

Town Planning Evidence Statement

Planning Panels Victoria

Amendment C70moyn to the Moyne Planning Scheme

Rural Housing and Settlement Strategy

Statement prepared by Damien Drew

Strategic Planner

Moyne Shire Council

Date: 5 September 2022

1. INTRODUCTION

1. I received instructions from Jackson Lane Legal, acting on behalf of the Moyne Shire Council (*the Council*), to prepare a statement of planning evidence in relation to Amendment C70moyn (*the amendment*) to the Moyne Planning Scheme.
2. The Amendment proposes to update the Moyne Planning Scheme to implement the recommendations of the Moyne Warrnambool Rural Housing and Settlement Strategy 2010, and Rural Housing and Settlement Strategy Addendum Report – August 2015 (*the supporting documents*).
3. My evidence relates only to matters associated with my involvement in, and background to, the amendment. I was not involved in the preparation of the supporting documents.
4. I appreciate that as a Council officer, I am not able to provide independent evidence or to ‘peer review’ the work of the Council in preparing the amendment or resolving on the preferred form of the amendment for the Panel’s consideration. My role in preparing this statement of evidence is to assist the Panel to gain an understanding of the background to the amendment, informed by the supporting documents and Scheme and land use context.

1.1 My evidence

5. I am a qualified town planner and I have over 20 years of experience working as a town planner in local government in Victoria, most of which has been gained in roles where my primary responsibilities have been undertaking work for councils in the capacity of a planning authority, not a responsible authority.
6. I have been instructed to prepare an expert witness statement for the assistance of the Panel which describes, in a consolidated manner and township by township, the consideration and recommendations for future zoning and land use set out in various studies including the supporting documents, in the conditions of authorisation of the amendment, in the exhibited form of the amendment and, where relevant, in the resolution of Council made at the time of the request to the Minister to appoint this Panel.
7. In preparing this statement, against a background of my knowledge of the various townships of Moyne, I have:
 - considered the exhibited amendment documentation, including the explanatory report, ordinance and mapping changes;
 - considered the Moyne Shire Land Capability and Biodiversity Project Study 2009; Moyne Warrnambool Rural Housing and Settlement Strategy 2010, and Rural Housing and Settlement Strategy Addendum Report – August 2015;
 - considered relevant aspects of the Moyne Planning Scheme, including the Planning Policy Framework and any relevant background documents; and
 - considered the submissions received by the planning authority in response to the exhibition of the amendment.
8. The purpose of my statement of evidence is first to assist the Panel in its review of the key documents that comprise the background to the Amendment, noting that there is a large volume of information spanning over a number of years and covering

a large geographic area of the Shire. This expert witness statement secondly seeks to provide context to understanding the submissions that have been referred to the Panel, as well as some context about the preferred form of the amendment as set out in the Council resolution of 3 May 2022.

9. My role is not to, nor have I been instructed to, conduct primary or secondary research into (or in any other way to express or provide expert strategic planning opinions in relation to) the planning merits of Council's preferred position on the amendment as outlined in paragraphs 7c or 7d of the Council Resolution of 3 May 2022.

1.2 My role in Amendment C70moyn

10. I have been Council's project manager for the amendment since August 2019. In the time since I have been project managing the amendment, I have been involved in finalising preparation of and attending to statutory steps involved in the exhibition of the amendment. As stated by me earlier, I have not had any involvement in commissioning, reviewing drafts or adoption of the strategies that the amendment seeks to implement (i.e. the supporting documents). The amendment documents, in particular, the planning policy framework provisions, were developed by a consultant planner on behalf of Council at a time prior to my involvement with the amendment (i.e. prior to August 2019).
11. On behalf of Council, I submitted the request for authorisation of the amendment and I prepared and collated information to respond to questions raised by the Department of Environment, Land, Water and Planning (*DELWP*) regarding the authorisation request.
12. I managed the exhibition of the amendment and I attended to responding to questions raised by community members, land owners and submitters on behalf of Council in relation to the exhibited amendment during and following the exhibition period.
13. I prepared the Council Report and the 'response to submissions table' (under the supervision of my Manager) that is attached to the Council Meeting Agenda of the 3rd of May 2022. That document provides a comprehensive listing and a response to all submissions received.

2. PLANNING EVIDENCE

2.1 Overview

14. The amendment proposes to implement the settlement, housing and land use recommendations of the supporting documents (the Moyne Warrnambool Rural Housing and Settlement Strategy (2010) and Addendum Report (2015)), to provide an improved strategic framework and suite of statutory controls to guide the use and development of agricultural land, and to improve the management of residential and rural residential development within the Shire's smaller settlements.
15. For ease of the Panel's understanding of the amendment and the submissions that have been referred to the Panel, it is logical and convenient to examine the background to the amendment in two parts.

16. The first part of my consideration of the amendment background examines those parts of the amendment that Council asks the Panel to recommend be adopted that are in all respects the same as the exhibited form of the amendment.
17. The second part of my consideration of the amendment background examines those parts of the amendment where Council's preferred position departs from the exhibited form of the amendment.
18. I note that Council's resolution in relation to a number of submissions was different from the recommendation and response contained in the 'response to submissions' table attached to the Council Agenda of 3 May 2022. I was largely responsible for preparation of the 'response to submissions' table, but the preferred version of the amendment that the Council asks the Panel to recommend be progressed is in line with the Council resolution.
19. My statement of evidence does not consider the two elements of the amendment, which were abandoned by Council following consideration of submissions:
 - the application of the Rural Conservation Zone Schedule 2 (RCZ2) to the Budj Bim National Park Environs; and
 - the increase to the minimum lot size from 10 hectares to 40 hectares within the Farming Zone in the area south of the Princes Highway, bounded by Rocks Road to the east of Gormans Road, at Killarney and Tower Hill.

These aspects of the amendment are not before the Panel, the submissions received about these aspects of the amendment having not been referred.

20. My evidence statement is locality based and in two parts
 - **Appendix A – Areas consistent with the exhibited Amendment;** and
 - **Appendix B – Areas subject to the Council Resolution Changes.**

REQUIREMENTS UNDER PLANNING PANEL'S GUIDE TO EXPERT EVIDENCE

21. This statement is prepared by Damien Drew, Strategic Planner, Moyne Shire Council, Princes Street, Port Fairy VIC 3284. I have been employed by the Council since August 2016.
22. I have a Bachelor of Applied Science (Planning). I have been engaged in positions and roles in my career as a planner including:
 - Subdivisions Planner, City of Greater Geelong (1994-2004)
 - Senior Strategic Planner, City of Greater Geelong (2004-2007)
 - Senior Strategic Planner, City of Ballarat (2007-2012)
 - Senior Strategic Planner, Moorabool Shire Council (2012-2016)
23. I have considerable experience in statutory and strategic planning and have presented submissions on behalf of councils at both the Victorian Civil and Administrative Tribunal and Planning Panels Victoria.
24. I have been involved in a broad range of strategic planning projects, including the preparation and/or implementation of rural strategies, industrial land use strategies, growth area strategies, town centre strategies, and structure plans for cities and towns in regional Victoria.
25. My expertise to make this statement is based on a combination of my experience working in regional Victoria, an understanding of the Amendment and my experience as a planner in the public sector.
26. I have been instructed by Jackson Lane Legal, acting on behalf of the Moyne Shire Council to provide planning evidence in relation to Amendment C70moyn to the Moyne Planning Scheme to assist the Panel's understanding of the amendment.
27. I have relied on the documents referred to in the introductory section of my statement.
28. There were no tests undertaken in the preparation of this statement.
29. I was not assisted in this statement by any other significant contributors.
30. I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.
31. I confirm:
 - I will be alone in the room from which I am giving evidence and will not make or receive any communication with another person while giving my evidence except with the express leave of the Panel
 - I will inform the Panel immediately should another person enter the room from which I am giving evidence
 - during breaks in evidence, when under cross-examination, I will not discuss my evidence with any other person, except with the leave of the Panel

- I will not have before me any document, other than my expert witness statement and documents referred to therein, or any other document which the Panel expressly permits me to view.



Damien Drew
Strategic Planner
Moyne Shire Council

5 September 2022

Appendix A – Areas consistent with the exhibited Amendment

Bushfield/Grassmere/Wangoom (one submission)

Overview

The area is contiguous to Warrnambool CC's northeast boundary and beyond the Bushfield township area. It contains some hobby farms, large shedding and horse training facilities. It is relatively contained, and some demand is evident for rural residential development. It has connections to services in Warrnambool and not required for conventional housing. The area has few obvious constraints, although the area abuts a large supply of existing undeveloped RLZ / LDRZ within the Bushfield/Woodford township.

Existing Planning Controls

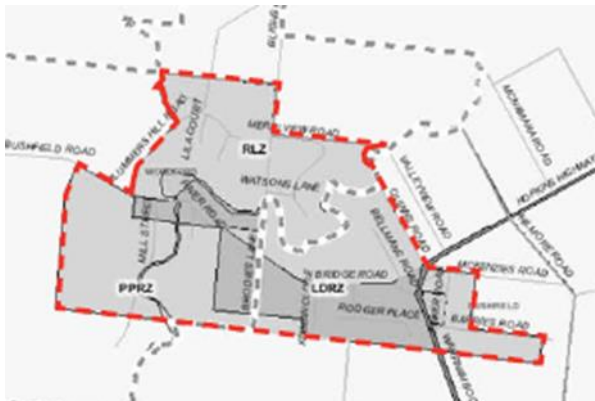
The land is in the Farming Zone and is not subject to any Overlay controls.

Land Capability and Biodiversity Study 2009

The Land Capability and Biodiversity Study 2009 did not recommend any reduction of the Farming Zone minimum lot size of 40 hectares, in this area.

RHSS 2010

The RHSS 2010 did not recommend any changes to the Moyne Planning Scheme in this locality. Its recommendations were confined to land within the Warrnambool City boundary. A minimum lot size of 15 hectares applies in the FZ in WCC.



Addendum Report 2015

The Addendum Report 2015 recommended a reduction of the minimum lot size for subdivision and dwellings from 40 hectares to 15 hectares in the Farming Zone within an area at Bushfield.

In addition, the Addendum Report recommended the rezoning of part of the area to Rural Living Zone with a 4 hectare minimum lot size for subdivision and dwellings.

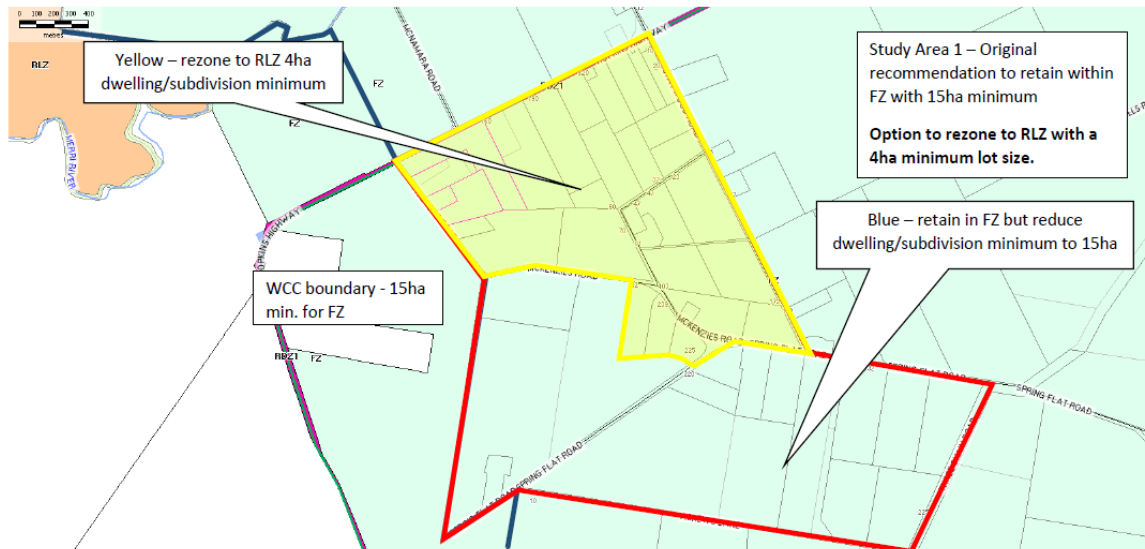
The Addendum Report 2015 recommended the following revised Planning Scheme changes:

- Based on land use review and lot yield survey for Study Areas 1 and 2, it is recommended that the minimum lot size for dwelling and subdivision be reduced to 15 hectares, reflecting the existing land uses and providing consistency with Warrnambool City Council's Farming Zone for part of the area as per the map below and rezone some

of the land to Rural Living Zone with a 4 hectare minimum lot size for subdivision and dwellings that best reflects the existing land use pattern.

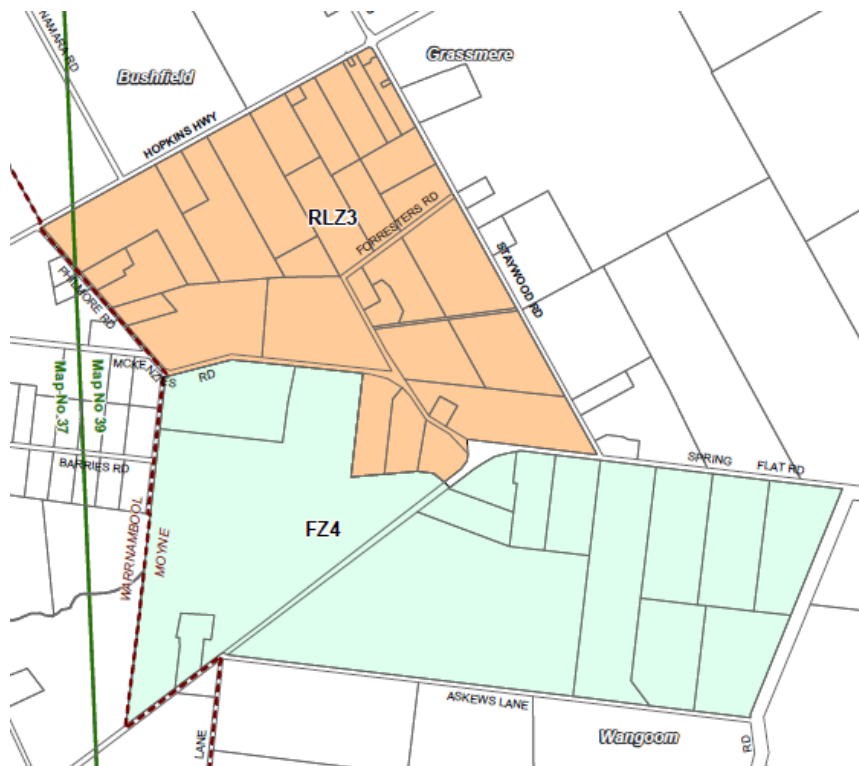
- Study Area 3 should maintain a 40 hectare minimum based on land use characteristics for agriculture.

Bushfield/Grassmere/Wangoom Study Area – Rural Living Zone - rezoning option



Authorisation Request

No change to the Addendum Report 2015 recommendations.

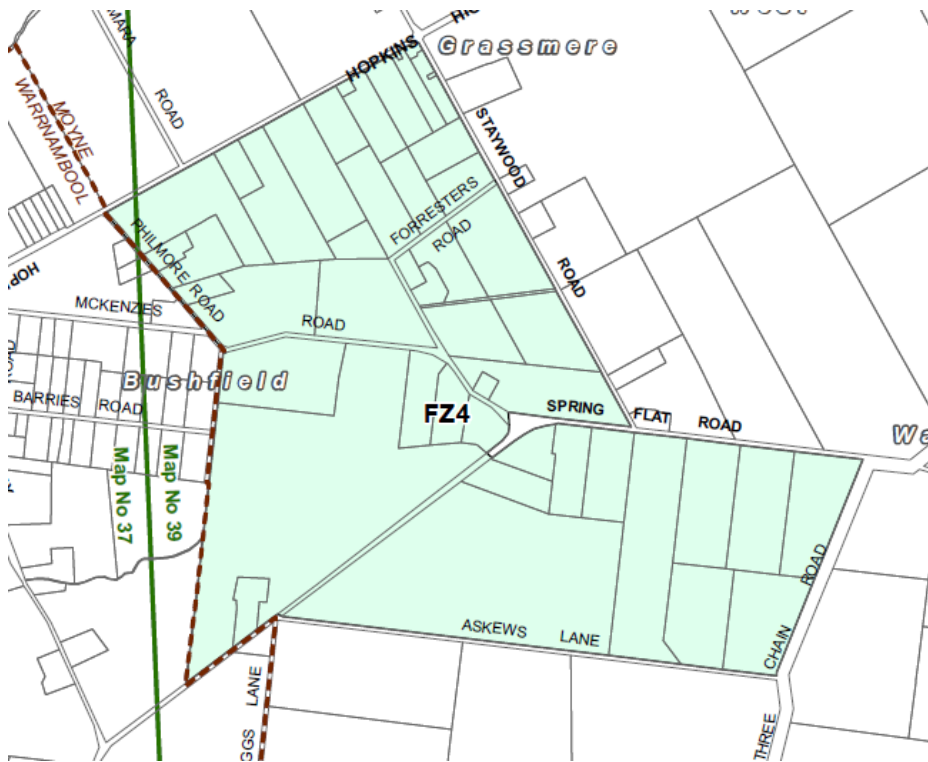


Authorisation Conditions

The authorisation conditions required the removal of the proposed Rural Living Zone at Bushfield/Wangoom (RLZ3), and allowed it to be replaced by the proposed FZ4.

Exhibited Amendment

The exhibited amendment proposed to rezone the subject land to Farming Zone Schedule 4 (15 hectare minimum lot size) in accordance with the authorisation conditions.



Area proposed to be rezoned to FZ4	
Existing lots	54
Existing dwellings:	44
Vacant lots:	10
Potential additional lots:	9
Total lot supply:	19

Submissions

One (1) from the Warrnambool City Council.

Council Resolution May 2022

No change to the exhibited amendment.

Discussion

Strategic justification for the reduced lot size in this area is reliant upon the Addendum Report and that the FZ in the adjoining City of Warrnambool has a minimum lot size of 15 hectares.

Caramut (no submissions)

Overview

Caramut is an established settlement that provides a local service centre function midway between Mortlake and Hamilton, and 48 kilometres north of Warrnambool. It has a CFA brigade, general store/post office, hotel, and public hall, however, there is no reticulated sewerage. It is partially zoned Township comprising 65 hectares, and Rural Living, comprising 52 hectares which is undeveloped.

There is little demand evident for land in the area and negligible take up of the substantial area of Rural Living zoned land north-west of the settlement.

Population	2011 Census	2016 Census	2021 Census	Change 2016-2021
Caramut	351	246	256	+10

Source: Australian Bureau of Statistics

Existing Planning Controls

The land is in the Rural Living Zone and is not subject to any Overlay controls.

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Define a Settlement Boundary.
- Back zone all of the Rural Living land north of Gibson Street to the Farming Zone.



Addendum Report 2015

No change to the RHSS 2010 recommendations.

Authorisation Request

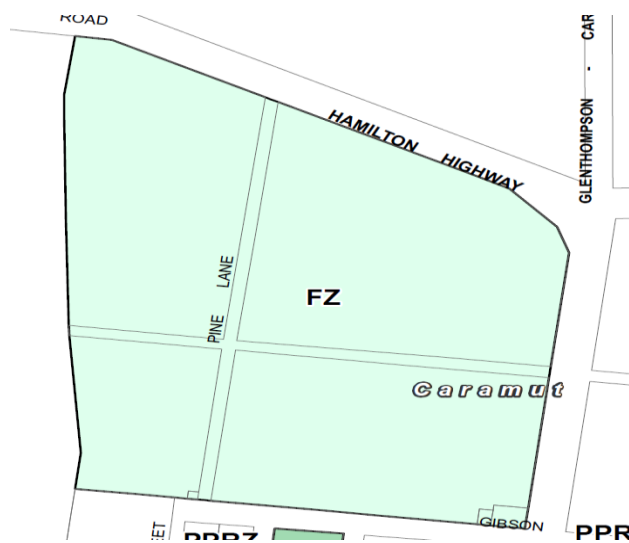
No change to the RHSS 2010 recommendations.

Authorisation Conditions

No change to the RHSS 2010 recommendations.

Exhibited Amendment

The exhibited amendment proposed to back zone the existing Rural Living Zone land to the Farming Zone, in accordance with the recommendations of the RHSS 2010.



Back zonings – RLZ to Farming Zone			
Locality	Area	Developable Area (– 20%)	Estimated loss of lots
Caramut	51.96 hectares	41.568 ha (-10.392 ha)	41

Submissions

None

Council Resolution May 2022

No change to the exhibited amendment.

Discussion

The strategic justification for the back zoning of the RLZ land is provided by the RHSS 2010, based on the limited development and low population growth occurring in the town.

Garvoc (no submissions)

Overview

Garvoc is located on the Princes Highway between Terang and Warrnambool. Community facilities and infrastructure include a CFA brigade, community hall and recreation reserve, but it does not have reticulated sewerage.

The majority of the Township Zone land at Garvoc is located within the Corangamite Shire.

Population	2011 Census	2016 Census	2021 Census	Change 2016-2021
Garvoc	282	243	248	+5

Source: Australian Bureau of Statistics

Existing Planning Controls

The land is in the Farming Zone and is not subject to any Overlay controls.

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Include a Settlement Boundary.
- Introduce a Restructure Overlay over the land zoned for township with a requirement that the minimum lot size to establish a dwelling will be subject to town specific waste management strategies which are dependent upon soil type.

The RHSS 2010 did not recommend any zoning changes at Garvoc.



Planning scheme changes
<ul style="list-style-type: none"> - Include a Settlement Boundary. - Introduce a Restructure Overlay over the land zoned for township with a requirement that the minimum lot size to establish a dwelling will be subject to town specific waste management strategies which are dependent upon soil type.

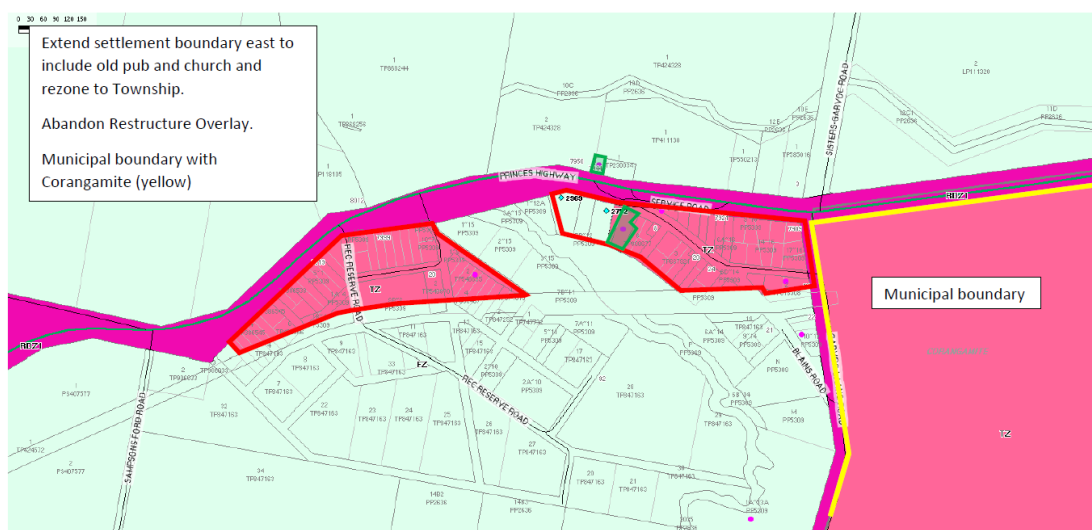
Addendum Report 2015

The Addendum Report 2015 recommended a minor extension of the Township Zone and Settlement Boundary to include lots containing the former hotel, a dwelling and the former Presbyterian Church. These lots are located between two areas of land within the Township Zone, which are separated by Yaloak Creek.

The Addendum Report 2015 recommended the following revised Planning Scheme changes:

- Include land formerly used as the hotel and the church in the Township Zone.
- Abandon the proposed Restructure Overlay.

GARVOC – Addendum Zoning and Settlement Boundary



Authorisation Request

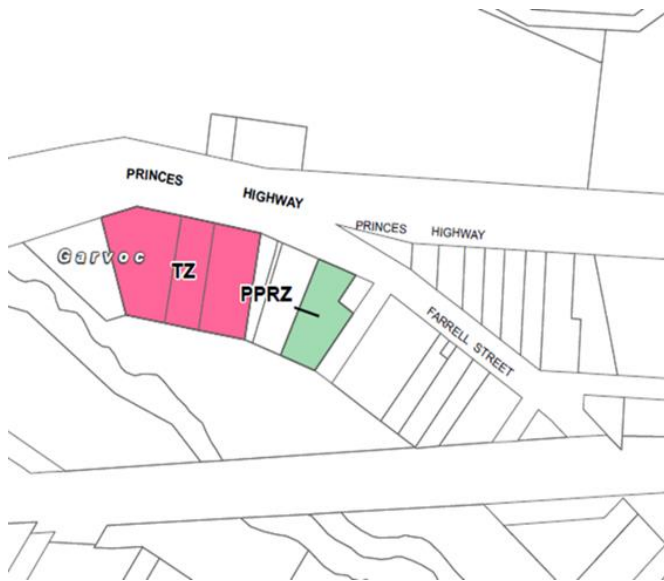
No change to the Addendum Report 2015 recommendations.

Authorisation Conditions

No change to Addendum Report 2015 recommendations.

Exhibited Amendment

The exhibited Amendment proposed to rezone three lots from the Farming Zone to the Township Zone, in accordance with the Addendum Report recommendations.



Area proposed to be rezoned to the Township Zone	
Existing lots	3
Vacant lots:	0
Potential additional lots:	0
Total lot supply:	0

Submissions

None

Council Resolution May 2022

No change to the exhibited Amendment.

Discussion

The minor extension to the Township Zone accords with the recommendations of the Addendum Report 2015. It will correct a zoning anomaly by including existing urban uses within the settlement/township boundary.

Grassmere (one submission)

Overview

Grassmere is a small agricultural community with scattered housing and is approximately 10 kilometres north of Warrnambool. It is located to the north of the Hopkins Highway and has limited facilities and services including a church, CFA brigade, hall, and primary school. Reticulated water and sewerage are not provided to the settlement. The settlement comprises 36 hectares with 27 titles of which four (4) are vacant, and is currently zoned for farming purposes.

Population	2011 Census	2016 Census	2021 Census	Change 2016-2021
Grassmere	447	402	385	-17

Source: Australian Bureau of Statistics

Existing Planning Controls

The settlement is in the Farming Zone and is not subject to any Overlay controls.

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Re-zone the village and approved subdivisions to the Rural Living Zone (minimum 2 hectares).
- Include a Settlement Boundary.



Addendum Report 2015

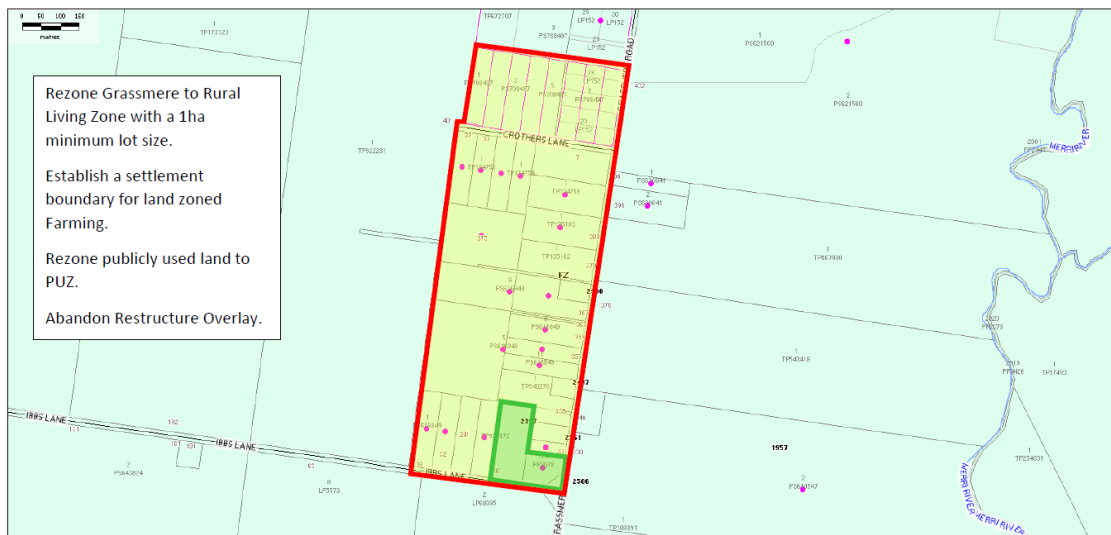
The Addendum Report 2015 recommended a modest increase to the RHSS 2010 proposal with the inclusion of lots on the northern side of Crothers Lane.

In addition, the Addendum Report recommended a 1 hectare minimum lot size as it best reflects the title dispersion and will provide for some limited growth, providing appropriate sized lots capable of treating and retaining wastewater.

Therefore, the Addendum Report 2015 recommended the following revised Planning Scheme changes:

- Proposed settlement boundary to be extended to the north of Crothers Lane to include a new subdivision.
- Rezone the settlement to Rural Living with a 1 hectare minimum lot size.
- Rezone public land to the Public Use zone.
- Abandon use of the Restructure Overlay.

GRASSMERE – Addendum Zoning and Settlement boundary



Authorisation Request

No change to the Addendum Report 2015 recommendations.

Authorisation Conditions

No change to the Addendum Report 2015 recommendations.

Exhibited Amendment

The exhibited Amendment proposed to rezone the settlement from the Farming Zone to the Rural Living Zone Schedule 1 with a 1 hectare minimum lot size, in accordance with the Addendum Report recommendations.



Area proposed to be rezoned to RLZ1	
Existing lots	33
Existing dwellings:	26
Vacant lots:	5
Potential additional lots:	6
Total lot supply:	11

Submissions

One (1) requesting the application of the Low Density Residential Zone instead of the RLZ. (Submitter 38).

Council Resolution May 2022

No change to the exhibited Amendment.

Discussion

Grassmere serves an important local catchment role to the surrounding rural area. It provides a local primary school, community hall and CFA brigade.

The RLZ will recognise the rural living nature of the settlement, which is not contributing to active farming pursuits.

It reflects the existing pattern of development in the settlement, which is relatively intense fronting the existing roads. The majority of lots are approximately 1 hectare in area and most contain dwellings. It will cater for some limited growth, providing appropriate sized lots capable of treating and retaining wastewater.

The land does not appear to have any obvious constraints, and limited productive agricultural activity is being undertaken within the area proposed to be rezoned.

Construction of an unmade road will be required to provide access if the larger lots in the settlement are to be subdivided. Due to those development costs, subdivision of these lots is unlikely to be viable if the minimum lot size is greater than 1.0 hectare.

Koroit to Kirkstall corridor and Crossley Farming Zone 3 Area (eight submissions)

Overview

Much of the precinct appears to be productively farmed, with cropping and grazing activities occurring on the land. There are large scale dairying enterprises, which exist within and adjacent to this area, supporting a view that the area has agricultural value.

Ad hoc rural residential development has also occurred in the area, primarily along road frontages in the eastern half of the area, close to Koroit and Crossley.

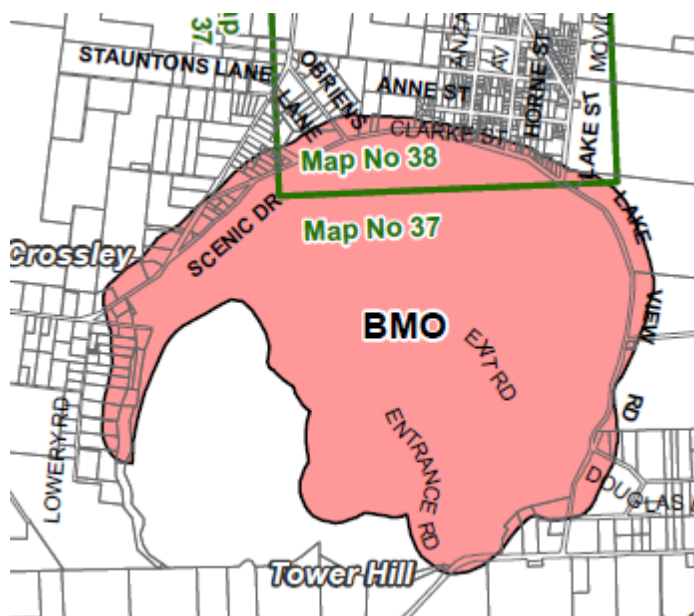
Population	2011 Census	2016 Census	2021 Census	Change 2016-2021
Crossley	351	215	235	+20

Source: Australian Bureau of Statistics

Existing Planning Controls

The land is in the Farming Zone and is subject to the following Overlay controls:

- Bushfire Management Overlay (small part of the proposed FZ3 area on the western side of the Koroit –Port Fairy Road).
- Significant Landscape Overlay Schedule 6 - Tower Hill and Environs (land in the south-eastern part of the proposed FZ3 area on the eastern and southern sides of the Koroit – Port Fairy Road).





Land Capability and Biodiversity Study 2009

This area is within *Planning Unit 9 - Koroit / Grassmere* identified in the Land Capability and Biodiversity Study 2009.

The Study found that due to changed economics, past extensive potato and onion production has diminished in favour of irrigated pasture for dairying. Further changes in agricultural land use are likely into the future on this land due to its high agricultural diversity.

Median property size by locality is mainly less than 20 hectares with the localities near urban centres having a median property size of 2 hectares. Consolidation of agricultural properties into larger businesses, rather than subdivision into smaller farming lots is a more logical scenario for the future.

However, the need for some orderly planned Rural Living may potentially be justified near Koroit and Kirkstall, to provide for demand in and near these main pressure centres.

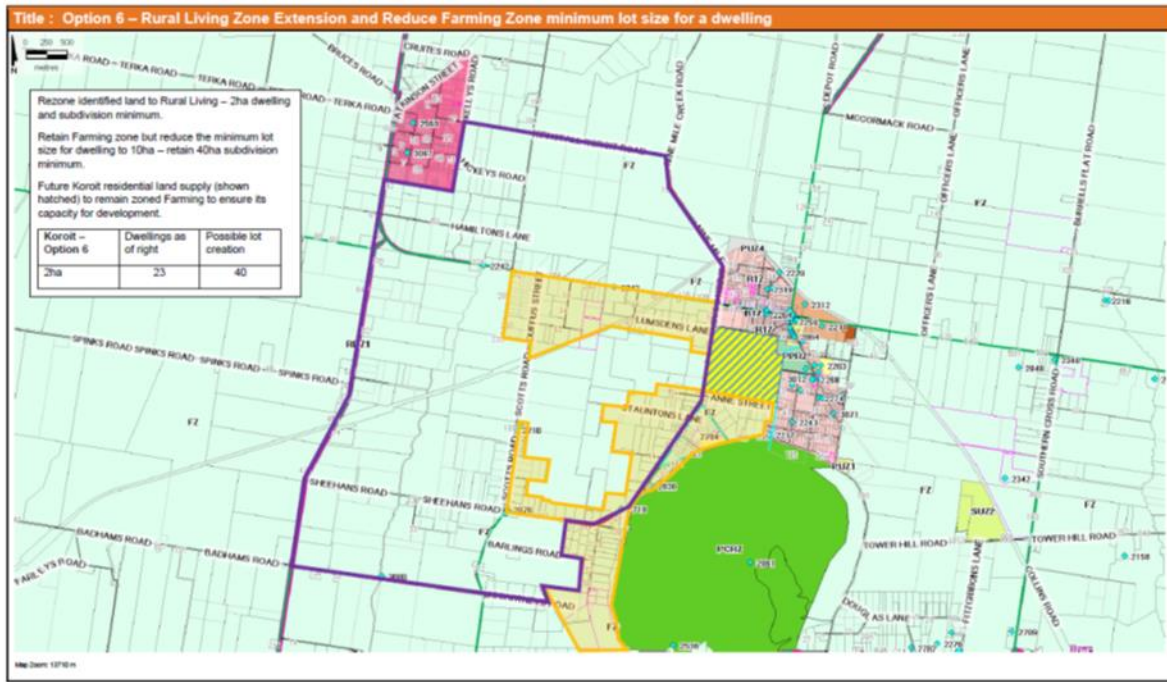
The Land Capability and Biodiversity Study 2009 did not recommend any reduction of the Farming Zone minimum lot size of 40 hectares, in this area.

RHSS 2010

This area was considered in the RHSS 2010.

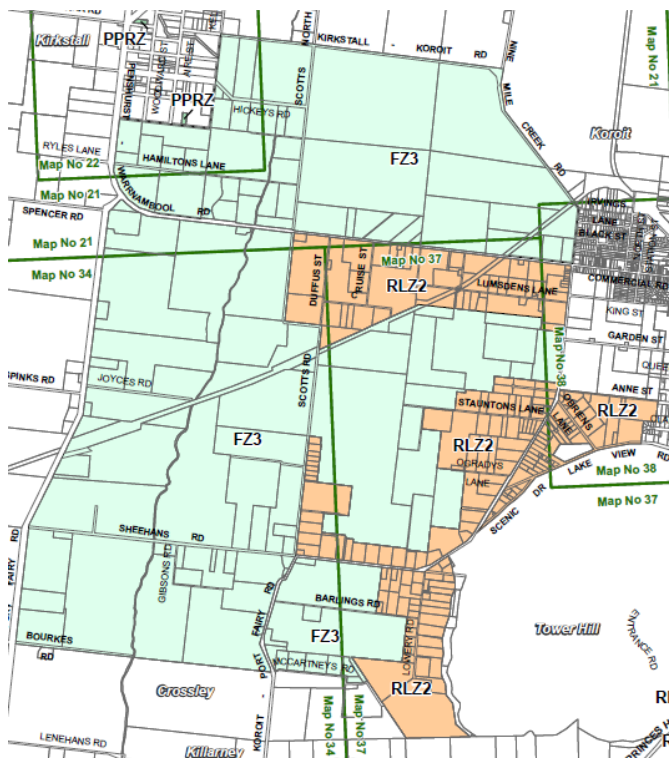
Addendum Report 2015

The Addendum Report 2015 recommended that a new FZ apply with a dwelling trigger at 10 hectares, and minimum lot size for subdivision remaining at 40 hectares, based on an acknowledgement that agricultural pursuits in the area have changed and are declining, because of past Council decisions to allow dwellings.



Authorisation Request

No change to the Addendum Report 2015 recommendations.

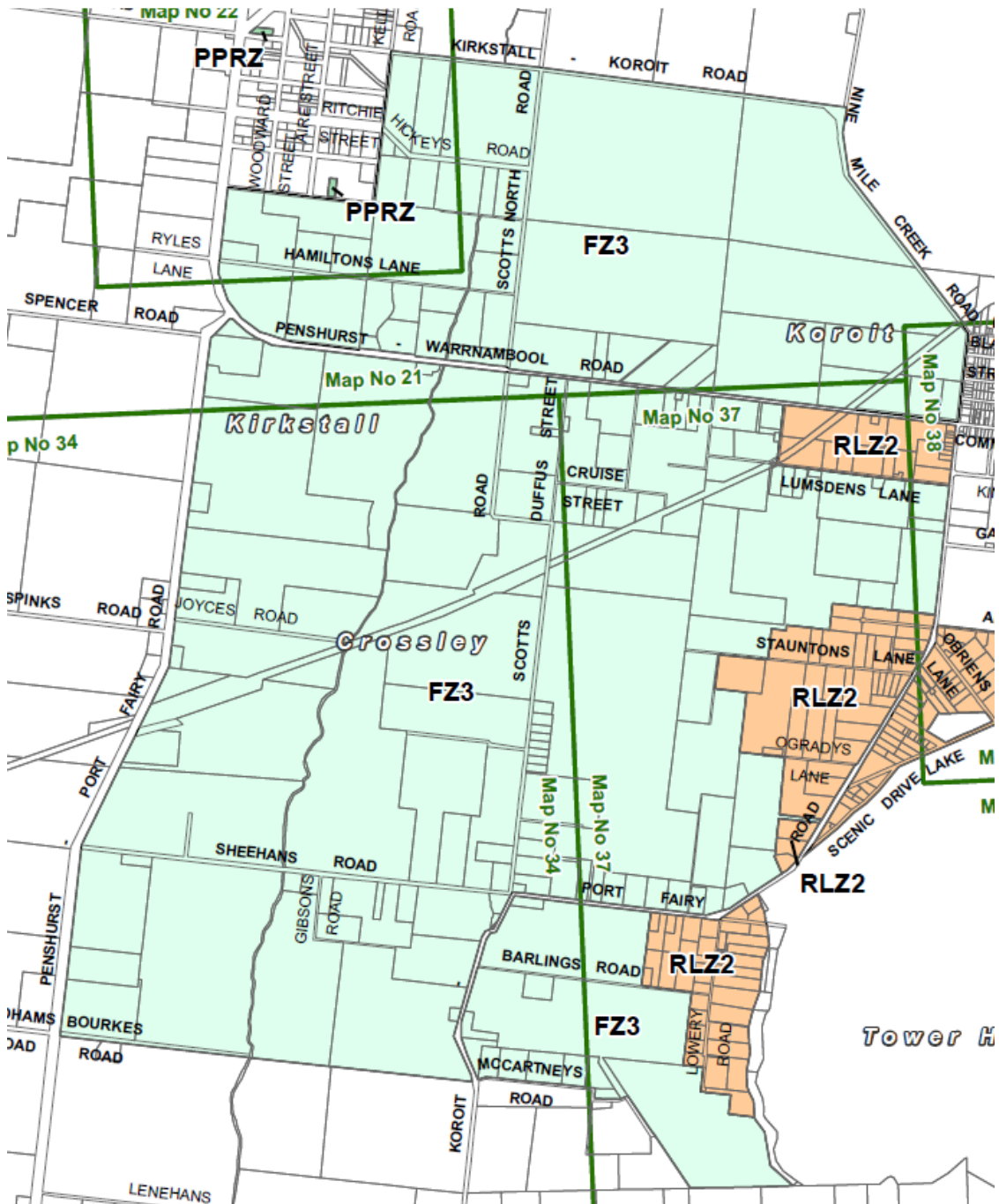


Authorisation Conditions

Land removed from the proposed RLZ2 at Kororit West should be replaced by the proposed FZ3.

Exhibited Amendment

The exhibited Amendment proposed to rezone land to the Farming Zone Schedule 3 (10-hectare minimum lot size for a dwelling) in accordance with the Addendum Report recommendations and authorisation conditions.



Land proposed to be rezoned to FZ3	
Existing lots	322

Existing dwellings:	103
Vacant lots:	219
Vacant lots between 10 & 40 hectares (some are landlocked)	36
Vacant lots less than 10 hectares	183

Submissions

Eight (8) submissions, one supports the introduction of the FZ3 and five oppose its introduction. (Submitter 8, 24, 31, 34, 40, 43, 52, 62).

In addition, one submission requested the rezoning of part of the area to Low Density Residential and another submission opposed this request.

Council Resolution May 2022

No change to the exhibited amendment.

Discussion

The strategic justification for this rezoning is reliant upon the recommendations of the Addendum Report 2015.

Nullawarre (no submissions)

Overview

Nullawarre is a small settlement with a clustering of houses located on the Great Ocean Road, within commuting distance to Warrnambool. It has a CFA brigade, general store/small supermarket, pre and primary school, and community hall, and does not have reticulated sewerage. It has a small area zoned Township of 4 hectares and a large over supply of land in the Rural Living Zone.

Population	2011 Census	2016 Census	2021 Census	Change 2016-2021
Nullawarre	294	267	233	-34

Source: Australian Bureau of Statistics

Existing Planning Controls

The land is in the Rural Living and Farming Zones and is not subject to any Overlay controls. The Heritage Overlay (HO75) applies to the Great Ocean Road, which traverses the settlement.

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Apply a Settlement Boundary.
- Due to an oversupply of Rural Living land, minimal development and lack of smaller lot subdivision in the area, back-zone some Rural Living land to the north and south of Henrys Sawmill Road to Farm Zone. It is noted that some RL land should be retained to ensure a variety in housing options are available.



Planning scheme changes

- Apply Settlement Boundary.
- Due to over supply of Rural Living land, minimal development and lack of smaller lot subdivision in the area, back-zone some Rural Living land to the north and south of Henrys Sawmill Road to Farm Zone. It is noted that some RL land should be retained to ensure a variety in housing options are available.

Addendum Report

The Addendum Report retained the recommendation to back zone Rural Living land to the west of the township to the Farming Zone.

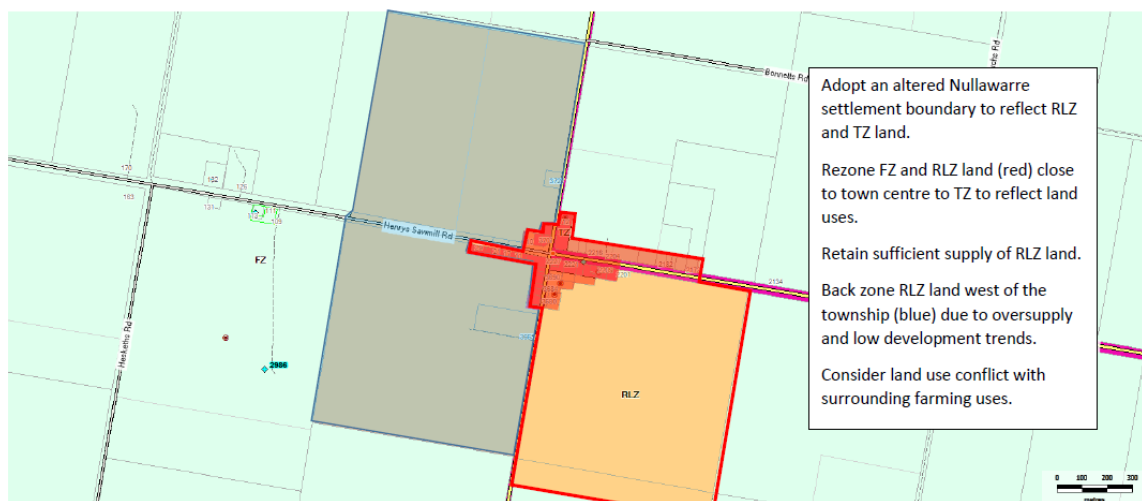
In addition, it recommended that the Township Zone be extended to include additional properties being:

- Land on the northern side of the Timboon-Nullawarre Road containing small lots, which are predominantly developed.
- Land on the eastern side of the Great Ocean Road, south of the Timboon-Nullawarre Road intersection that is developed at a township density but zoned Rural Living.

Therefore, the Addendum Report 2015 recommended the following revised Planning Scheme changes:

- Rezone Farming and Rural Living zoned land nearby the town centre to the Township Zone
- Back zone surplus Rural Living zoned land west of the township to the Farming Zone
- Vary and adopt an altered settlement boundary for Nullawarre to encompass Township and Rural Living zoned land

NULLAWARRE –Addendum Zoning and Settlement Boundary



Authorisation Request

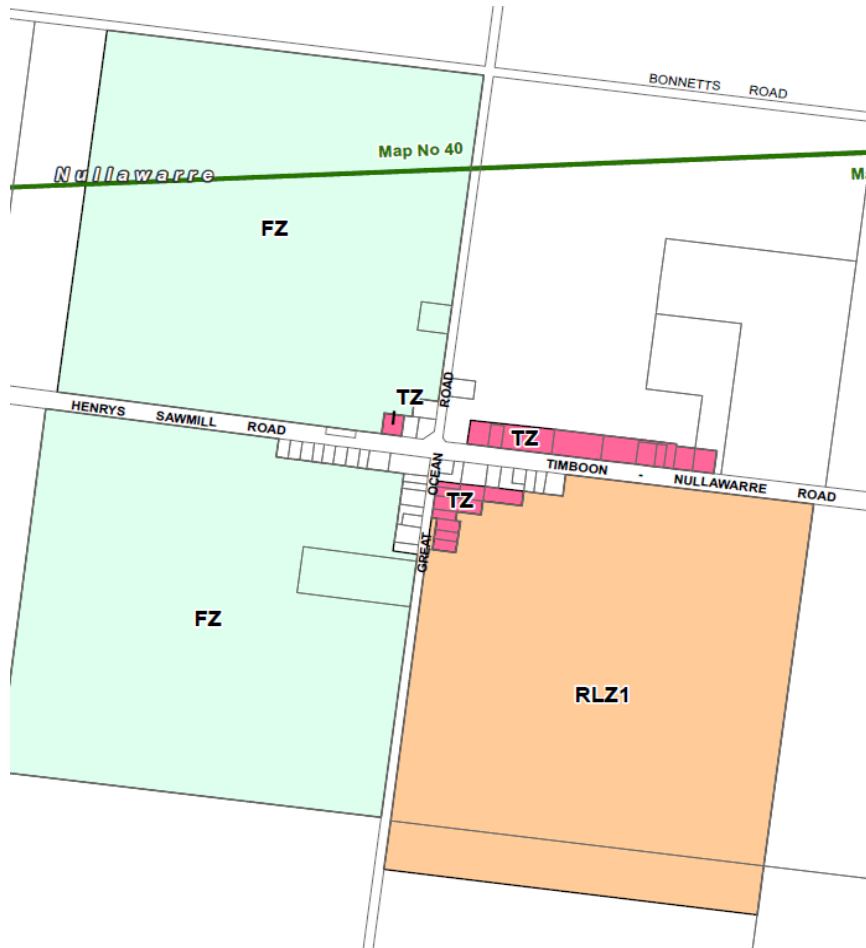
No change to the Addendum Report 2015 recommendations.

Authorisation Conditions

Amend the zoning map for Nullawarre to correct minor errors and inconsistencies. An administrative change was required to include the existing RLZ in RLZ Schedule 1.

Exhibited Amendment

The exhibited Amendment proposed to back zone the Rural Living land to the west of the township to the Farming Zone, and rezone Farming and Rural Living zoned land near the town centre to the Township Zone, in accordance with the Addendum Report recommendations and authorisation conditions. In addition, it included the existing RLZ in RLZ Schedule 1 (administrative change) in accordance with the authorisation conditions.



Area proposed to be rezoned to the Township Zone	
Existing dwellings:	9
Vacant lots:	4
Potential additional lots:	1
Total lot supply:	5

Back zonings – RLZ to Farming Zone (1 ha minimum lot size)			
Locality	Area	Developable Area (– 20%)	Estimated loss of lots
Nullawarre	126 hectares	100.8 ha (-25.2 ha)	100

Remaining RLZ1 lot supply (1 ha minimum lot size)			
Locality	Area	Developable Area (- 20%)	Estimated RLZ1 lot supply
Nullawarre	69.32 hectares	55.46 ha (-13.86 ha)	55

Submissions

None.

Council Resolution May 2022

No change to the exhibited Amendment.

Discussion

The RHSS 2010 and Addendum Report support the proposed rezonings. The minor increase to the Township Zone will resolve zoning anomalies (land in two zones – TZ & RLZ), recognise existing development, and provide a contiguous extent of the Township Zone.

Due to oversupply of land in the Rural Living Zone and limited development in the area, there is justification for the back-zoning of the Rural Living Land to the north and south of Henrys Sawmill Road to Farming Zone. It is noted that the remaining RLZ land should be retained to ensure a variety in housing options are available at Nullawarre.

Survey Lane/Towilla Way, Killarney (no submissions)

Overview

Towilla Way is a cluster of small lots with one large lot balance (Lot 17 PS422537) located close to the coast between Killarney and Warrnambool, which was the result of a past planning approval.

There are no services or reticulated sewerage and the area consists of 25 hectares. The settlement reflects a rural living cluster limited to the existing lot configuration capitalising on its proximity to the coast.

Population	2011 Census	2016 Census	2021 Census	Change 2016-2021
Killarney	Not Available	205	195	-10

Source: Australian Bureau of Statistics

Existing Planning Controls

The settlement is in the Farming Zone (10 hectare minimum lot size) and is subject to the Significant Landscape Overlay Schedule 5 - Port Fairy to Warrnambool Coast.



RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Include a Settlement Boundary.
- Rezone land within the Settlement Boundary to the Rural Living Zone. Minimum Lot size within settlement boundary is 1 hectare except for Lot 17 PS422537 where 7 hectares should be the minimum lot size.



Addendum Report 2015

No change to the RHSS 2010.

Authorisation Request

During the preparation of the Amendment, it was determined that Lot 17 PS422537 should remain the Farming Zone (FZ2 minimum lot size of 10 hectare), rather than creating a separate RLZ Schedule for a single lot. Note: A dwelling exists on Lot 17 PS422537.

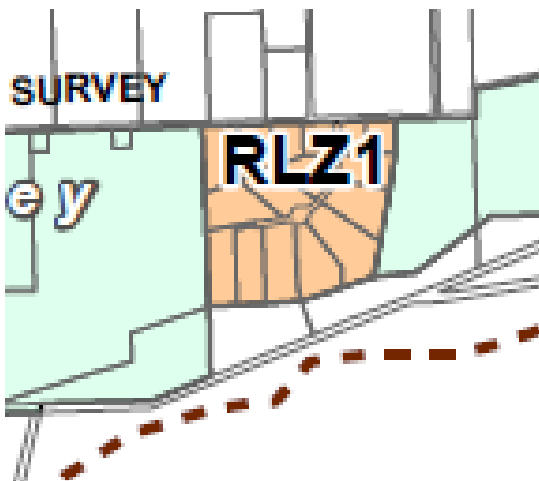
The authorisation request was made that basis.

Authorisation Conditions

No change to the Authorisation Request.

Exhibited Amendment

The exhibited Amendment proposed to rezone the settlement from the Farming Zone to the Rural Living Zone Schedule 1 with a 1 hectare minimum lot size, in accordance with the authorisation request.



Land proposed to be rezoned to RLZ1	
Existing lots	16
Existing dwellings:	13
Vacant lots:	3
Potential additional lots:	0
Total lot supply:	3

Submissions

None.

Council Resolution May 2022

No change to the exhibited Amendment.

Discussion

The proposed rezoning to RLZ1 reflects the existing pattern of development and recognises a 1990s subdivision and use permit. Although three lots are not developed, the land in Towilla Way is not used for productive agricultural purposes and will not be able to make a future contribution to the agricultural economy.

Woolsthorpe (no submissions)

Overview

Woolsthorpe is an established settlement within commuting distance to Warrnambool with community infrastructure and services available including a CFA brigade, general store/post office, tennis courts, recreation reserve, primary school, hotel and community hall, but does not have reticulated sewerage. Therefore, wastewater disposal has the potential to pose a constraint for development.

It is zoned Township comprising an area of 58 hectares surrounded by Farming Zone land, which has a small lot layout that has potential to create pressure for growth beyond the existing Township Zone area.

Population	2011 Census	2016 Census	2021 Census	Change 2016-2021
Woolsthorpe	510	422	364	-58

Source: Australian Bureau of Statistics

Existing Planning Controls

The land is in the Farming Zone and is not subject to any Overlay controls.

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Propose a Settlement Boundary (based on the extent of the existing Township Zone).
- Introduce a Restructure Overlay over the land zoned for township with a requirement that the minimum lot size to establish a dwelling will be subject to town specific waste management strategies, which are dependent upon soil type.

It did not include any recommendations for zoning changes at Woolsthorpe.



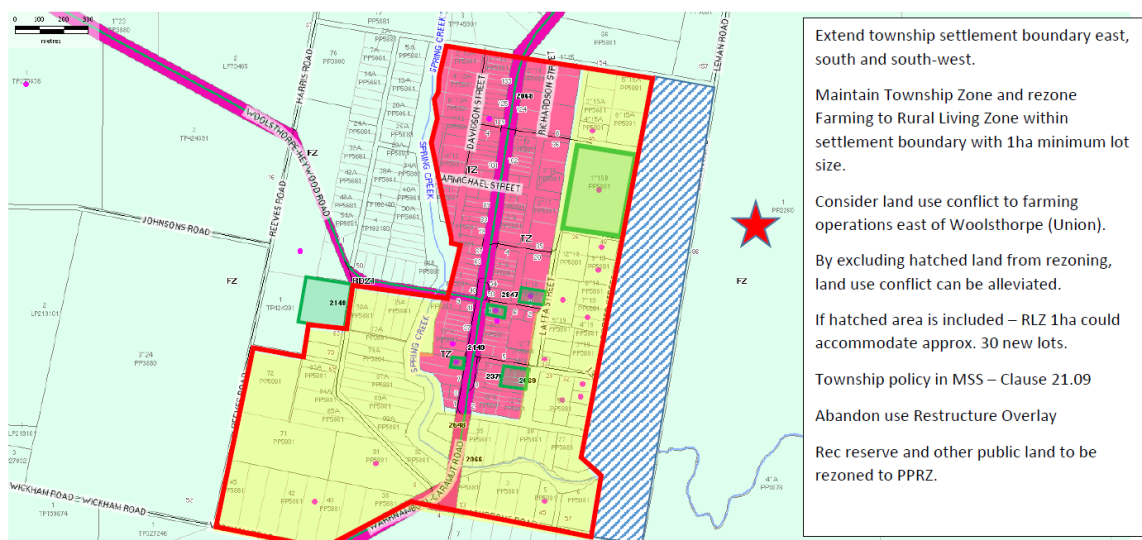
Addendum Report 2015

The Addendum Report 2015 recommended maintaining the existing Township zoning and providing complementary Rural Living zoned land to the east and south of the township with a 1 hectare minimum lot size.

Therefore, the Addendum Report recommended the following revised Planning Scheme changes:

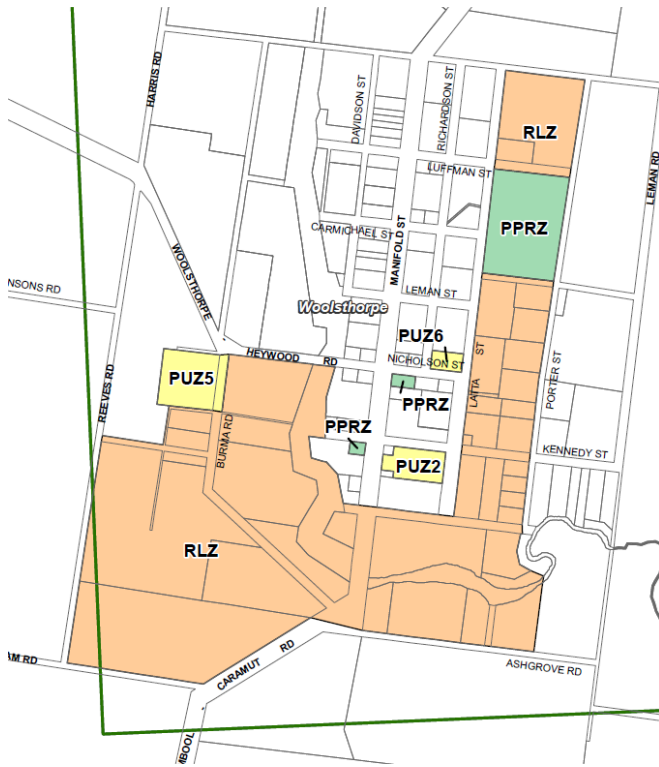
- Extend the proposed settlement boundary to east, south and south-west to provide rural residential land.
- Maintain the Township Zone and rezone Farming Zone land within the settlement boundary to Rural Living Zone with 1 hectare minimum.
- Rezone public and recreational land to the PPRZ or PUZ.
- Abandon use of the proposed Restructure Overlay.

WOOLSTHORPE– Addendum Zoning and Settlement Boundary



Authorisation Request

No change to the Addendum Report 2015 recommendations.



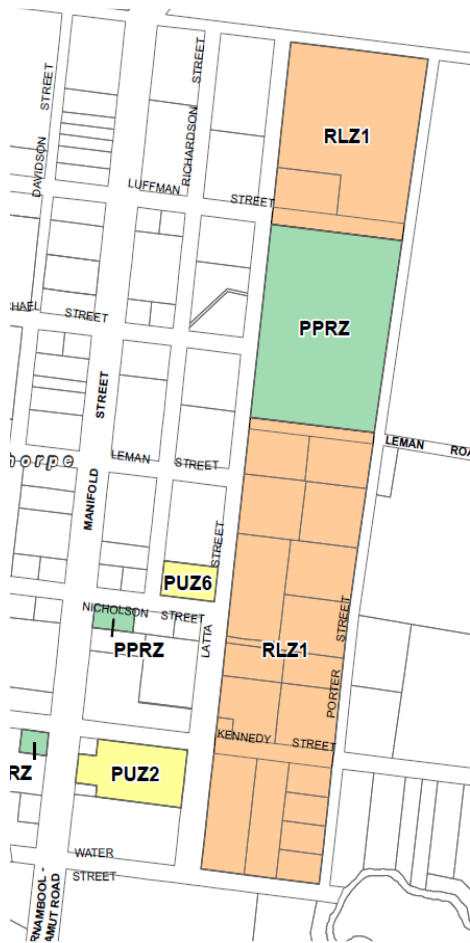
Authorisation Conditions

The authorisation conditions required a reduction to the extent of RLZ rezoning proposed in the Addendum Report 2015, to an area on the eastern side of the town (area shown in blue).



Exhibited Amendment

The exhibited Amendment proposed to rezone land on the eastern side of the town from the Farming Zone to the Rural Living Zone Schedule 1 with a 1 hectare minimum lot size, in accordance with the authorisation conditions.



Land proposed to be rezoned to RLZ1	
Existing lots	29
Existing dwellings:	18
Vacant lots:	11
Potential additional lots:	1
Total lot supply:	12

Submissions

None

Council Resolution May 2022

No change to the exhibited Amendment.

Discussion

Woolsthorpe serves an important local catchment function, via the primary school, general store, and other facilities.

The rezoning of FZ to RLZ proposed in the exhibited Amendment will reflect the existing pattern of development and allow limited further subdivision. It will facilitate modest population growth to provide support to the existing facilities in the town.

There are limitations on using this land for productive agricultural purposes, due to its gradual conversion to residential development.

Appendix B – Areas subject to the Council Resolution Changes

Hawkesdale (nine submissions)

Overview

Hawkesdale is an established settlement located on the Peshurst-Warrnambool Road. Facilities include education for pre to secondary school, swimming pool and some sporting facilities, community hall, CFA brigade, family services centre, general store, and hotel (currently closed), but it does not have reticulated sewerage. It is zoned Township comprising of 47 hectares with some lots falling outside of the Township Zone area.

Land in the township is subdivided in a grid pattern and there are a number of vacant lots within the Township Zone.

Planning Permit 2006/0221 was issued by the Minister for Planning on 21 August 2008 for the Hawkesdale Wind Farm. The wind farm is located approximately 2 kilometres south of the town and the site covers 2,280 hectares across four land holdings. Amendments have been granted to the Planning Permit to reduce the number of turbines from 31 to 26, and from 26 to 23 turbines.

Population	2011 Census	2016 Census	2021 Census	Change 2016-2021
Hawkesdale	432	322	311	-11

Source: Australian Bureau of Statistics

Existing Planning Controls

The land is in the Farming Zone and is not subject to any Overlay controls.

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Include land to the immediate south, west and east (of the existing Township Zone) in the Low Density Residential Zone.
- Apply a Settlement Boundary.
- Introduce a Restructure Overlay over the land zoned for township purposes with a requirement that the minimum lot size to establish a dwelling will be subject to town specific waste management strategies, which are dependent upon soil type.

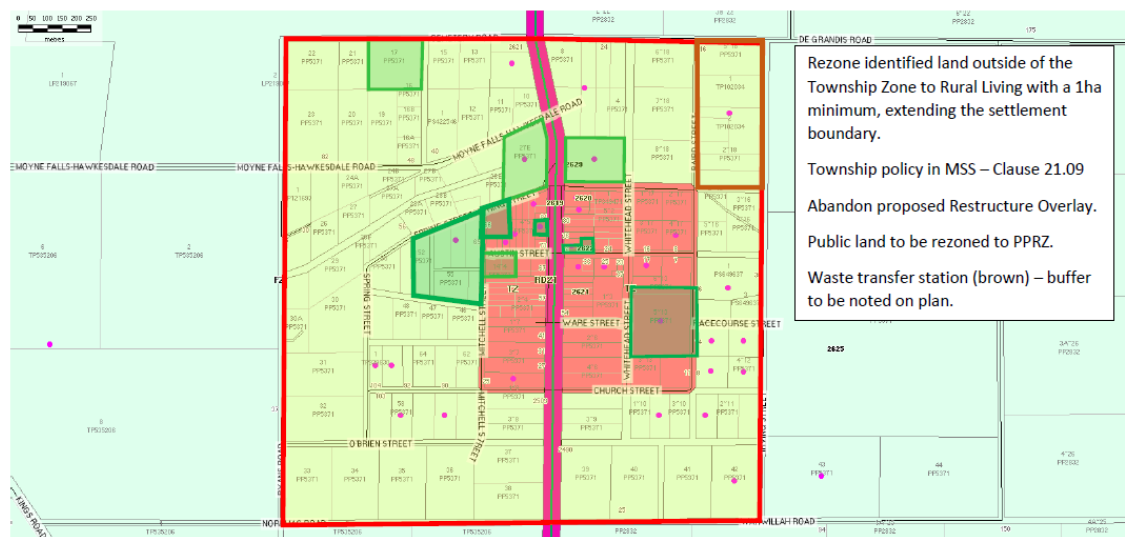


Addendum Report 2015

The Addendum Report 2015 recommended the following Revised Planning Scheme changes:

- Abandon use of the Low Density Residential Zone through strategy.
- Rezone land north, east, south, and west of town to the Rural Living Zone at a 1 hectare minimum.
- Rezone land used for recreational or public uses to the PPRZ or PUZ.
- Abandon use of the Restructure Overlay.

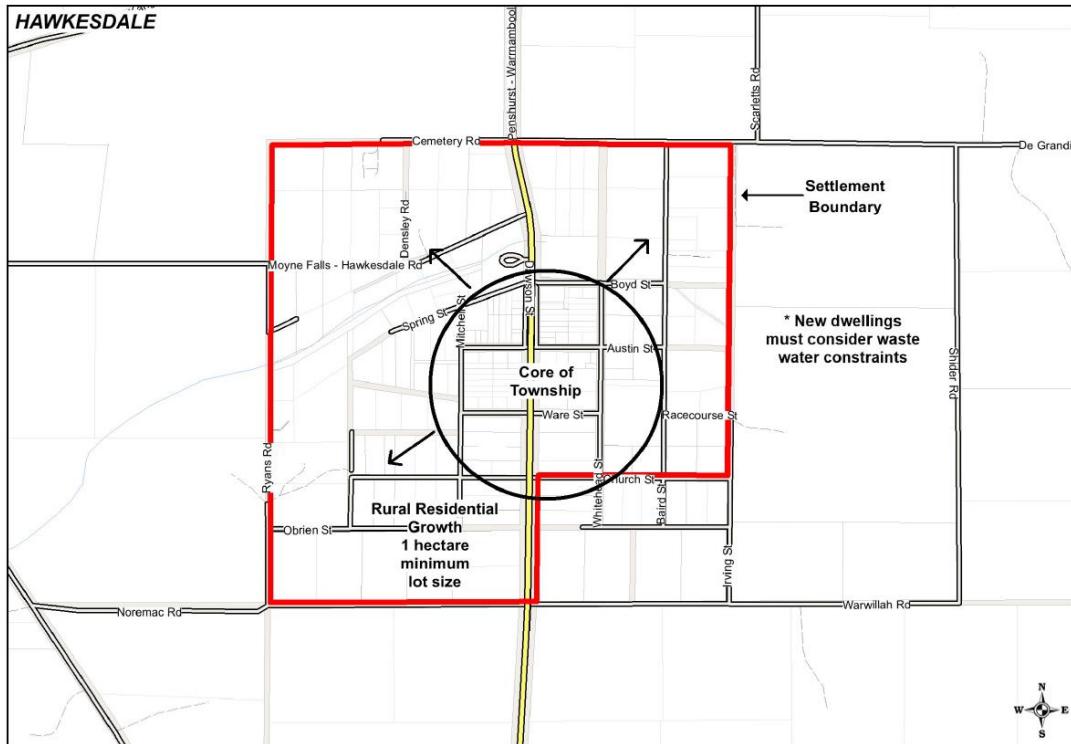
HAWKESDALE – Addendum Zoning and Settlement Boundary



The Addendum Report recommended the rezoning of land within the former parish boundaries to the Rural Living Zone with a 1-hectare minimum lot size.

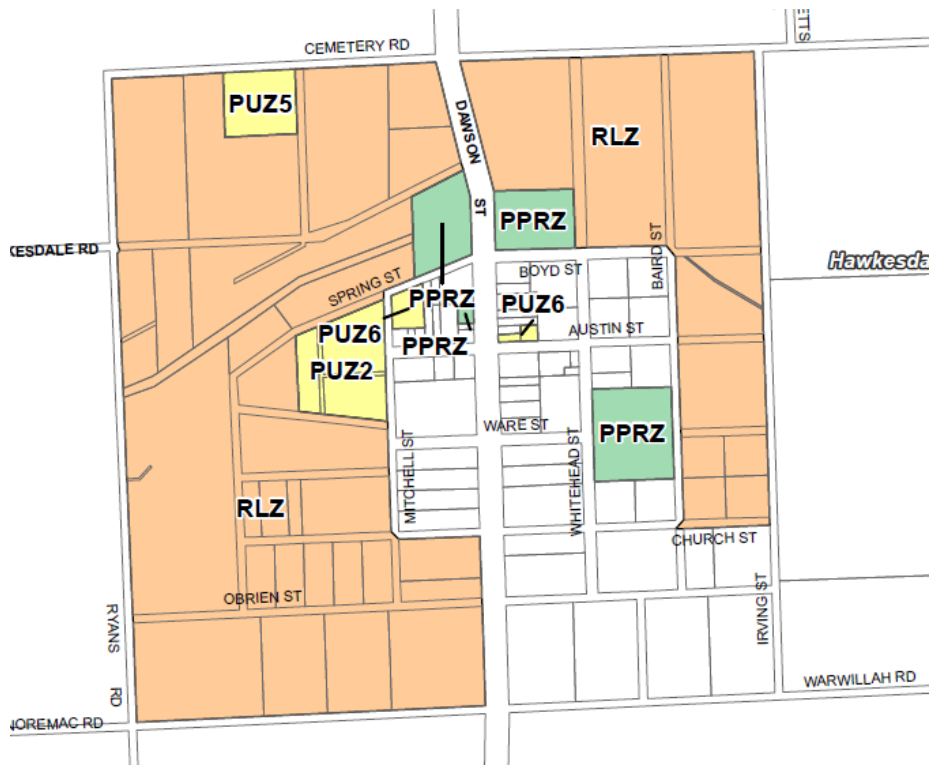
Council Resolution 28 August 2018

Council resolved to remove land from the proposed rezoning in the south eastern area due to its proximity to the approved Hawkesdale Wind Farm.



Authorisation Request

No change to the Council Resolution 28 August 2018.



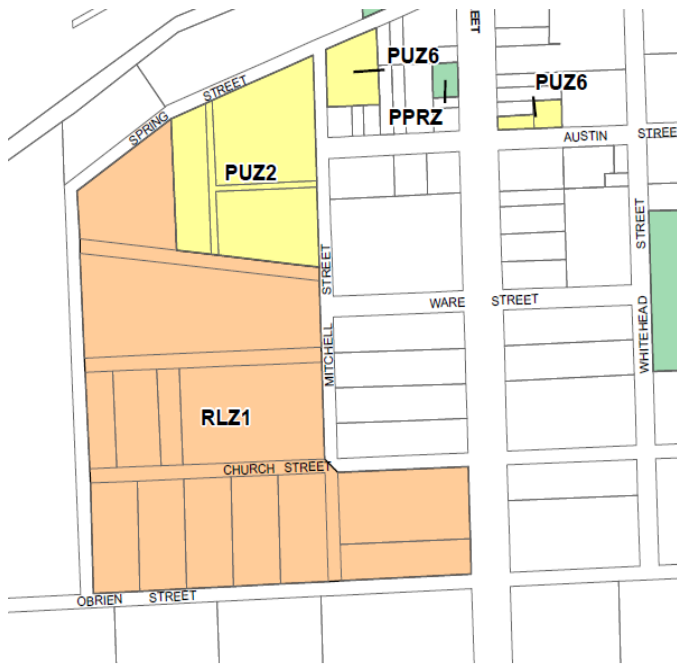
Authorisation Conditions

The authorisation conditions and DELWP recommendations required a reduction in the extent of the RLZ to the area between Spring Street and O'Brien Street.



Exhibited Amendment

The Exhibited Amendment proposed to rezone land in the settlement from the Farming Zone to the Rural Living Zone Schedule 1 with a 1-hectare minimum lot size, in accordance with the authorisation conditions, i.e., a reduction to the extent of RLZ rezoning proposed in the Addendum Report 2015.



Area proposed to be rezoned to RLZ1	
Existing Lots	20
Existing dwellings:	7
Vacant lots:	13
Potential additional lots:	0
Total lot supply:	13

Submissions

Nine (9) submissions, eight (8) requesting changes to the location or extent of the land to be rezoned. One (1) submission opposes any RLZ rezonings at Hawkesdale. (Submitter 15, 20, 23, 26, 27, 28, 30, 35, 60).

Council Resolution May 2022

Council resolved to support a change to the location and extent of land to be rezoned to Rural Living, and to identify additional land for future growth/rezoning as requested by Submission 23.

Discussion

Hawkesdale has a key role in the settlement hierarchy and serves an important regional catchment role to surrounding towns. It provides a P-12 College, swimming pool and other important community facilities.

The land proposed to be rezoned in the exhibited amendment reflects the existing subdivision pattern, the majority of lots are approximately 1 hectare in area and some contain dwellings. It is logically connected to the Township Zone and is within walking distance of the P-12 College. This rezoning will provide appropriately sized lots capable of treating and retaining wastewater and facilitate some population growth to provide support to the existing facilities in the town.

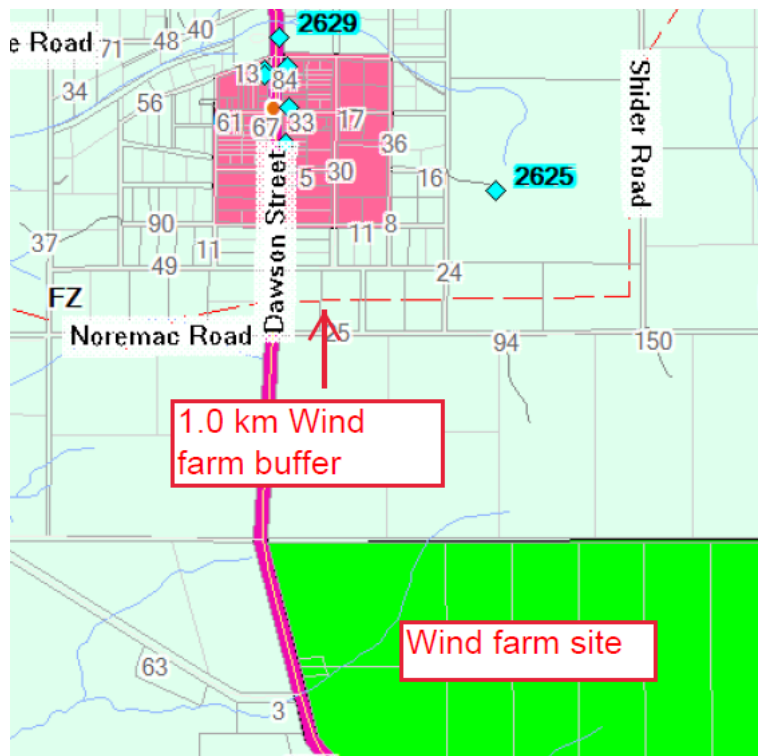
The exhibited rezoning will result in the loss of a small area of agricultural land. However, there are limitations on using the subject land for productive agricultural purposes, due to its location on the fringe of the town. It is acknowledged and accepted a loss of agricultural land on the fringe of the town will be a consequence of future development in Hawkesdale.

Strategic justification for the changes proposed in the Council resolution was derived from the RHSS 2010 and Addendum Report 2015 and Submissions 15, 30 and 60.

The land suggested for rezoning in Submission 15 is part of the area identified for rezoning in the RHSS 2010 and Addendum Report 2015.

It is noted that the 1.0 kilometre wind energy facility buffer covers approximately 50 per cent of the lots to the north of Noremac Road and Warwillah Road suggested for rezoning in Submission 15, therefore, constraining the sites for future development.

Therefore, including part of this area may not be consistent with the Council Resolution of 28 August 2018.



In relation to the preferred position to amend the framework plan to identify land for further growth as requested in Submission 23, this position is supported by the Addendum Report 2015.

Illowa West (one submission)

Overview

Illowa West is a cluster of small lots located on the northern side of the Princes Highway to the east of Tower Hill, which was the result of a past planning approval. It is known as the Dairy Town subdivision, and approval was granted approximately 30 years ago in a restructure arrangement with a farm to the south.

There are no services or reticulated sewerage, and the area consists of 96 hectares. The settlement reflects a rural living cluster limited to the existing lot configuration, which capitalises on the views afforded of the coast close to Tower Hill.

Tower Hill Cemetery is located towards the eastern end of the settlement between the Princes Highway and Settlers Lane.

The western end of the settlement adjoins the Tower Hill State Game Reserve, which is managed by Parks Victoria. In addition, land at 21 Quarry Road is subject to an approved Work Authority (extractive industry) and is additionally used as a materials recycling facility.



Source: VicPlan

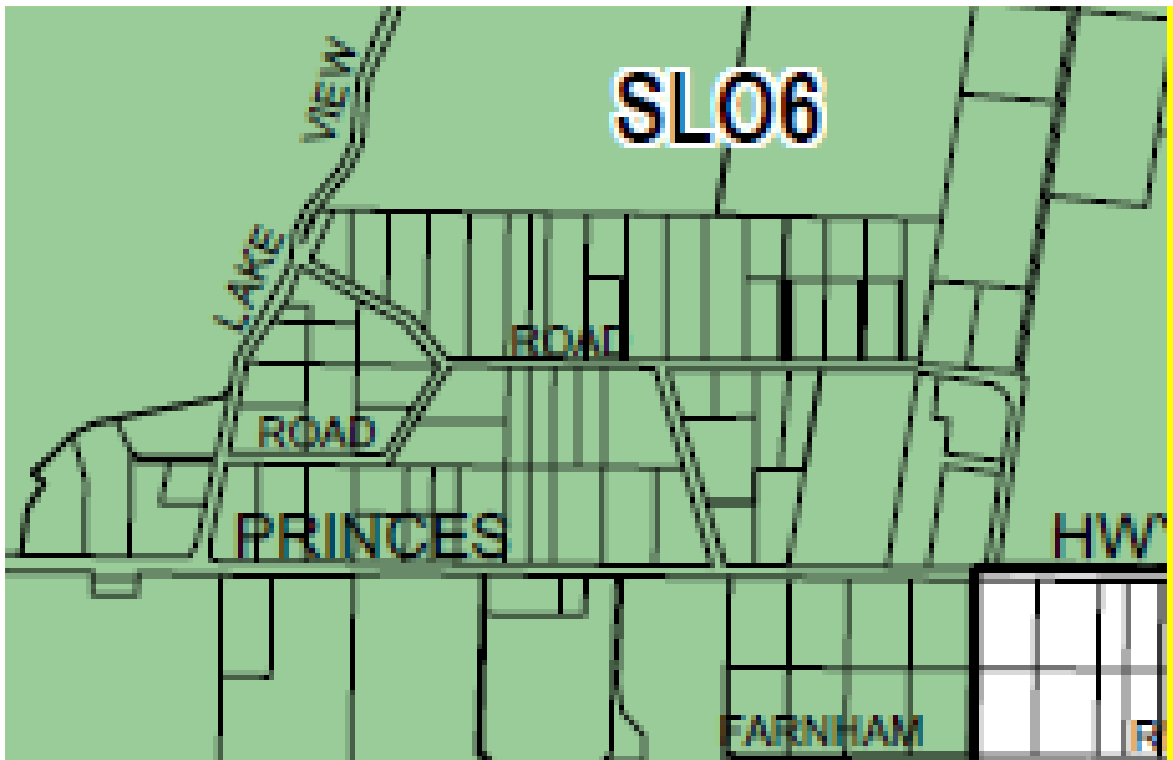
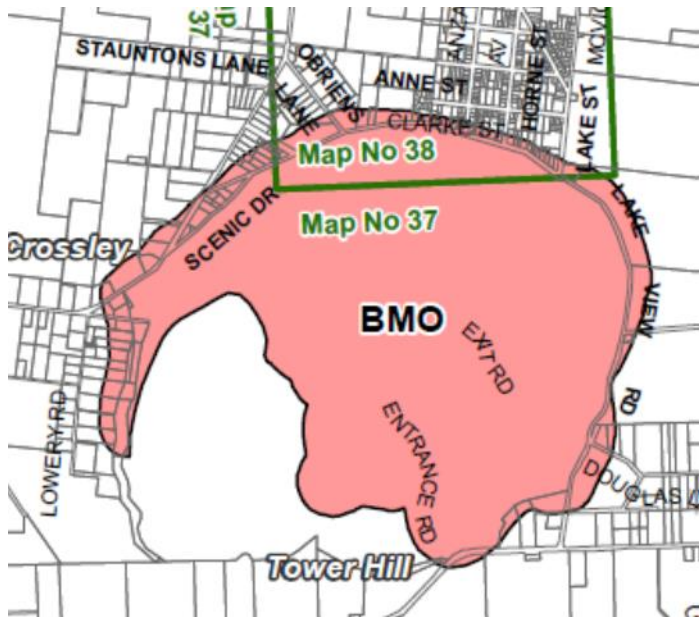
Population	2011 Census	2016 Census	2021 Census	Change 2016-2021
Illowa	353	304	304	0

Source: Australian Bureau of Statistics

Existing Planning Controls

The settlement is in the Farming Zone and is subject to the following Overlay controls:

- Bushfire Management Overlay (western part adjacent to Tower Hill),
- Significant Landscape Overlay - Schedule 6 – Tower Hill and Environs



RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Include a Settlement Boundary.
- Rezone land within the Settlement Boundary to the Rural Living Zone (2 hectare).



Addendum Report 2015

The Addendum Report 2015 did not recommend any changes to the RHSS 2010 in relation to Illowa West.

Authorisation Request

No change to the RHSS 2010 recommendations.

Authorisation Conditions

No change to the RHSS 2010 recommendations.

Exhibited Amendment

The Exhibited Amendment proposed to rezone the settlement from the Farming Zone to the Rural Living Zone Schedule 2 with a 2-hectare minimum lot size, in accordance with the recommendations of the RHSS 2010 and authorisation request.



Area proposed to be rezoned to RLZ2	
Existing lots	63
Existing dwellings:	56
Vacant lots:	7
Potential additional lots:	0
Total lot supply:	7

Submissions

One (1) requesting a reduction in the minimum lot size from 2 hectare to 1 hectare. (Submitter 47).

Council Resolution May 2022

Council resolved to support a reduction to the minimum lot size from 2 hectares to 1 hectare at Illowa/Tower Hill.

Discussion

The rezoning of the land to RLZ2, as exhibited, reflects the existing rural residential nature of the settlement, which is nearly fully developed for urban (not farming) land use. Risk of loss of agricultural land is limited because limited productive agricultural activity is being undertaken in the subject area.

The basis for the reduction of the minimum lot size from 2 hectares to 1 hectare proposed in the Council resolution was derived from Submission 47.

It is noted that planning policy does not support an increased density of development in the Tower Hill environs, due to its significant environmental and landscape values, and bushfire risk.

Killarney & land south of the Princes Highway (two submissions)

Overview

The Killarney district has a history in potato production and dairying supported by excellent agricultural soils and a comparatively reliable rainfall. Groundwater suitable for irrigation is important for intensive primary production, and this is strategically important for the high-quality Tower Hill Basalt land south of the Princes Highway.

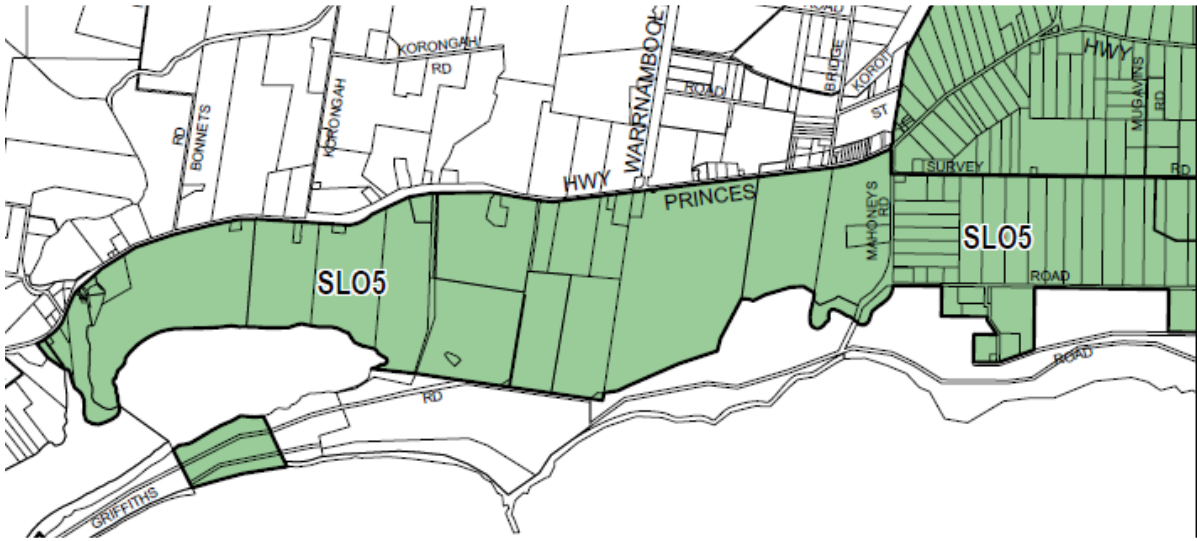
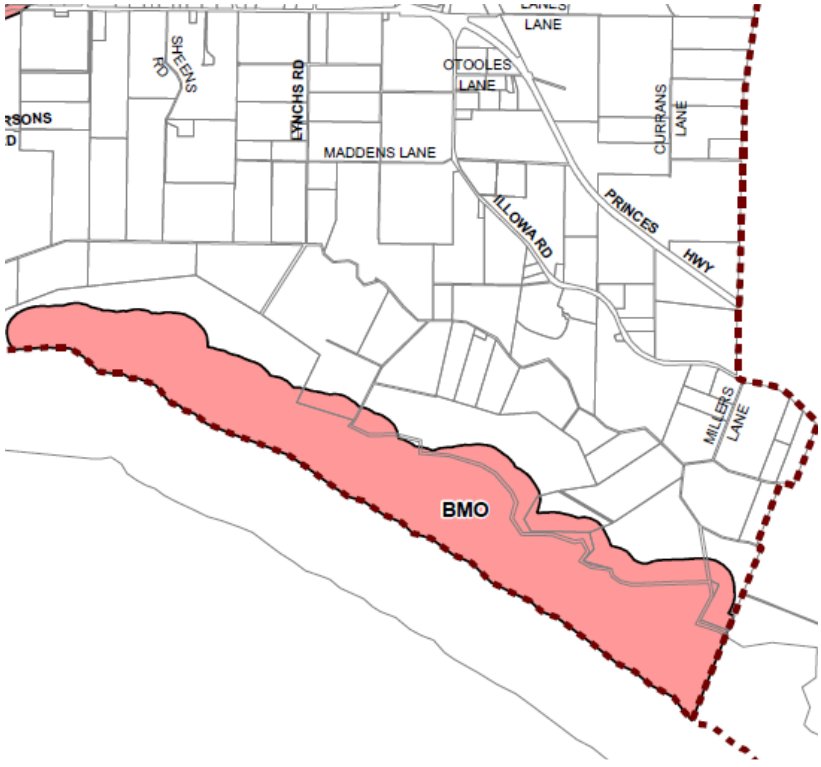
It is a high amenity coastal environment with a mix of productive agriculture / intensive horticulture and rural residential development on small lots.

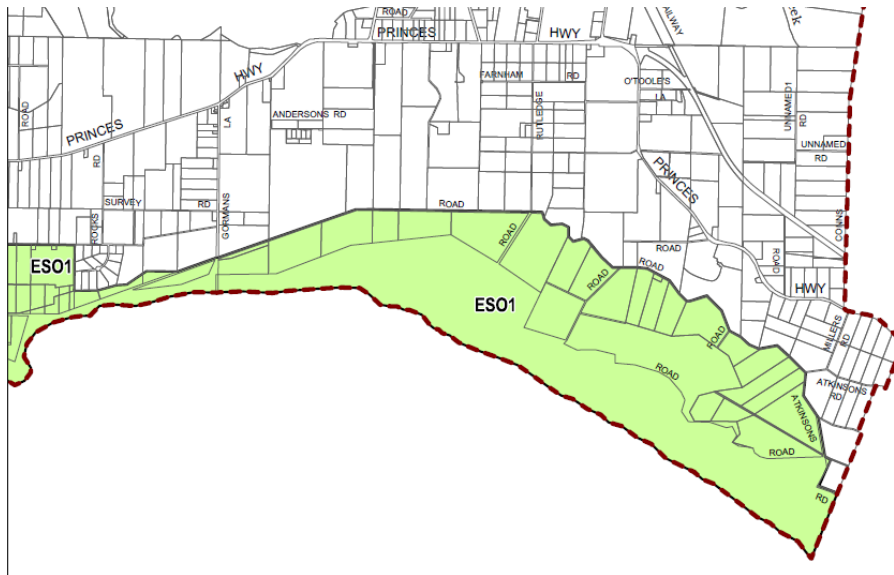
Opportunity exists in the area to continue extensive and intensive primary production enterprises, with high strategic importance to the State and the Shire.

Existing Planning Controls

The land is in the Farming Zone and is subject to the following Overlay controls:

- Bushfire Management Overlay (small area in the south-eastern part of the exhibited FZ2 area adjacent to the coastal reserve),
- Significant Landscape Overlay – Schedule 5 - Port Fairy to Warrnambool Coast (the majority of the exhibited FZ2 area)
- Environmental Significance Overlay – Schedule 1 - Coastal Areas And Estuaries (land adjacent to the coastal reserve and Belfast Lough)





Land Capability and Biodiversity Study 2009

The Land Capability and Biodiversity Study 2009 acknowledged that under the Schedule to the Farming Zone, the Belfast Rural Area had a minimum lot size of 10 hectares for subdivision and dwelling construction.

It considered that the low minimum lot size (10 hectares) would continue to undermine the importance of the land within this area for its agricultural productivity and create a settlement density, which is contrary to the State Coastal Strategy that promotes separation between coastal towns.

The Study recommended that an increase in minimum lot size to 40 hectares was appropriate to assist continued agricultural production, property consolidation, and appropriate settlement densities into the future.

RHSS 2010

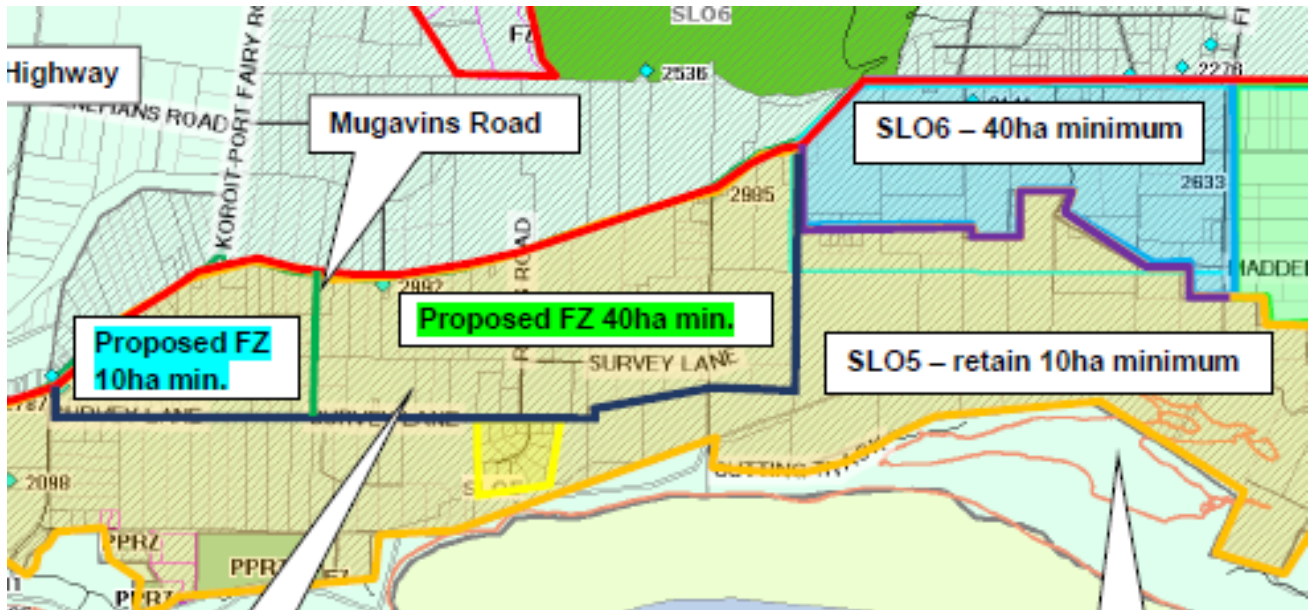
The RHSS 2010 recommended the following Planning Scheme changes:

- Recommended an Increase to the minimum lot size for ‘as of right’ dwellings from 10 hectares to 40 hectares for all of the land to the south of the Princes Highway, i.e., the area shown as FZ2 on exhibited planning scheme mapping.

Addendum Report 2015

The Addendum Report 2015 recommended a significant reduction to the land where the minimum lot size for ‘as of right’ dwellings was to be increased from 10 hectares to 40 hectares to the south of the Princes Highway. It recommended increasing the minimum lot

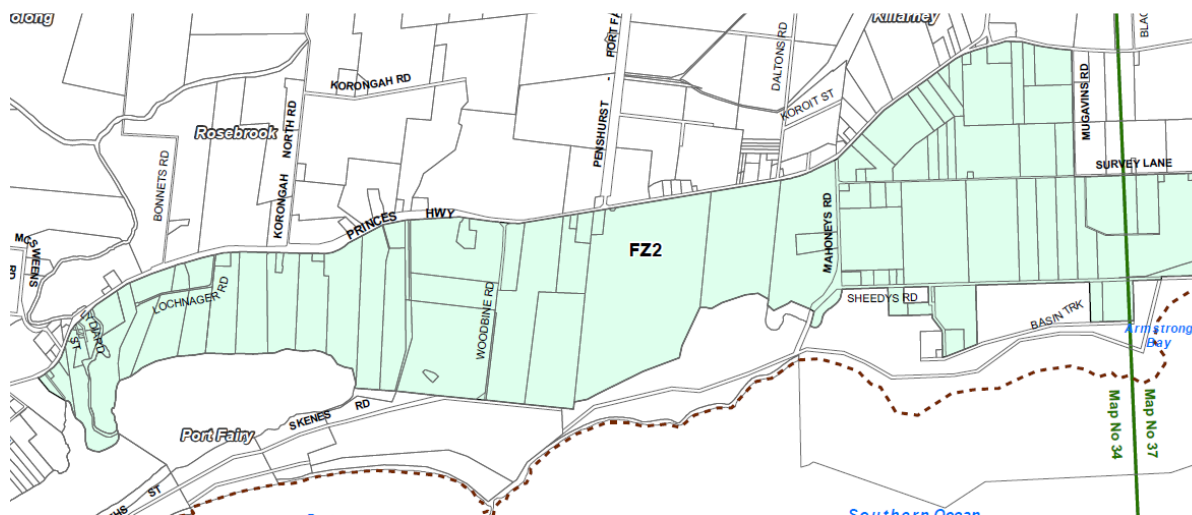
size to 40 hectares only in the area south of the Princes Highway, bounded by Mugavins Road to the east of Gormans Road, at Killarney and Tower Hill.

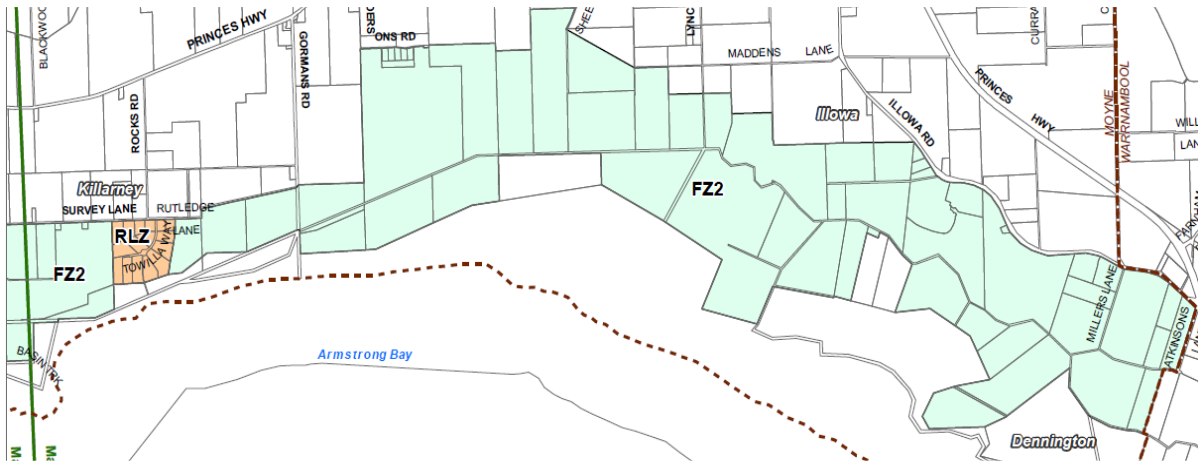


Note: The Addendum Report recommendation was based on an incorrect interpretation of the extent of SLO5 and should have referred to the area south of the Princes Highway, bounded by *Rocks Road* (not *Mugavins Road*) to the east of *Gormans Road*, at Killarney and Tower Hill.

Authorisation Request

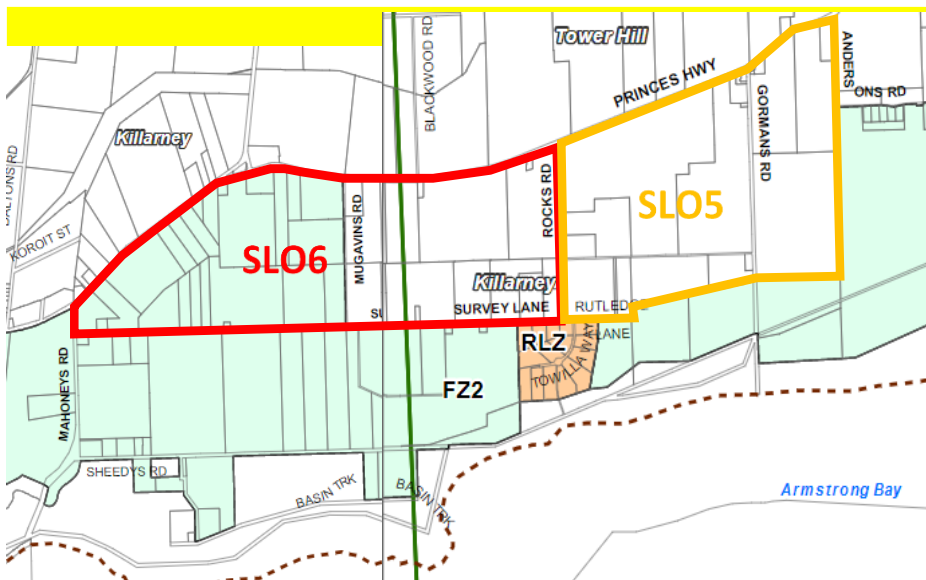
No change to the Addendum Report 2015 recommendations.





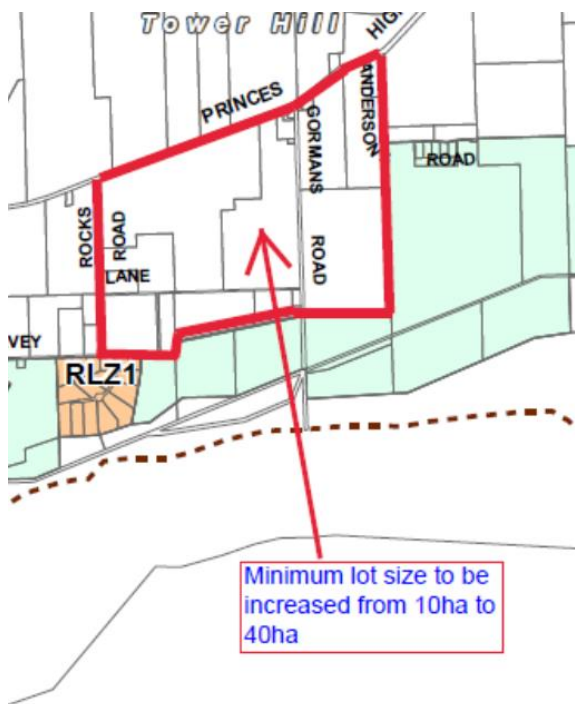
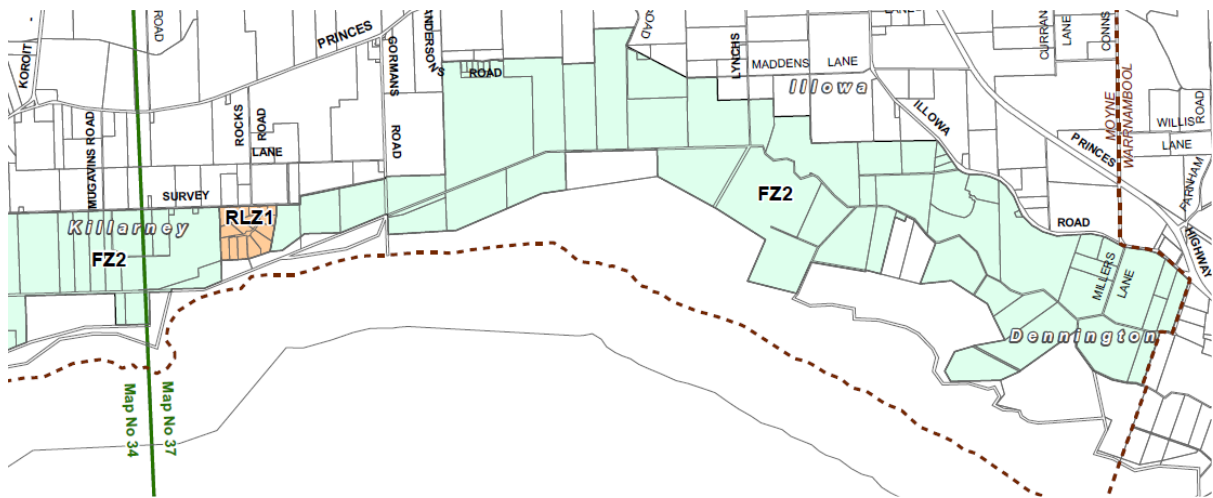
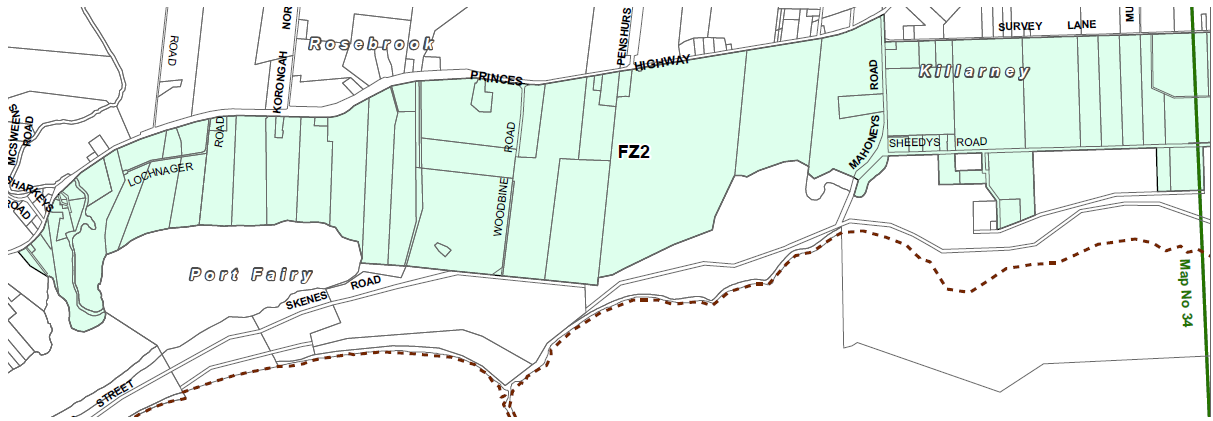
Authorisation Conditions

The authorisation conditions required the removal of the area currently within the SLO6 (between Mugavins Road and Rocks Road) from the proposed FZ2 and retained as FZ.



Exhibited Amendment

The exhibited amendment proposed to increase the minimum lot size for ‘as of right’ dwellings from 10 hectares to 40 hectares within the Farming Zone in the area south of the Princes Highway, bounded by Rocks Road to the east of Gormans Road, at Killarney and Tower Hill in accordance with the Addendum Report recommendations (generally), and authorisation conditions.



Submissions

Two remaining, one (1) requesting that a minor increase to the extent of the FZ2 to accord with the title boundaries of a consolidated lot, so that there is one minimum lot size applying to the land. The second requests that land south of the Princes Highway from Mahoneys Road, Killarney to the Warrnambool City boundary be in Farming Zone 1 (i.e., increase the minimum lot size from 10 hectares to 40 hectares, in accordance with the RHSS 2010). (Submitter 13, 31)

Council Resolution May 2022

Council resolved to abandon the proposed increase to the minimum lot size for 'as of right' dwellings from 10 hectares to 40 hectares within the Farming Zone in the area south of the Princes Highway, bounded by Rocks Road to the east of Gormans Road, at Killarney and Tower Hill, in accordance with Section 23 (1) (c) of the Planning and Environment Act 1987.

Submission 13 relates to land which is subject to two FZ Schedules in the proposed Amendment, FZ1 and FZ2. The Council resolution supports Submission 13, which requested a minor increase to the extent of the FZ2 to accord with the title boundaries of a consolidated lot PC379510Y, so that only one minimum lot size applies to the subject land.

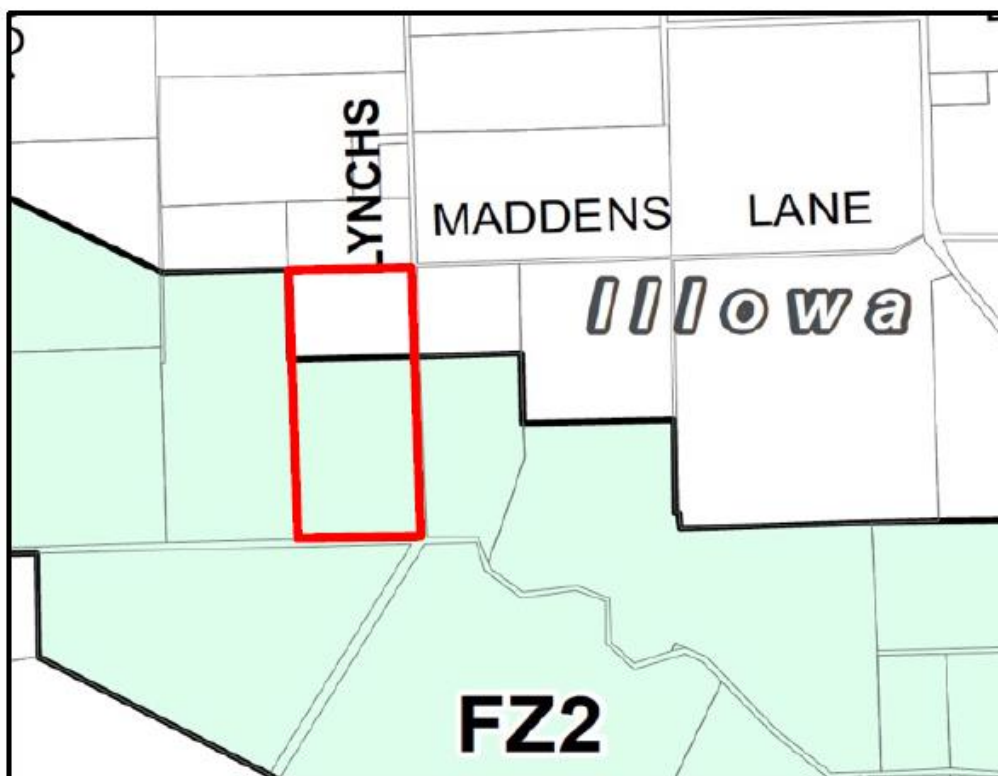


Figure 2 Current exhibited FZ2 Extent

Subject land shown in red

Zone boundary for FZ1 & FZ2 intersects the site

Discussion

Subsequent to the Council resolution, this element of the Amendment is solely an administrative change to convert a table in the schedule to the Farming Zone to mapped controls. i.e., the introduction of Farming Zone Schedule 2.

To reflect the existing planning controls, the area south of the Princes Highway, bounded by Rocks Road to the east of Gormans Road, at Killarney and Tower Hill will be included in the extent of the FZ2 in the planning scheme mapping.

Submission 13 correctly identifies that it would be more appropriate for the Zone Schedule boundaries to accord with the title boundaries of the property, as the majority of the subject land is within the existing 10 hectare minimum lot size area.

The subject lot has an area of 13.57 hectares and the requested change would not materially affect the development rights of the property and could be viewed as a planning scheme anomaly.

It would be appropriate for the entirety of the property to be within FZ2, as the majority of the subject land is within the existing 10 hectare minimum lot size area.

In addition, the alignment of the boundary between the FZ1 and FZ2 Schedules with the property boundaries is consistent with the approach set out in the Practitioner's Guide.

Kirkstall (two submissions)

Overview

Kirkstall is a historical settlement located close to Koroit and within commuting distance to Warrnambool. It has experienced incremental growth and residential development on small lots.

The intensified development on small lots has created environmental issues associated with wastewater treatment and disposal due to a lack of reticulated sewerage. There are services provided in the settlement, such as, a CFA brigade, hotel, hall, and recreation reserve. There are some higher order services available in Koroit.

The settlement has 106 hectares of land zoned Township, which although offer good opportunities for accommodating further growth is constrained by poor wastewater management. Management of wastewater disposal will be necessary for development having regard to lot sizes and treatment issues.

Population	2011 Census	2016 Census	2021 Census	Change 2016-2021
Kirkstall	346	366	406	+40

Source: Australian Bureau of Statistics

Existing Planning Controls

The settlement is in the Township Zone and is not subject to any Overlay controls

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Extend the Township Zone boundary to take in land bounded by Cruites Road, Atkinson Street and the Peshurst-Warrnambool Road.
- Define a Settlement Boundary.
- Introduce a Restructure Overlay over the land zoned for township with a requirement that the minimum lot size to establish a dwelling will be subject to town specific waste management strategies which are dependent upon soil type.



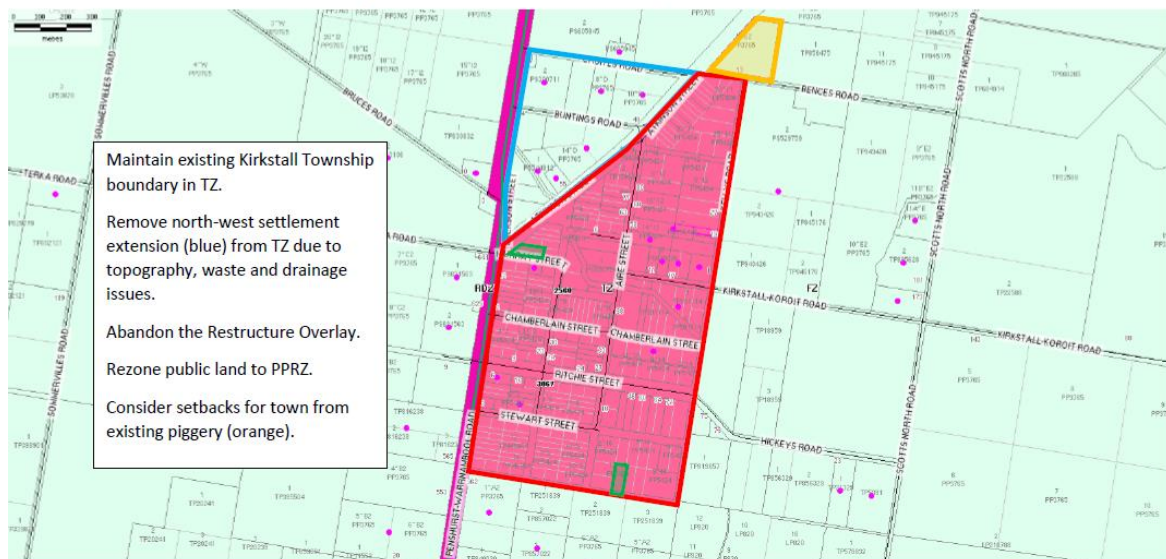
<p>Planning scheme changes</p>	<ul style="list-style-type: none"> - Extend the Township Zone boundary to take in land bounded by Cruites Road, Atkinson Street and the Penshurst Warmambool Road. - Define a Settlement Boundary. - Introduce a Restructure Overlay over the land zoned for township with a requirement that the minimum lot size to establish a dwelling will be subject to town specific waste management strategies which are dependent upon soil type.
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Addendum Report 2015

The Addendum Report 2015 recommended the following Revised Planning Scheme changes:

- Maintain the township in its current form.
- Abandon rezoning of land north-west of the town to Low Density Residential – wastewater issues.
- Abandon use of the Restructure Overlay.
- Rezone land used for recreational or public uses to the PPRZ.

KIRKSTALL – Addendum Zoning and Settlement Boundary



Authorisation Request

No change to the Addendum Report 2015 recommendations.

Authorisation Conditions

No change to the Addendum Report 2015 recommendations.

Exhibited Amendment

The exhibited amendment proposed to rezone public land in Kirkstall in accordance with the recommendations of the Addendum Report 2015 and the authorisation request.



Submissions

Two (2) requesting the rezoning of land from the Farming Zone to the Rural Living Zone on the eastern extent of Kirkstall and the rezoning of land to the north of Kirkstall to the Low Density Residential Zone to reflect the existing land use, i.e., extensions to the settlement boundary. (Submitter 14 and 63).

Council Resolution May 2022

Council resolved to support the amendment of the Framework Plan for Kirkstall to identify land for future growth as requested in Submissions 14 and 16.

Discussion

The strategic justification for supporting the amendment of the Framework Plan for Kirkstall to identify land for future growth is derived from the RHSS 2010 and the Submissions.

Koroit West/Crossley RLZ (five submissions)

Overview

Considerable ad hoc rural residential development has occurred on land to the west and south-west of Koroit, along existing road frontages and in proximity to the Tower Hill State Game Reserve. In general, it consists of development on existing small rural lots, and lots created by title restructures.

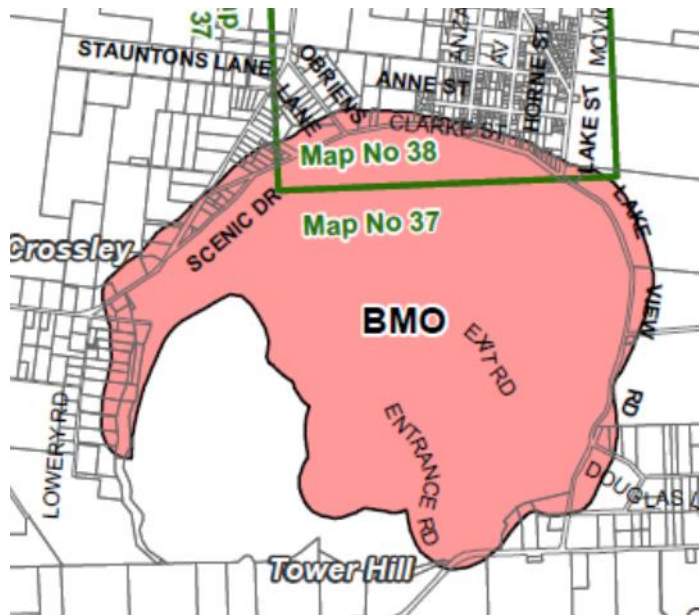
Population	2011 Census	2016 Census	2021 Census	Change 2016-2021
Koroit	1,958	2,055	2,184	+129

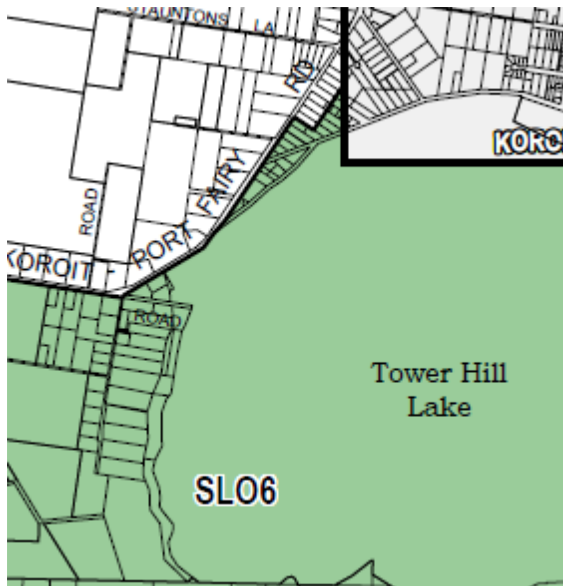
Source: Australian Bureau of Statistics

Existing Planning Controls

The land is in the Farming Zone and is subject to the following Overlay controls:

- Bushfire Management Overlay (Tower Hill surrounds),
- Significant Landscape Overlay - Schedule 6 - Tower Hill and Environs (to the south and east of the Koroit-Port Fairy Road)
-





Amendment C6

Amendment C6 was exhibited between 15 September 2005 and 17 October 2005. It affected land in and around Koroit and included the following elements:

- The rezoning of land within the O'Briens Lane and Walkers Lane area, from the Rural Zone to the Rural Living Zone.
- The rezoning of land within the Lowery Road/Barlings Road area from the Rural Zone to the Rural Living Zone.
- The rezoning of land along Stauntons Lane from the Rural Zone to the Rural Living Zone.
- Amending the schedule to the Rural Living Zone to introduce a 2-hectare subdivision minimum for the proposed Rural Living rezonings within the Amendment.

The C6 Panel agreed that the application of the Rural Living Zone would more accurately reflect the character of these areas and was more appropriate than the (former) Rural Zone. While the Panel acknowledged the need to protect agricultural land, it found that the three areas in question have limited agricultural use and that this will further decline as continued housing development occurs on existing small lots.

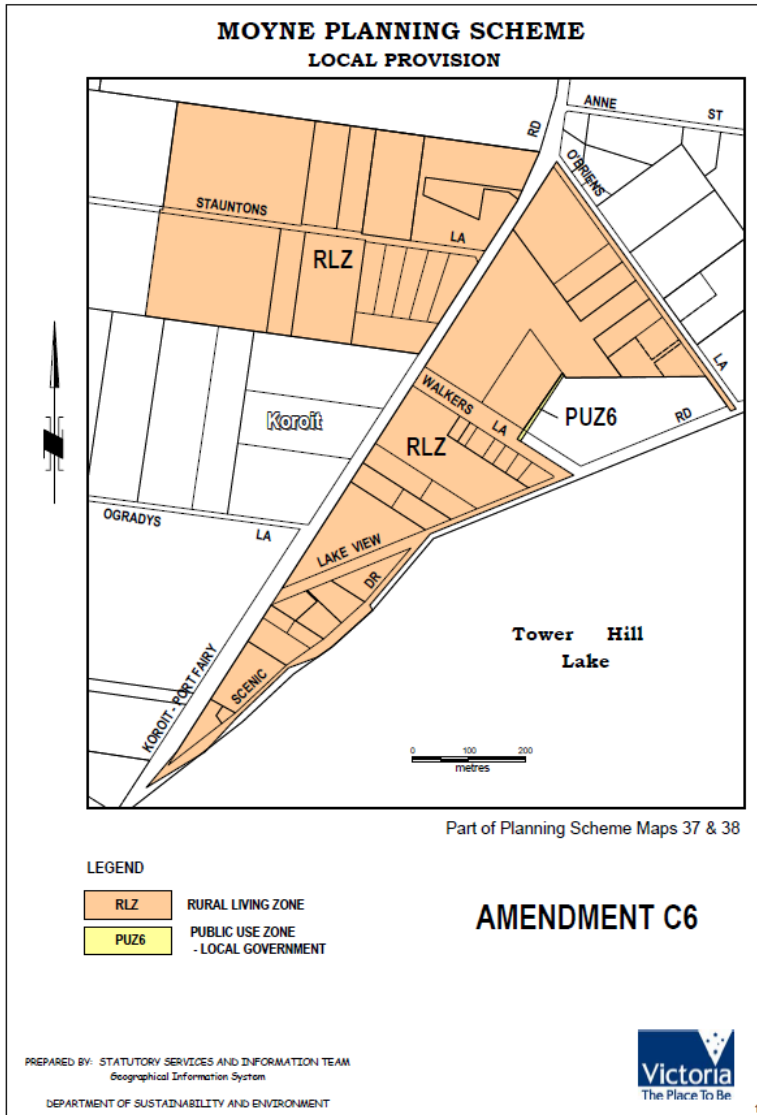
It was the Panel's view, that the agricultural future of the Shire would be better protected by directing rural living development into appropriately zoned and located areas such as these, rather than by allowing dispersed housing on small lots within the rural areas as seemed to have been the practice.

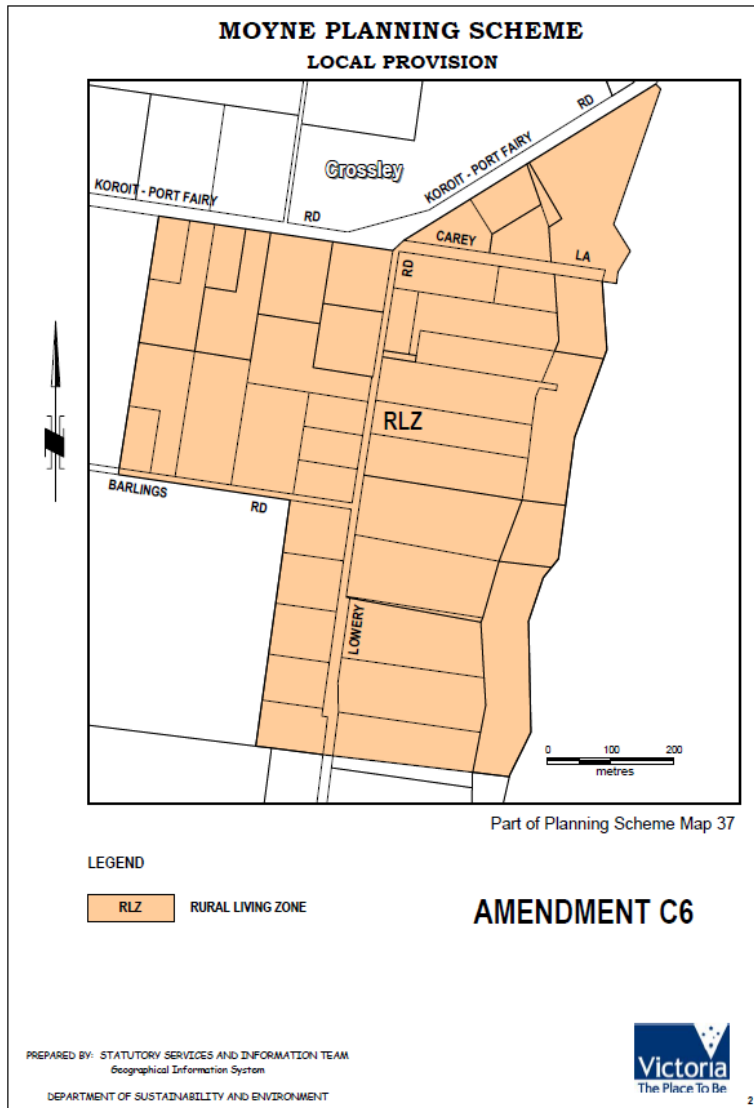
Therefore, the C6 Panel supported the exhibited extent of the Rural Living Zone and noted that the 2-hectare subdivision minimum would not create opportunities for additional lots to be created in any of the three areas.

However, the Panel did not support submissions which sought a reduction of the subdivision minimum in the Stauntons Lane area from 2 hectares to 1 hectare. The Panel was not provided with any material relating to the potential increase in lot yield or any of the other issues that might arise from a reduction in the subdivision minimum.

Secondly, the Panel considered that the proposed reduction in the subdivision minimum would potentially affect other landowners in the Stauntons Lane area who were not given the opportunity to consider the implications of the change and to make submissions to Council and the Panel.

The amendment was subsequently abandoned by Council.

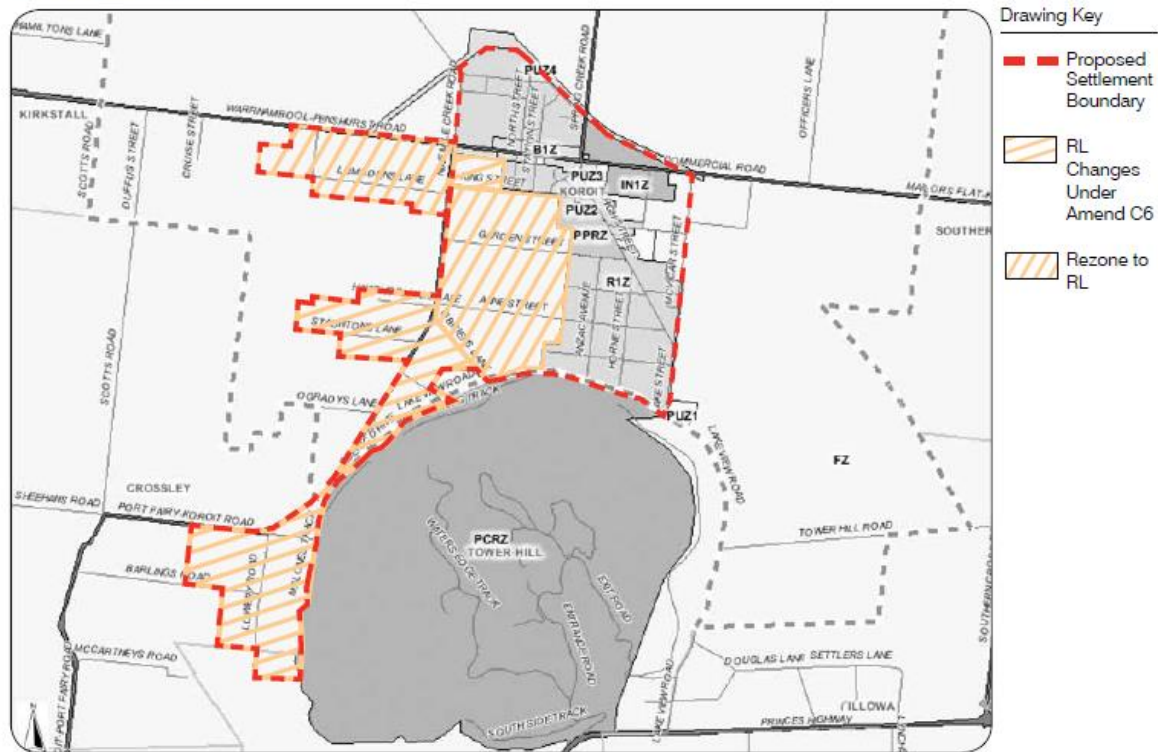




RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Revisit the recommendations of the C6 Panel and apply them to protect the supply of Residential 1 Zoned land and reflect areas of established Rural Living proximate to the town.
- Include a Settlement Boundary.



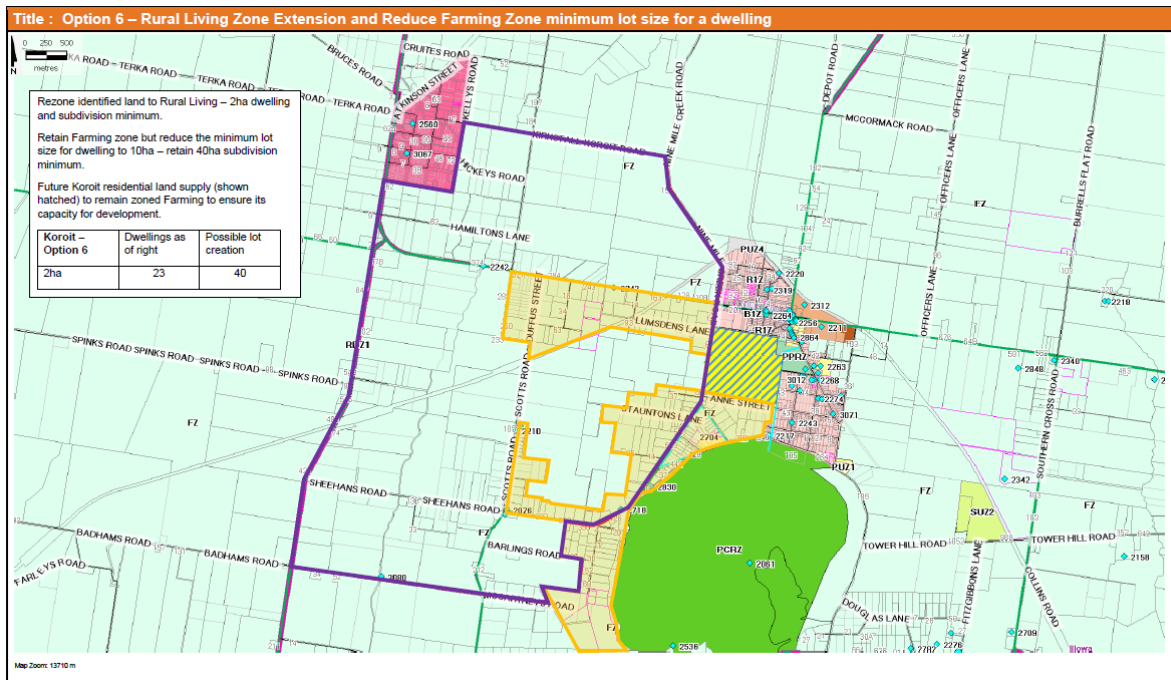
Planning scheme changes	<ul style="list-style-type: none"> - Revisit the recommendations of the C6 Panel and apply them to protect the supply of Residential 1 Zoned land and reflect areas of established Rural Living proximate to the town. - Include a Settlement Boundary.
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The Rural Housing and Settlement Strategy 2010 recommended a Settlement Boundary for Koroit and rezoning of land to Rural Living to reflect changes proposed under Amendment C6 and to reflect the pattern of rural living development that has been established by approvals over the past 20 years.

Addendum Report 2015

The Addendum Report 2015 recommended the following Revised Planning Scheme changes:

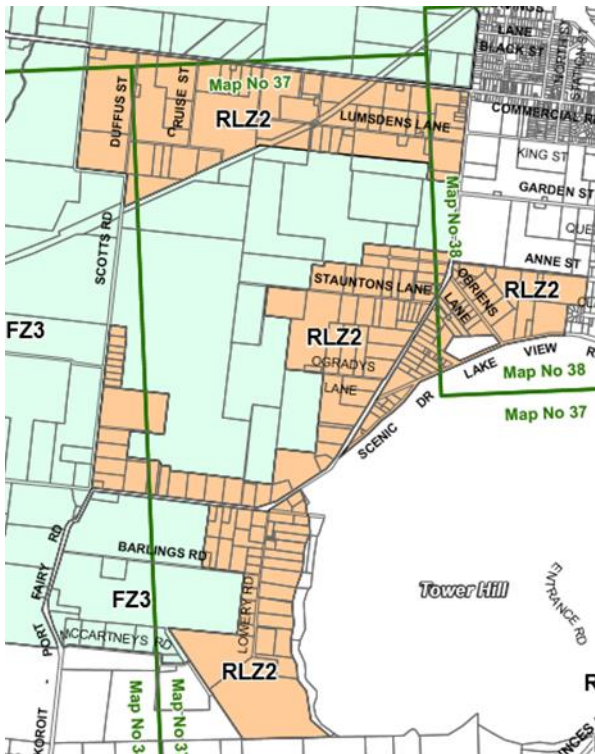
- Extend the previously proposed settlement boundary for Koroit further west of Duffus Street to Scotts Road, south-west around Tower Hill and north of the Crossley intersection on the eastern side of Scotts Road, reflecting land presently akin to rural residential.
- Rezone identified Farming to Rural Living with a 2-hectare dwelling and subdivision minimum.
- Reduce the minimum lot size of the Farming Zone for the Study Area for a dwelling to 10 hectares.
- Maintain identified land for future residential growth within Farming Zone so to not undermine its development potential.



The Addendum Report recommended the rezoning of additional clusters of small lots to Rural Living zone with a 2-hectare minimum lot size for subdivision and dwellings reflecting approvals and development, which has changed the character of the area over a number of years.

Authorisation Request

No change to the Addendum Report 2015 recommendations.



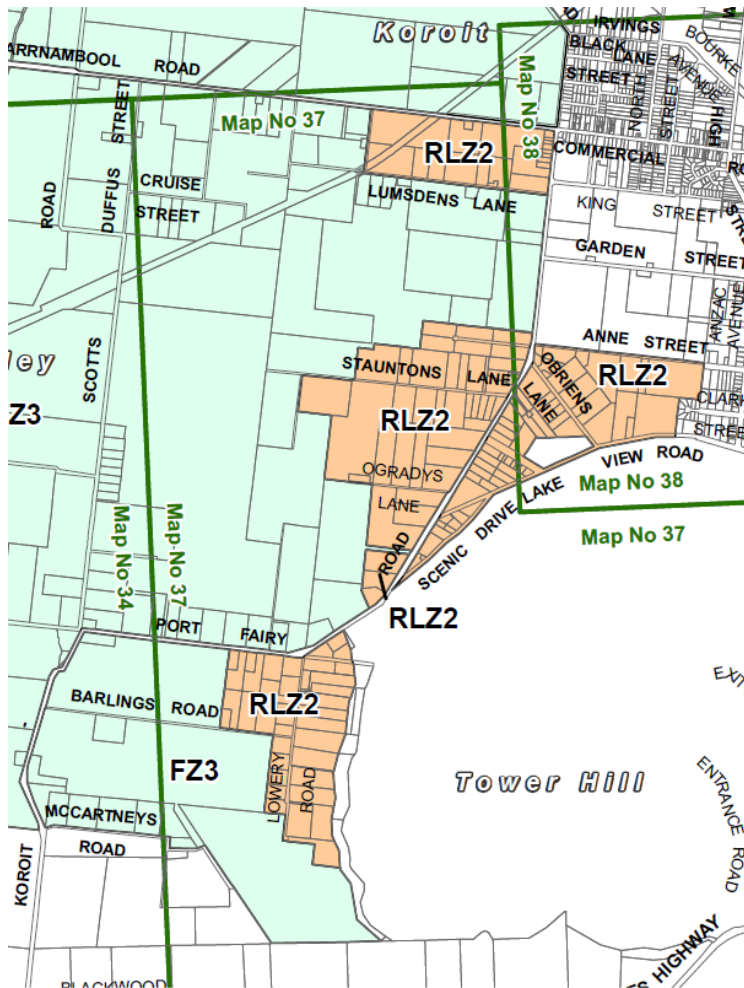
Authorisation Conditions

The Authorisation Conditions required a reduction to the extent of the proposed Rural Living Zone at Koroit West (shown in blue). Land removed from the proposed RLZ2 at Koroit West should be replaced by the proposed FZ3.



Exhibited Amendment

The Exhibited Amendment proposed to rezone land from the Farming Zone to the Rural Living Zone Schedule 2 with a 2-hectare minimum lot size, in accordance with the authorisation conditions and generally in accordance with the recommendations of the RHSS 2010.



Land proposed to be rezoned to RLZ2	
Existing lots	176
Existing dwellings:	145
Vacant lots:	31
Potential additional lots:	6
Total lot supply:	37

Submissions

Five (5) submissions, requesting changes to the location or extent of the land to be rezoned and a reduction to the minimum lot size, including one request for land to be rezoned to Low Density Residential (Submitter 3, 8, 9, 18, 45)

Council Resolution May 2022

Council resolved to support the reduction in the minimum lot size from 2 hectares to 1 hectare for the land to be rezoned to Rural Living, and to identify additional land for future growth/rezoning.

Discussion

The land proposed to be rezoned to RLZ in Koroit West/Crossley, as exhibited, is largely developed and used as a rural residential area. There is limited productive agricultural activity being undertaken, although the larger lots at the western of Stauntons Lane and O'Gradys Lane have some potential for agricultural use. It includes land which previously received support from the C6 Panel for rezoning to the Rural Living Zone.

The rezoning of the land to RLZ is appropriate to reflect the rural residential nature of the area and it will provide a modest supply of additional lots.

The amendment of the framework plan to identify land for further growth proposed in the Council resolution is reflected in comments in the Addendum Report 2015 and is supported by submissions.

The reduction of the minimum lot size from 2 hectares to 1 hectare per the preferred form of the Amendment set out in the Council resolution derives from the submissions.

Purnim (Two submissions)

Overview

Purnim is a small settlement located on the Hopkins Highway, between Warrnambool and Mortlake. It extends along the Hopkins Highway with a strip of Rural Living Zone land to the north-west. Community infrastructure and services available include a church, community hall, CFA brigade, recreation reserve and town water supply.

Wastewater disposal has the potential to pose a constraint for development as the settlement does not have reticulated sewerage. It is zoned Township comprising of 41 hectares with an area of Rural Living Zone land consisting of 28 hectares.

Population	2011 Census	2016 Census	2021 Census	Change 2016-2021
Purnim	454	270	292	+22

Source: Australian Bureau of Statistics

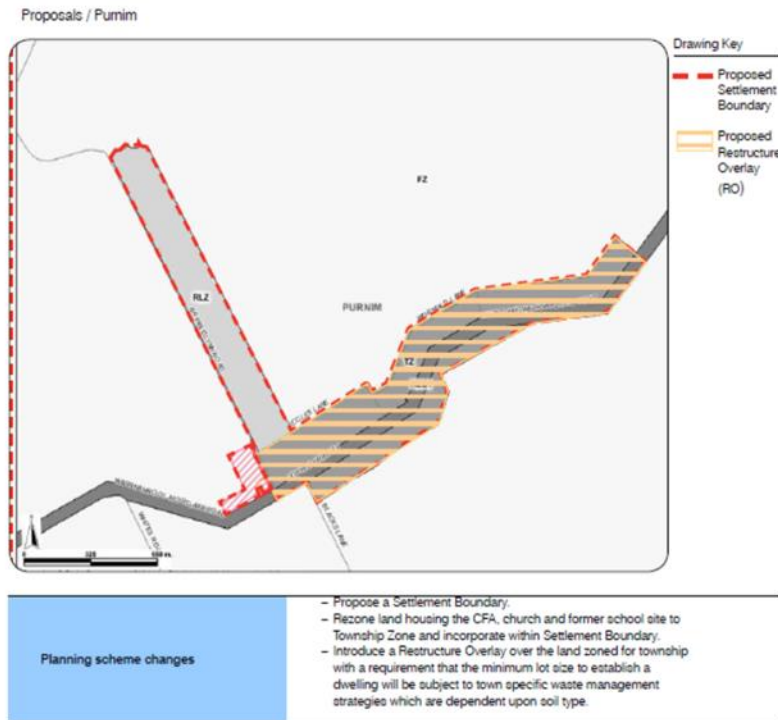
Existing Planning Controls

The land is in the Farming Zone and is not subject to any Overlay controls.

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Propose a Settlement Boundary.
- Rezone land containing the CFA, church and former school site to the Township Zone and incorporate within the Settlement Boundary.
- Introduce a Restructure Overlay over the land zoned for township with a requirement that the minimum lot size to establish a dwelling will be subject to town specific waste management strategies, which are dependent upon soil type.



The RHSS 2010 recommended the rezoning of land containing the CFA, church, and former school site from the Farming Zone to the Township Zone.

Addendum Report

The Addendum Report 2015 recommended the following modifications to the RHSS Strategy:

- Remove the use of the Restructure Overlay and the Incorporated Document
- Note the constraints of wastewater highlighted for the towns in Local Policy.

There was no change to the extension of the Township Zone recommended in the RHSS 2010.

Authorisation Request

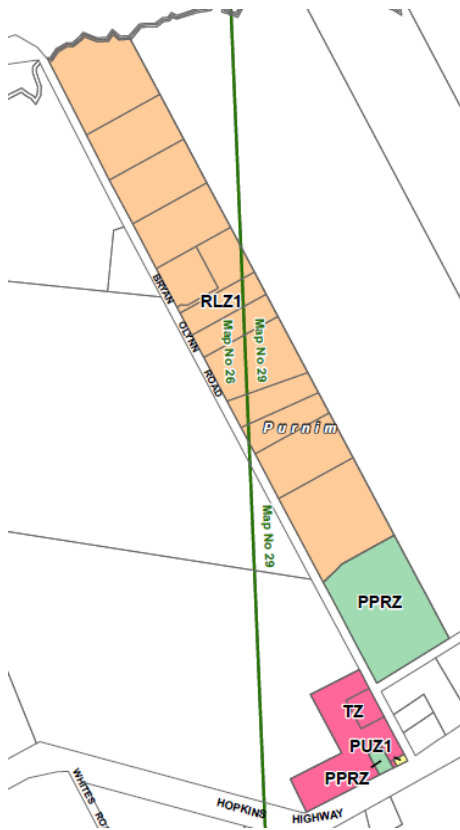
No change to the Addendum Report 2015 recommendations.

Authorisation Conditions

No change to the proposed rezoning to Township Zone. An administrative change was required to include the existing RLZ in RLZ Schedule 1.

Exhibited Amendment

The exhibited amendment proposed to rezone land to the Township Zone and Public Use Zones and included the existing RLZ in RLZ Schedule 1 (administrative change) in accordance with the recommendations of the RHSS 2010 and authorisation conditions.



Land proposed to be rezoned to the Township Zone	
Existing dwellings:	1
Vacant lots:	0
Potential additional lots:	7
Total lot supply:	7

Submissions

Two (2), both support the proposed rezoning, however, one requests the identification of additional land for residential development, i.e., an expansion of the settlement boundary. (Submitter 2, 7)

Council Resolution May 2022

No change to the proposed rezoning, which accords with the RHSS 2010. However, the Council Resolution supports the possible extension of the Settlement Boundary as requested by Submitter 7.

Discussion

The proposed rezoning is supported by the RHSS 2010 as it will include town facilities and urban uses in the Township Zone and provide a modest increase in land supply.

At present, the land is only used for limited agricultural activity and, thus, the rezoning is unlikely to affect the Shire's agricultural economy.

The basis for Council's preferred position on the Amendment (i.e., the amendment of the framework plan to identify land for further growth) derives from the submissions.

Southern Cross (seven submissions)

Overview

Southern Cross is a historical cluster of small lots or Crown Allotments located between Koroit and Warrnambool in proximity to the intersection of Southern Cross Road and the Penshurst-Warrnambool Road, and the Warrnambool Airport. There are no services or reticulated sewerage or water within the area. The settlement reflects a rural living cluster limited to the existing lot configuration.

No further development or establishment of community or recreational facilities is envisaged to support the growth of the settlement, due to its proximity to Koroit and Mailors Flat where such facilities exist.

Population	2011 Census	2016 Census	2021 Census	Change 2016-2021
Southern Cross	Included in Koroit	117	128	+11

Source: Australian Bureau of Statistics

Existing Planning Controls

The settlement is in the Farming Zone and is not subject to any Overlay controls.

RHSS 2010

The RHSS 2010 recommended the following Planning Scheme changes:

- Include a Settlement Boundary.
- Rezone land within the Settlement Boundary to the Rural Living Zone (minimum 2 hectares).



Addendum Report

The Addendum Report recommended that the settlement boundary be extended further south and east to reflect existing rural residential land.

In addition, the Addendum Report recommended that the land within settlement boundary be rezoned to Rural Living with a 1-hectare minimum lot size, with little need for additional physical or community infrastructure.

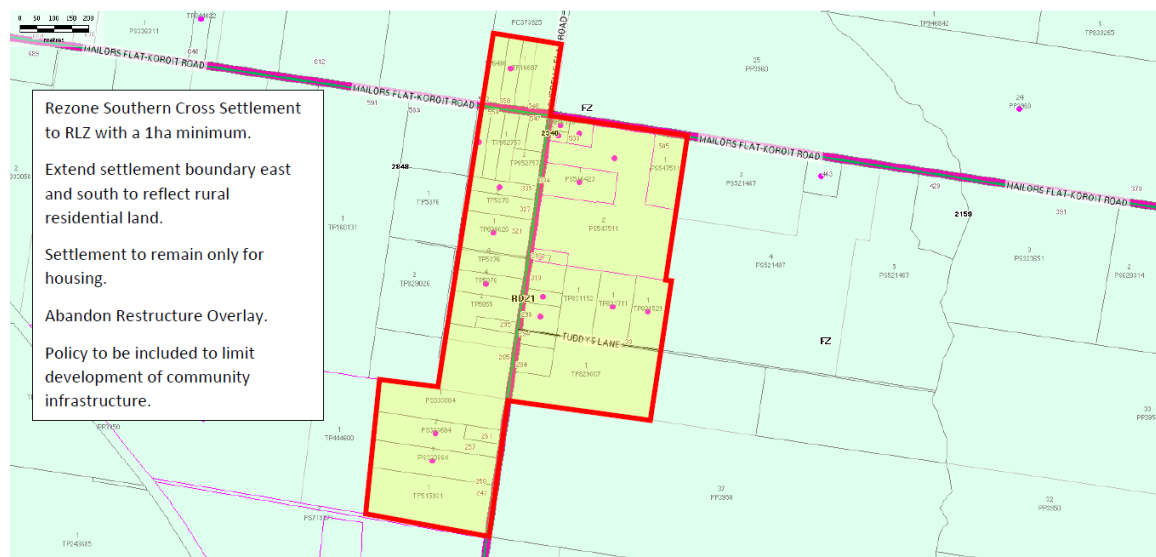
Minimum lot size for subdivision and dwellings in the zone could be set at the standard zone default of 2 hectares or alternatively at the standard Moyne default which is 1 hectare without substantially changing the character or nature of the settlement.

Such rezoning and policy statements for Southern Cross should also be amended to reflect that this is a rural residential settlement and due to the proximity of the settlement to Koroit and Mailors Flat there is no intention to provide the settlement with any community or recreational facilities and to only provided limited infrastructure akin to rural residential areas on the edge of settlements.

The 2015 Addendum Report recommended the following Revised Planning Scheme changes:

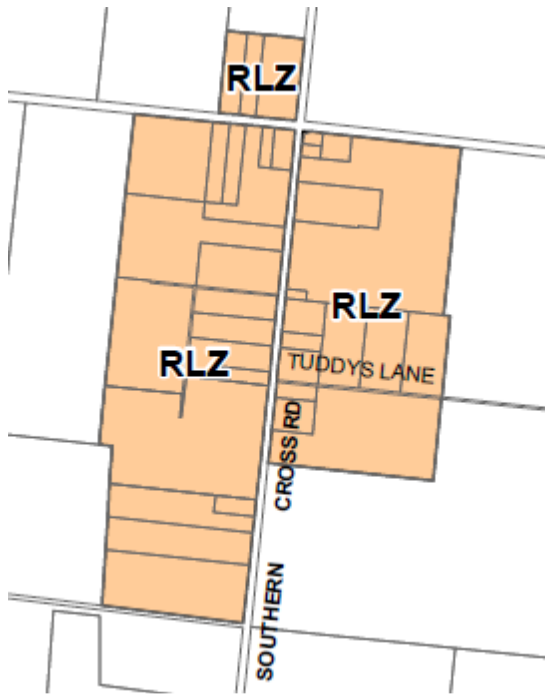
- Extend proposed settlement boundary further south and east to reflect existing rural residential land.
- Rezone land within settlement to Rural Living with a 1-hectare minimum lot size.
- Abandon use of proposed Restructure Overlay.
- Include policy that further community facilities and infrastructure will generally not be supported for the settlement.

SOUTHERN CROSS – Addendum Zoning and Settlement Boundary



Authorisation Request

No change to the Addendum Report 2015 recommendations.



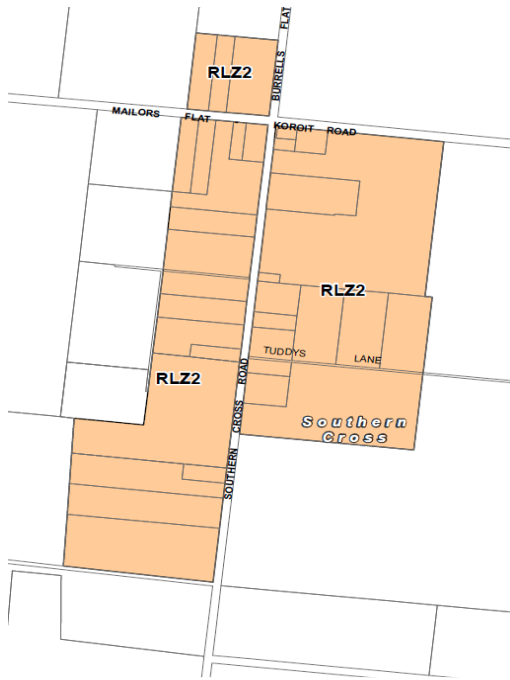
Note: The mapping submitted for authorisation incorrectly showed the extent of the RLZ extending further westwards than the extent recommended in the Addendum Report.

Authorisation Conditions

The authorisation conditions required an increase of the minimum lot size to 2 hectares and a reduction of the extent of the RLZ rezoning to be consistent with the recommendations of the Addendum Report.

Exhibited Amendment

The exhibited Amendment proposed to rezone the settlement from the Farming Zone to the Rural Living Zone Schedule 2 with a 2-hectare minimum lot size, in accordance with the authorisation conditions.



Land proposed to be rezoned to RLZ2	
Existing lots	38
Existing dwellings:	31
Vacant lots:	7
Potential additional lots:	8
Total lot supply:	15

Submissions

Seven (7) submissions, four requested a reduction in the minimum lot size to 1 hectare, one supported the exhibited 2-hectare minimum lot size, one requested an expansion to the Settlement Boundary, and one opposed any expansion to the Settlement Boundary. (Submitter 31, 44, 48, 49, 50, 53, 56)

Council Resolution May 2022

Council resolved to pursue a change to the exhibited minimum lot size from 2 hectare to 1 hectare at Southern Cross.

Discussion

The land proposed to be rezoned to RLZ in Southern Cross, as exhibited, largely reflects the existing rural residential cluster. While agricultural activity occurs in the wider area, there is limited productive agricultural activity being undertaken within the proposed RLZ area.

The rezoning of the land to RLZ reflects the rural residential nature of the area and will provide a modest supply of additional lots.

Strategic justification for the reduction of the minimum lot size from 2 hectares to 1 hectare proposed in the Council resolution (comprising Council's preferred position on the Amendment) has a basis in the Addendum Report 2015.

It is noted that the land proposed to be rezoned does not have any immediately apparent environmental constraints. The more efficient use of the land intended for rural living purposes could be achieved with a 1 hectare minimum lot size.

Reducing the minimum lot size to 1 hectare is estimated to increase the land supply at Southern Cross from 15 lots (2 hectare minimum) to 37 lots.

The preferred position in the Amendment (a 1-hectare minimum lot size) could serve to reduce the pressure for dwellings on small and larger lots, in the Farming Zone, and expansion of the RLZ extent, around Southern Cross and Koroit. It may be seen to assist in preserving productive farmland in the area, in accordance with State Planning Policy.

In relation to Council's preferred position to amend the framework plan to identify land for further growth at Southern Cross, the basis for this position derives from the submissions.

Port Fairy (north) RLZ

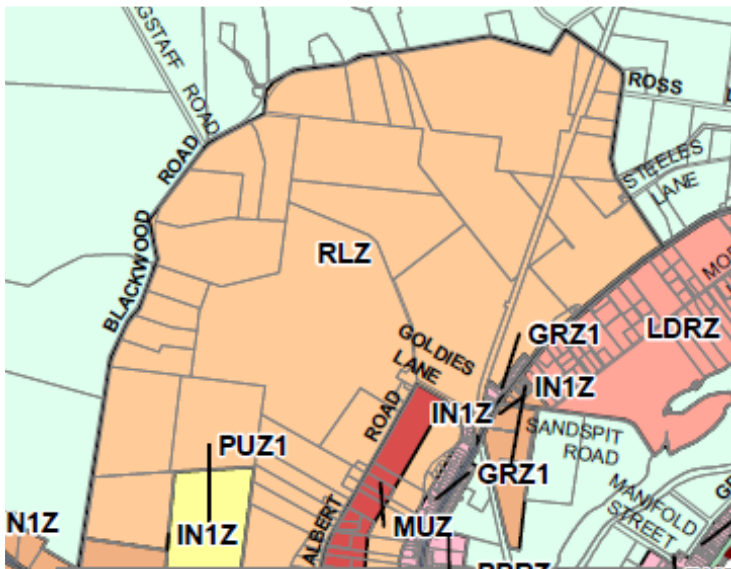
Overview

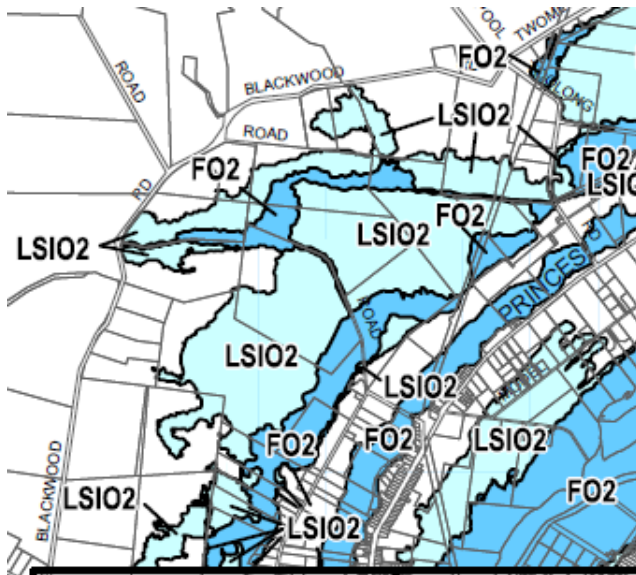
A large area of land to the north of Port Fairy is zoned for Rural Living purposes. It contains a mix of rural living development and land used for agricultural activities on a range of lot sizes.

Existing Planning Controls

The land is in the Rural Living Zone (4 hectare minimum lot size) and is subject to the following Overlay controls:

- Floodway Overlay – Schedule 2
- Land Subject to Inundation Overlay – Schedule 2
- Public Acquisition Overlay – Schedule 1 – Port Fairy Bypass





RHSS 2010

This area was not considered in the RHSS 2010.

Addendum Report

This area was not considered in the 2015 Addendum Report.

Authorisation Request

The authorisation request did not include any proposed planning scheme changes in Port Fairy or its environs.

Authorisation Conditions

Consider rezoning RLZ land in Port Fairy ... where a 4-hectare minimum lot size applies to RLZ3 to ensure the areas are 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.

Exhibited Amendment

The exhibited Amendment proposed to include the existing RLZ in RLZ Schedule 3 (administrative change) in accordance with the authorisation conditions.

Submissions

One (1) requesting a reduction in the minimum lot size from 4 hectare to 1 hectare. (Submitter 17).

Council Resolution May 2022

Council resolved to support the submission requesting a reduction of the minimum lot size from four hectares to one hectare in the existing Rural Living Zone at Port Fairy.

Discussion

The basis for the Council's preferred position on the Amendment lies in the submission.

It is noted that following a consideration of submissions made at the Directions Hearing, the Panel advised:

The Panel has formed a preliminary view that proposed changes to the lot sizes in the Rural Living Zone are beyond the scope of the Amendment, but will hear submissions that the changes should be made. If it is persuaded that there may be merit in those submissions it will determine an appropriate process of further notice and submission.