and changes to minimum lot sizes.

A total of 64 submissions, including a Change.org submission with 360 signatories, were received in response to the exhibition of Amendment C70moyn (see Attachment 1). The majority of submissions request changes, or object, to particular aspects of the Amendment.

In addition, the 64 submissions include five (5) late submissions received in response to the Amendment.

In accordance with the provisions of the *Planning and Environment Act 1987*, Council must either, change the Amendment in the manner requested by the submissions, refer submissions to a Planning Panel appointed by the Minister for Planning, or abandon the Amendment or part of the Amendment.

This report considers submissions received in relation to the Amendment and recommends that all submissions be referred to a Planning Panel for consideration.

[Strategic Link](#)

Moyne Planning Scheme

Planning and Environment Act 1987

Discussion

A wide range of issues are raised in the submissions. The key issues include:

- Application of the Rural Conservation Zone (RCZ) to land in the Budj Bim National Park Environs – responses from landowners opposing the application of the RCZ.
- Rural Living Zone – requests for additional land to be rezoned to the Rural Living Zone at Hawkesdale, Kirkstall, Koroit West and Southern Cross.
- Rural Living Zone – requests for changes to the location of the land to be rezoned and opposition to the proposed Rural Living Zone at Hawkesdale.
- Rural Living Zone – requests for reductions in the minimum lot size to one (1) hectare or less, at Crossley, Koroit West, Port Fairy, Southern Cross and Tower Hill.
- Farming Zone Schedule 3 ‘lifestyle farming area’ at Koroit West/Crossley/Kirkstall – opposition from farmers to the reduction of the minimum lot size to 10 hectares for an ‘as of right’ dwelling.
- Farming Zone – responses from landowners opposing the increase of the minimum lot size from 10 hectares to 40 hectares in the Belfast Rural Area.
- Township Zone – support for the proposed rezoning at Purnim and making additional land adjacent to the township available for development.
- Requests for Low Density Residential rezonings at Grassmere, Kirkstall, Koroit West and Port Fairy.
- Strategy documents – concerns regarding the time elapsed since the completion of the documents, particularly, the validity of background data, subsequent changes to planning requirements, including the new Environment Protection framework, bushfire planning, etc.
- A small number of submissions express opposition to the entire Amendment.

An assessment of key issues raised in the submissions is outlined below. In the event the submissions are referred to a Planning Panel, as recommended, the assessment will form the basis for Council’s presentation to the Panel.

Application of the Rural Conservation Zone (RCZ) to land in the Budj Bim National Park Environs

A number of submissions were received in opposition to the proposed rezoning, while two (2) support the rezoning of land adjoining the National Park, however, not the land in their

ownership or agricultural land. In addition, the submission from DELWP's Environment Division supports the application of the RCZ as exhibited.

The submissions raise concerns regarding the effects on the future use of the land for agricultural purposes, cleared agricultural land is proposed to be rezoned and other controls would be more appropriate.

Response:

The change from the Farming Zone to the Rural Conservation Zone primarily relates to new land uses and development. There are differences between the two Zones in relation to land uses which do not require a planning permit, land uses requiring a planning permit and prohibited uses.

Key land use changes are that agriculture becomes a use requiring planning approval, and intensive animal production, such as, feedlots, and additional non-farming uses, abattoirs and sawmills are prohibited, in the Rural Conservation Zone.

If the land is rezoned, existing agricultural uses can continue under the provisions of Clause 63 of the Moyne Planning Scheme. An agricultural enterprise would be entitled to undertake all current activities and the Rural Conservation Zone does not regulate land management practices, pest plant and animal control, chemical use, etc.

It is considered that the Rural Conservation Zone will provide an appropriate balance between enabling agricultural production to occur in the area and the need to protect its significant conservation, cultural and environmental values.

Although the extent of the proposed RCZ generally accords with the mapping shown in the Land Capability and Biodiversity Study, concerns have been raised that the mapping does not correspond with the description of the RCZ area in the document. The Study states that *"the Rural Conservation Zone be applied with an ESO5 for habitat protection, to designated uncleared woodland abutting the Mt Eccles [Budj Bim] National Park that is currently in the Farming Zone"*.

Therefore, it is considered that Council's position at Panel should support the removal of cleared farming land titles to the north-east of the extended Budj Bim Environs woodland area, from the proposed Rural Conservation Zone.

Rural Living Zone – requests for additional land to be rezoned, or identified for future rezoning, to the Rural Living Zone at Kirkstall, Koroit West and Southern Cross.

A number of submissions request that additional land should be rezoned to the Rural Living Zone to increase available land supply and reflect existing development patterns.

In relation to Southern Cross, one submission has requested that additional land be identified for future rezoning to the Rural Living Zone. However, another submission requests that there should not be an extension to the extent of the RLZ rezoning at Southern Cross.

Response:

These submissions are seeking the rezoning of additional land, or identification of additional land for rezoning, beyond the areas included in the exhibited Amendment.

Most of these submissions rely on potential demand, the existing subdivision pattern and land use activities to support their requests, but did not present further strategic justification for the expansion of the Rural Living Zone.

The requested Rural Living rezoning at Kirkstall and identification of additional land at Southern Cross for future rezoning were not recommendations of the RHSS or the Addendum Report, and do not have strategic support.

A key justification to support a one-hectare minimum lot size at Southern Cross is that it will avoid the further expansion of rural residential development footprint into agricultural land.

Any expansion of the Rural Living Zone in these locations would need to be based upon a strategic examination and requires investigation beyond that undertaken in the RHSS.

It is noted that the authorisation conditions required a reduction to the extent of the Rural Living rezoning at Koroit West, which was proposed in the Addendum Report. Therefore, the extent of the rezonings proposed in the Addendum Report could not be included in the exhibited Amendment.

Some submissions in relation to this area have requested an expansion of the extent of the proposed rezoning, to be similar to the extent proposed in the authorisation request.

However, rezoning of additional land to the Rural Living Zone would lead to further alienation and fragmentation of agricultural land and potential land use conflicts, which is contrary to State planning policies.

In addition, there is clear State planning policy to limit new housing development in rural areas and direct housing growth into existing settlements.

As the additional land has not been exhibited for Rural Living rezoning under the current Amendment, it is unlikely to be able to be rezoned via a change to C70moyn.

Therefore, the requests to rezone additional land and identify additional land for future rezoning at Kirkstall, Koroit West and Southern Cross, should not be supported as:

- the changes would lead to further alienation and fragmentation of agricultural land and potential land use conflicts.

- additional rezonings are beyond the scope of the Amendment.

Rural Living Zone –requests for additional land to be rezoned, changes to the location of the land to be rezoned and opposition, to the proposed Rural Living Zone at Hawkesdale.

A number of submissions request changes to the location of the land proposed to be rezoned to the Rural Living Zone rezoning at Hawkesdale, or rezoning for business/commercial purposes. One submission opposes the rezoning of any land to Rural Living at Hawkesdale.

Response:

The authorisation conditions required a reduction to the extent of the Rural Living rezoning at Hawkesdale, which has caused concern for some landowners and community members.

Land supply and demand is a key consideration in decisions to rezone land for rural living purposes under the Victorian planning system. The Addendum Report proposed the rezoning of a significant area of land at Hawkesdale, which would provide approximately 50 years land supply.

Building approvals for new dwellings in Hawkesdale have remained at a low rate for several years, and areas of underutilised land exist in the Township Zone. In DELWP's view, these factors did not justify the significant rezonings in the town proposed in the authorisation request.

Therefore, it is unlikely that strategic justification could be provided to support the reinstatement of the extent of the Rural Living Zone at Hawkesdale, proposed in the authorisation request.

Submissions requesting changes to the areas to be rezoned at Hawkesdale are suggesting that development should occur along the Peshurst-Warrnambool Road at the southern entry of the town.

This change would create ribbon development along the township approach, which is contrary to State planning policy. In addition, it has been suggested that this land should be made available for commercial development, which was not a recommendation of the RHSS or Addendum Report.

Further strategic work would be required to determine whether Hawkesdale has capacity and should be identified for further growth, before consideration could be given to identifying additional land for residential/rural living development in the settlement.

This work has been commenced, however, it is beyond the scope of the Amendment and would have been undertaken as a separate planning process.

Therefore, strategic support does not exist for the changes requested in these submissions as:

- further strategic work would be required to determine whether additional land or alternative areas should be rezoned for rural living or other development at Hawkesdale, which is beyond the scope of the Amendment.

Rural Living Zone – requests for reductions in the minimum lot size to one (1) hectare or less, at Crossley, Koroit West, Port Fairy, Southern Cross and Tower Hill.

A number of submissions request a reduction of the minimum lot size in the Rural Living Zone to one (1) hectare or less, at Crossley, Koroit West, Port Fairy, Southern Cross and Tower Hill.

It is noted that one submission supports the exhibited two hectare minimum lot size at Southern Cross.

The authorisation conditions required an increase to the minimum lot size at Southern Cross from one (1) hectare to two (2) hectares. This has resulted in the submissions requesting that the lot size in that location be reduced to one (1) hectare, in accordance with recommendations of the RHSS Addendum Report.

Response:

Apart from the Rural Living rezoning at Southern Cross, the minimum lot sizes in the exhibited Amendment accord with the recommendations of the Addendum Report.

The Addendum Report recommended that a one hectare lot size was appropriate at Southern Cross. However, the authorisation conditions required an increase of the minimum lot size to two hectares.

It is considered that there is some strategic support for a minimum lot size of one hectare in the Rural Living Zone at Southern Cross.

There are minimal environmental constraints affecting the land proposed to be rezoned, and more efficient use of the land intended for rural living purposes could be achieved with a one hectare minimum lot size.

It would reduce the pressure for dwellings on small and larger lots in the Farming Zone around Southern Cross and Koroit, which will assist in preserving productive farmland in the area in accordance with State Planning Policy. In addition, it will avoid the further expansion of rural residential development footprint at Southern Cross into surrounding agricultural land.

The two hectare minimum lot size at Southern Cross, as required by the Minister, would provide a supply of seven (7) additional lots. A minimum lot size of one hectare as recommended by the Addendum Report would provide a supply of 30 additional lots at Southern Cross.

In relation to other locations, there is no strategic support for reduced lot sizes in either the 2010 RHSS or the Addendum Report. Planning policy does not support an increased density of development in the Tower Hill environs due to its environmental and landscape values, and bushfire risk.

In addition, a Work Authority exists for the quarry located within the proposed rezoning at Illowa West. The planning system seeks to protect extractive industry from encroachment while considering the potential adverse amenity effects on accommodation from extractive industry operations.

Consideration of any reduction in the minimum lot size in the other locations would need to be based upon a strategic examination and requires investigation beyond that undertaken in the RHSS and Addendum Report.

Therefore, further strategic work would be required to be undertaken to determine whether reduced lot sizes are appropriate in other locations, which is beyond the scope of the Amendment.

The submissions requesting a minimum lot size of one hectare in the Rural Living Zone at Southern Cross should be supported.

However, the requests to reduce the minimum lot size in other locations should not be supported as:

- reduced lot sizes do not accord with the recommendations of the RHSS or Addendum Report.
- further strategic and site investigation would be required, which is beyond the scope of the Amendment.

Farming Zone Schedule 3 'lifestyle farming area' at Koroit West/Crossley/Kirkstall – opposition from farmers to the reduction of the minimum lot size to 10 hectares for an 'as of right' dwelling.

Submissions have been received from members of the farming community in the subject area, which object to the reduction of the minimum lot size from 40 hectares to 10 hectares for an 'as of right' dwelling. One submission supports the application of the Farming Zone 3 to land adjacent to the proposed Rural Living Zone at Koroit.

There are concerns that the changes will cause a loss of highly productive agricultural land, create land use conflicts between farmers and rural life stylers, raise land values, which will prevent farmers from expanding their enterprises, and lead to larger farming businesses being forced out of the area.

Response:

Although the Addendum Report has identified this area for lifestyle farming purposes, State planning policy clearly seeks to limit the number of dwellings in the Farming Zone and preserve productive farmland.

Given the concerns raised by the farming community, it appears that the Farming Zone Schedule 3 could be detrimental to the agricultural economy and existing farming enterprises, and should be reconsidered.

There is already a significant area south of the Princes Highway between Rosebrook and Dennington, which has a minimum lot size of 10 hectares and can cater for intensive and lifestyle farming. In addition, the Amendment proposes to reduce the minimum lot in the Bushfield area to 15 hectares to cater for lifestyle farming activities.

Therefore, the requests to retain land in the Farming Zone 1 instead of applying the Farming Zone 3 at Koroit West/Crossley/Kirkstall should be supported.

Farming Zone – responses from landowners opposing the increase of the minimum lot size from 10 hectares to 40 hectares in the Belfast Rural Area.

Three landowners in the affected area have objected to the increase in the minimum lot size primarily due to its effects on their property rights, and in one case, requirements of previous planning approvals. One submission requests that a 40 hectare minimum lot size be applied to all of the land on the southern side of the Princes Highway between Rosebrook and Dennington.

Response:

The adopted RHSS Addendum Report recommended the increase in the minimum lot size, as this area is generally held in large farm holdings and intensively farmed. This increase in lot size would not permit any dwellings 'as of right' in the affected area, as none of the lots have an area of 40 hectares or greater.

The existing 10 hectare minimum lot size reflects historical circumstances, however, this is at odds with the current State and local policy context. Ten hectares may not be an appropriate lot size to sustain modern agriculture and could lead to a proliferation of 'rural living' style development in the Farming Zone.

Personal circumstances, such as, hardship, the effect of planning controls on the value of a property, the effect of economic competition and similar considerations are not valid planning considerations.

Planning grounds rather than personal circumstances are the basis upon which planning policies and controls are developed and incorporated into the planning scheme.

Therefore, strategic support does not exist for the change requested in these submissions as:

- the submissions rely upon personal circumstances rather than planning considerations.
- the ten hectare lot size may not sustain modern agricultural practices and could lead to a proliferation of ‘rural living’ style development in the Farming Zone.

Township Zone – support for the proposed rezoning at Purnim and making additional land adjacent to the township available for development.

One submitter supports the exhibited rezoning of land at Purnim. A second submission has suggested that Purnim would be suitable to accommodate additional residential/rural living development, as it is within a short drive of Warrnambool.

Response:

The need for additional land for residential development at Purnim was not identified in the RHSS or the Addendum Report.

Given the limited availability of services available in Purnim, neither the RHSS nor the Addendum Report recommended any expansion of the settlement beyond rezoning the land included in Amendment C70moyn.

Further strategic work would be required to determine whether Purnim should be identified for further growth before consideration could be given to identifying additional land for residential/rural living development in the settlement. This work is beyond the scope of the Amendment.

Therefore, the request to identify additional land for future rezoning at Purnim, should not be supported as:

- it does not accord with the recommendations of the RHSS or Addendum Report.
- further strategic investigation would be required, which is beyond the scope of the Amendment.

Requests for Low Density Residential rezonings at Grassmere, Kirkstall, Koroit West and Port Fairy.

Submissions have suggested that the Amendment should revisit the application of the Rural Living Zone and replace it with the Low Density Residential Zone, to support growth and encourage development, especially in areas of higher growth potential and/or where appropriate services are provided.

Response:

Rezoning land to the Low Density Residential Zone at Grassmere, Kirkstall, Koroit West and Port Fairy does not have strategic support and did not form part of the exhibited Amendment. Neither the RHSS nor the Addendum Report recommended any rezonings to the Low Density Residential Zone in these locations.

In addition, the future growth and development in Port Fairy is being considered via Amendment C69moyn, which is seeking to implement the recommendations of the Port Fairy Coastal and Structure Plan.

Therefore, strategic support does not exist for the changes requested in these submissions as:

- Low Density Residential rezonings not accord with the recommendations of the RHSS or Addendum Report.
- further strategic investigation would be required, which is beyond the scope of the Amendment.

Strategy documents – concerns regarding the time elapsed since the completion of the documents, particularly, the validity of background data, subsequent changes to planning requirements, including the new Environment Protection framework, bushfire planning, etc.

Given the time elapsed since the RHSS strategy was prepared, changes to the planning framework, and the significant changes to population growth in that time, some submissions have requested that Council either abandon the Amendment, or delay progressing it until a new RHSS, supported by further public consultation, is prepared.

Response:

The submissions have raised these issues from varying perspectives, some as a basis to justify the need for additional rezonings or an increased development yield, and others to suggest that the Amendment should not proceed.

Growth rates have generally been modest in the period between the adoption of the Addendum Report in 2015 and outbreak of the COVID-19 pandemic. The release of the 2021 Census data later this year will demonstrate whether anecdotal evidence of recent significant growth is valid.

A number of changes have occurred to the planning framework since the adoption of the strategic documents, which underpin the Amendment.

While the RHSS was completed some years ago and there have been subsequent changes to the planning framework, the development patterns and land use in the areas proposed to be rezoned are substantially unchanged.

In general, the Rural Living rezonings recognise existing development and allow for modest infill development, rather than facilitating broad-scale Greenfield development. The areas proposed to be rezoned are predominantly areas of least risk in relation to bushfire risk and other hazards in the Shire.

The project has created strong community and developer expectations in relation to the development potential of land in parts of the Shire. Given these expectations, it is essential to receive the recommendations of a Panel in relation to the overall strategic justification of the Amendment, at the earliest opportunity.

Environmental effects

The Amendment addresses environmental effects by providing a planning framework, which seeks to focus future growth and development within areas that have capacity to accommodate such growth. Directing growth and development to suitable locations will minimise the effects of inappropriately sited development within more environmentally sensitive areas of the Shire.

Social effects

The Amendment is expected provide enduring positive social benefits. These benefits will accrue through enhancement and protection of lifestyle, landscape, and agricultural land, and through provision of a broader range of residential options within the municipality.

In addition, Amendment C70moyn seeks to create social benefits by providing a planning direction for protecting agricultural land, while supporting rural residential development in appropriate areas, and providing clear direction for the growth and development of the Shire's smaller settlements.

Economic effects

The Amendment seeks to avoid adverse economic effects on agriculture arising from the unplanned loss of productive agricultural land associated with small lot rural residential development. It seeks to minimise any economic impacts by rezoning existing areas where

substantial rural residential development has already occurred, and where rural residential and 'lifestyle' farming pursuits can be appropriately facilitated.

Positive economic effects and benefits will accrue from the Amendment because it will enable existing areas used for rural residential purposes to be developed more efficiently. It will allow additional settlement to be directed to areas where rural living is already (or becoming) the dominant land use, thereby promoting infrastructure efficiencies.

It is anticipated that the Amendment will facilitate growth in designated smaller settlements, which will support the retention of local shops, services and facilities.

Consultation

Formal notification by mail, email, newspaper advertisement, Government Gazette (as required by legislation), was undertaken as part of the public exhibition of the Amendment. Individual consultation sessions were held with community members at Hawkesdale, Budj Bim National Park, Nullawarre and Koroit during October 2021. These sessions enabled members of the community to discuss any issues in relation to Amendment C70moyn with Council officers.

Councillors heard from 25 of the submitters on Tuesday 22 March, to better understand the issues raised in their written submissions. This session provided background of submitter positions and clarification of matters presented.

Should Council resolve to request the appointment of a Planning Panel, the Panel would conduct a public hearing. The Hearing provides an opportunity for submitters to make a presentation to the Panel based on their original submission.

Financial Implications

Council has expended considerable resources and time to date in preparing and reviewing the strategic documents and the Amendment.

The costs of the Amendment, including Panel costs, have been budgeted for within the 2021/2022 financial year.

Risk

Referring a planning scheme amendment to a Planning Panel is a normal part of the planning process and thus there are unlikely to be any risks if Council resolves to request the appointment of a Planning Panel.

However, once a planning authority (Council) decides to proceed with a proposed amendment to the stage of public exhibition, detailed procedural requirements of the Act come into play.

These requirements are designed to ensure that any person who may be affected by a proposed amendment (either as the owner or occupier of land which is to be the subject of changed planning scheme provisions) or who may be affected by changes on other land, is aware of the proposal and has the opportunity to make a submission about the proposal.

Assessment of the submissions has been undertaken on a strategic basis, and the Planning Panel will give consideration to the authorisation conditions, and whether the changes requested are within the scope of the Amendment and any procedural implications.

The project has created strong community and developer expectations in relation to the development potential of land in parts of the Shire. It is clear that the changes required by the authorisation conditions have led to some of these expectations not being met.

If this Amendment is not implemented, Council will continue to operate without a vision and strong planning policy for rural land use and development. This policy gap may allow for the continued loss of significant rural land to ad-hoc development. In addition, it will not provide the support needed to protect the economic role that agriculture has in the municipality and the region (within itself and as an enabler for manufacturing and wholesale trade).

Conclusion

The majority of submissions received in response to the Amendment request changes, or object, to particular aspects of the Amendment.

To provide direction to Council as to how best to proceed with the Amendment, a Planning Panel should be established to consider, and make recommendations on, the issues raised in the submissions.

Furthermore, referring Amendment C70moyn to a Planning Panel will bring the Amendment closer to its conclusion, which is keenly awaited by a number of the Shire's communities.

Therefore, it is recommended that Council refers all submissions, including the late submissions, received in response to Moyne Planning Scheme Amendment C70moyn to a Planning Panel to be appointed by the Minister for Planning. Each submitter would then be advised in writing by Planning Panels Victoria of how they can be involved in the Panel process.

Attachment(s)

Attachment – Amendment C70moyn – Summary of submissions and officer response