

Murrindindi Planning Scheme Review



Draft Report
Version 3

Date: 26 June 2023



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Planning and Environment Act 1987

Planning scheme review pursuant to Section 12B of the Act

Murrindindi Planning Scheme

Version	Author	Issue date
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Abbreviations

Abbreviation	Meaning
BAO	Buffer Area Overlay
BMO	Bushfire Management Overlay
C1Z	Commercial 1 Zone
C	Council Amendment
DTP	Department of Transport and Planning
DDO	Design and Development Overlay
DPO	Development Plan Overlay
ESD	Environmentally Sustainable Development
ESO	Environmental Significance Overlay
EPAV	Environment Protection Authority Victoria
FZ	Farming Zone
FO	Flooding Overlay
GC	Group Council Amendment
GRZ	General Residential Zone
LSIO	Land Subject to Inundation Overlay
LGA	Local Government Area
LDRZ	Low Density Residential Zone
MDFC	Ministerial Direction on the Form and Content of Planning Schemes
MSC, Council	Murrindindi Shire Council
MPS	Municipal Planning Strategy
MURI, The Scheme	Murrindindi Planning Scheme
MUZ	Mixed Use Zone
NRZ	Neighbourhood Residential Zone
PG	Practitioner's Guide to Victoria's Planning Schemes
PPF	Planning Policy Framework
PPN	Planning Practice Note
PPV	Planning Panels Victoria
PSR	Murrindindi Planning Scheme Review
RCZ	Rural Conservation Zone
SLO	Significant Landscape Overlay
TLWC	Taungurung Land & Waters Council
TZ	Township Zone
VC	Victoria and Council Amendment
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions
VPO	Vegetation Protection Overlay
Numeric Abbreviations	
ha	hectares
m	metre
m ²	metres squared
%	percent
sqm	square metres
Related Legislation	
Environment Protection Act 2017 (EP Act 2017)	
Subdivision Act 1988 (Sub Act)	
Planning and Environment Act 1987 (P&E Act)	

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1. Executive summary

1.1. Why is the planning scheme being reviewed?

Council as the planning authority for the Murrindindi Planning Scheme is required to review its planning scheme every four years under Section 12(B) of the Planning and Environment Act 1987 (P&E Act).

Council last undertook a comprehensive review of the planning scheme in 2014. The findings of this review were translated into the planning scheme via amendment C54murri which was gazetted in June 2015. A further review was conducted in 2019 as part of the 4 yearly review process but was not implemented.

In 2018, the planning scheme was restructured to insert a new Municipal Planning Strategy (MPS) and local Planning Policies to replace the former Local Policy Planning Framework (LPPF). This was implemented via Amendment C65murri and was a policy neutral amendment undertaken by the Victorian government.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the P&E Act once completed. A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as Appendix 2 to this report.

1.2. Health check and findings

Overall, the Murrindindi Planning Scheme (the scheme) provides a robust strategic and statutory framework for land use and development in Murrindindi Shire. The planning scheme was the first scheme to be translated into the new structure with an MPS and integrated PPF and now needs updating as a result of improvements that have been to the MPS and PPF structure over the last few years.

The scheme's MPS requires some administrative and population updates and a more clearly expressed settlement hierarchy with an improved Strategic Framework Plan. Planning policies in the PPF could also be better targeted and expressed to settlement directions and town framework plans.

Low density residential and rural zone schedules and their mapping should be more clearly mapped and expressed with single schedules to improve their clarity. Special Use Zones should be redrafted to be consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

Overlays including the Environmental Significance, Vegetation Protection and Significant Landscape Overlays should be redrafted to be consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*. There could be greater use of VicSmart local provisions for simple, non-contentious applications and those examples have been identified.

Over the last five years, the numbers of applications received have mostly matched the numbers of applications decided, which demonstrates that Council is assessing applications and administering its scheme well. There is a very low number of appeals and refusals for planning applications subject to the scheme and a moderate number of withdrawn and no permit required applications, which partly explains the low number of refusals.

Further strategic work is needed to reinforce and improve the strategic directions of the scheme to better guide decision making around:

- Implementation of the municipal housing and settlement strategy through a minor update to the Strategic Framework Plan at 02.04 and then more extensive implementation through local planning policies, zones and overlays.
- Implementation of a tourism strategy local planning policy and potential zones and overlays.
- The Eildon Structure Plan and its implementation.
- Significant landscapes and their implementation through local planning policy and Significant Landscape Overlays.
- Yea Saleyards Precinct – strategy development and implementation through local planning policy and a Buffer Area Overlay.
- Implementation of the Domestic Wastewater Management Plan.
- Identifying high-value horticultural land (strawberries and potatoes) and biosecurity risks through a potential local planning policy and overlay.
- Improved shire-wide understand of industrial and commercial land needs and supply.
- Social infrastructure requirements to better understand growth issues and settlement planning.
- Advocating for better resolution of the continuing tensions in rural zones between farming/agriculture and dwellings/residential subdivision.

There is adequate resourcing of the planning functions at Council but this could always be improved, particularly in the strategic planning area. Given the Shire's rural location in north-central Victoria, staff attraction and retention can be a significant issue. There is only one strategic planner employed at Council which is insufficient to manage the more than 15 strategic and other projects currently underway and the new projects proposed through future strategic work. This level of resourcing does not enable multiple planning scheme amendments and strategic projects to be progressed, multiple project briefs and consultancy projects to be managed and planning advice to be provided throughout Council.

The budgetary impact of the funding of strategic projects and their implementation can also be a significant issue for Council in a rate capped and inflationary fiscal environment. Council progressed and adopted the Housing and Settlement Strategy in 2022 which is a significant and an important strategic project, but this was not included in the list of future strategic work at Clause 74.02 of the scheme. There are many strategic projects on that list, such as the Alexandra Structure Plan and an industrial and commercial land strategy that have not progressed. Council needs to prioritise funding to these and several other projects in order to implement this planning scheme review. To assist with this, Council should investigate external funding and partnership opportunities that are provided by Victorian Government Departments and Agencies and regional organisations.

Council delegations for planning functions currently state that any application where two or more objections have been received must be determined by Council. This includes any application that is recommended for a permit, notice of decision to grant a permit or refusal. This level of delegation is insufficient and inconsistent with an efficient and well-functioning planning scheme and application process and should be reviewed.

Strategic planning matters and applications received and progressed are regularly reported to Council. This enables Councillors to raise any issues with specific matters and to "call-in" planning applications for reporting to Council such as those that raise substantial policy issues. To provide for an improved planning function at Council, it is recommended that Council revise its delegations for planning applications so that those that are recommended for refusal and applications with five or less objections are determined under delegation by officers.

During this planning scheme review, it has become clear that the executive team at Council and Councillors both understand and are committed to addressing the underlying issues and directing adequate resources to improve the performance of the planning function at Council. This process will take time and it is critical that Council remain focused on the strategic planning projects that will make

the most difference to the wider community and building the capacity and confidence of the statutory and strategic planning team.

1.3. Top priorities for Council

The review has identified the following priorities for Council over the next four years:

- Review delegations for planning applications and better resource its strategic planning function.
- Implement the housing and settlement strategy through local planning policy and a suite of residential zones and overlays to guide future development.
- Implement the Eildon Structure Plan.
- Prepare and implement the Alexandra Structure Plan.
- Identify and protect significant landscapes and vegetation by implementing the SLO.
- Undertake the preparation of local classes of VicSmart applications for applications in the BMO, ESO, RO, for the removal of three or less native trees and for minor forms of signs.

1.4. Consolidated recommendations

This section of the report outlines the recommendations and next steps for this planning scheme review. Recommendations are grouped as follows:

- Planning scheme recommendations.
- Further strategic work recommendations.
- Process improvement recommendations.
- Advocacy recommendations.
- Minister for Planning recommendation.

1.4.1. Planning scheme amendment

These recommendations relate to the planning scheme amendment that should be progressed to implement the findings of this review relating to administrative matters or to incorporate Council or State adopted strategic planning work into the scheme.

The planning scheme review has identified many policy-neutral changes that should be made to the planning scheme to bring it into alignment with the *Ministerial Direction on the Form and Content of Planning Schemes* (MDFC). These are administrative matters and do not change the policy intent of the scheme.

There are several factual changes that should be made to the Municipal Planning Strategy (MPS) to bring it up to date with the most recent ABS and economic data, and the Council Plan.

The planning permit audit and consultation with referral authorities and Council staff identified that some provisions can be better drafted, particularly Special Use Zone and overlay schedules, and some referral and notice provisions for applications can be revised or removed. As well as sometimes being difficult to understand in terms of permit requirements, these provisions are unclear and generate unnecessary regulatory burden that does not value add to the planning process. Revising these will help to provide a clearer planning scheme, leading to a reduction in workload and the ability to redirect resources to higher priority planning matters.

Opportunity has been taken to make several other changes to the planning scheme to reflect Council policy and practice including:

- Minor administrative corrections to the MPS.

- Updating the Strategic Framework Plan in the MPS to be consistent with the strategic directions for settlement in the MPS.
- Relocating township framework plans to Clause 11.01-1L with relevant strategies.
- Introducing new or strengthening existing local policies at 12.05-2L, 14.01-1L, 14.02-1L, 16.01-2L, 16.01-3L and 17.04-1L based on Council adopted strategies and policies.
- Introducing a 5% public open space contribution for all residential, commercial and industrial subdivisions.
- Updating zone and overlay schedules to be consistent with the MDFC.
- Updating Clause 74.02 to align with the strategic work that has been completed by Council and the future strategic work that is pending.

All of these matters can be progressed with through a Ministerial Amendment.

An audit of local and regional strategies and policies that have been completed since the last planning scheme review has been undertaken and planning policy from these strategies incorporated into the planning scheme as relevant. The working documents that were used to undertake the analysis have been provided to Council officers for reference. The record of engagement with officers, referral authorities and Council has been summarised in this report and provided to Council for reference.

These planning scheme changes are marked as track changes on the supporting Murrindindi Planning Scheme (the scheme) ordinance at **Appendix 1**.

Within the Ordinance, the reason for each change is included in orange text in brackets like this: [source code]. This reason will take the reader back to the correct page of the parent document or the correct provision in the planning scheme as appropriate and enable changes to be understood in their original context. If the words **NEW** is at the start of the source code, it means that this is new, strategically justified policy to be included in the scheme and will require a full, or exhibited, amendment.

Recommendation:

It is recommended that Council:

1. **Prepare a planning scheme amendment or amendments using the marked-up ordinance at Appendix 1 to:**
 - a) **Incorporate the policy neutral changes identified in Chapter 5 to align the ordinance with the Ministerial Direction on the Form and Content of Planning Schemes.**
 - b) **Include revised or new policy and/or provisions to improve the strategic directions of the scheme and to include adopted Council strategies and policies.**

1.4.2. Further strategic work

Appendix 2 of this report outlines the strategic planning work that has been identified through this planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme have been identified and included in the recommendations below. Numerous other recommendations for further strategic work have been identified through this review and are included in **Appendix 2**. The list below represents the further strategic work that is considered will have the most positive impact for the Murrindindi community and the efficient functioning of the planning function.

Only work that can be completed in the next four years should be included in Clause 74.02 of the planning scheme. A recommended Clause 74.02 is included in the marked-up ordinance at **Appendix**

1. This should be considered by Council to ensure that the work is reasonable to complete over the next four years.

Recommendations:

It is recommended that Council:

2. Prioritise the following further strategic work over the next four years:

- a) Prepare and implement a structure plan for the Alexandra township.
- b) Partner with Agriculture Victoria to identify and review high quality agricultural land, the significance of horticultural and agricultural land and how to best manage bio-security issues.
- c) Support and partner with Goulburn Murray Water to undertake a review of planning requirements and controls for the declared water supply catchment area north of Eildon.
- d) Implement the report *Management of Significant Landscapes in Murrindindi and Baw Baw* (Planisphere, 2005) and introduce new SLO mapping, policy and provisions.
- e) Implement the review of the Restructure Overlay through revisions to the Restructure Overlay schedule and update and review the Bayview Estate restructure plan.
- f) Undertake a municipal Industrial and Commercial Land (Employment) Strategy.
- g) Implement the review of environmental overlays with changes to maps and controls for the Significant Landscape Overlay (SLO), Environmental Significance Overlay (ESO) and Erosion Management Overlay (EMO), and replacement of the Vegetation Protection Overlay (VPO) in the Marysville township area with the SLO.
- h) Implement the Eildon Structure Plan, 2016.
- i) Implement the Housing and Settlement Strategy, 2022 and provide a better understanding of the relationship of rural living and low density residential zoned land to housing provision and housing affordability.
- j) Undertake a review of the Yea Saleyards Precinct and consider the appropriate planning response, such as applying the SUZ and BAO to the area.
- k) Review the schedule to Clause 43.01s - Heritage Overlay to insert statements of significance for all sites not included in the Victorian Heritage Register.
- l) Undertake an audit of social infrastructure assets and provision and the future needs of the municipality's population.
- m) Review Schedule 1 to Clause 59.16 - information requirements and decision guidelines for local VicSmart applications to incorporate additional local classes of minor applications.

1.4.3. Process improvements

These recommendations are drawn from both the analysis of the planning scheme and consultation with Council staff and referral authorities.

The recommendations relate to improvements that could be made to the processes associated with collection and analysis of data (such as planning permits), processing and referral of applications, and communication. Process improvements may apply to Council, the Victorian government or referral agencies.

Recommendations:

It is recommended that Council:

3. Included the following matters about internal Council processes that could be improved:

- Review delegations for planning applications and better resource the strategic planning function.
- Increase planning enforcement and compliance (resources have just been allocated for this by Council).
- Use Council's GIS to precisely map significant trees with photos.
- Enhance digital platforms to assist capability and resourcing through software improvements over 4 regional municipalities including Murrindindi for better interchange of systems and information.
- Provide a documented protocol that gives clear direction about internal referrals and processes.
- Prepare improved information such as new checklists for applications and for other matters that are outside of the planning system.
- Prepare registers such as a native vegetation offsets register that are accessible to staff.

1.4.4. Advocacy

These recommendations are generally beyond the scope of what Council can achieve in its planning scheme under the current Victoria Planning Provisions or scope of the Planning and Environment Act 1987. They are matters that Council may wish to discuss with the Victorian government to highlight the issue and advocate for change.

Recommendations:

It is recommended that Council:

- 4. Advocate to the Victorian Government for stronger provisions to be included in the Farming Zone and Rural Conservation Zone to prohibit a second dwelling on a lot and subsequent residential subdivisions less than the minimum lot size in the Farming Zone and Rural Conservation Zone.**

1.4.5. Minister for Planning

Murrindindi Shire Council, with funding from DTP and assistance from Plan2Place Consulting has prepared a planning scheme review as required by section 12B(1) of the *Planning and Environment Act 1987* (the Act).

In accordance with section 12B(3) of the Act, this review identifies opportunities, set out in this report, enhances the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria and the objectives of the planning framework established in the Act.

In accordance with section 12B(4) of the Act, the review evaluates the planning scheme to ensure that it:

- Is consistent with Ministerial Direction on the Form and Content of Planning Schemes.
- Sets out the policy objectives for the use and development of land.
- Makes effective use of state and local provisions to achieve state and local planning policy objectives.

Recommendation:

- 5. That Murrindindi Shire Council note the draft Planning Scheme Review and undertake consultation with the community about the findings and draft recommendations.**
- 6. Upon completion of the consultation period a report will be provided to Council for consideration and adoption where appropriate.**

Once the planning scheme review report is finalised after community and external stakeholder consultation, include the following recommendation:

- 7. That Murrindindi Shire Council adopt this Planning Scheme Review and forward it to the Minister for Planning as evidence that Murrindindi Shire Council, as the planning authority for Murrindindi Planning Scheme, has met its obligations in accordance with Section 12B of the Planning and Environment Act 1987 to review the planning scheme every four years.**

2. Introduction

2.1. Purpose

Council as the planning authority for the Murrindindi Planning Scheme is required to review its planning scheme every four years under Section 12(B) of the *Planning and Environment Act 1987* (The Act).

The scope of a planning scheme review is established under Section 12(B) and planning scheme reviews should focus on:

- The effectiveness and efficiency of the planning scheme in achieving the objectives of planning and the planning framework in Victoria.
- Aligning the planning scheme with the Ministerial Direction on the Form and Content of Planning Schemes.
- Ensuring the planning scheme contains a clear narrative about the way use and development of land will be managed to achieve the planning vision or objectives of the area.

Planning scheme reviews also provide the opportunity to:

- Align Council's policy position with the planning scheme.
- Update out of date or redundant information.
- Educate and inform stakeholders about how the planning scheme works and the process by which to improve it.

Council last undertook a comprehensive review of the planning scheme in 2014. Though another planning scheme review was conducted in 2019, it was not implemented. The findings of this review were translated into the planning scheme via amendment C54muri which was gazetted in February 2016. This amendment included a revision of the Local Planning Policy Framework (LPPF) to reflect current strategic directions for land use and implement a more usable and relevant planning scheme format.

Recently the planning scheme was restructured to insert a new Municipal Planning Strategy and local Planning Policies to replace the former Local Policy Planning Framework. This was implemented through Amendment C64muri which was a policy neutral amendment undertaken by the Victorian government.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the Act once complete. A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as **Appendix 1** to this report.

2.2. Methodology

A six-stage methodology has been developed by DTP to undertake planning scheme reviews as shown in **Figure 1**.

The methodology is supported by the 'Good Practice Guide to Planning Scheme Reviews' and templates that have been developed to assist with each stage of the process.

Plan2Place Consulting has been engaged by DTP to conduct Stages 1 to 4 for the Murrindindi Shire Council.

Stage 5 and 6 will involve a planning scheme amendment to implement the recommendations of the review, which the community will be consulted on. The amendment will be exhibited and submissions

invited from community members in accordance with the requirements of the Planning and Environment Act 1987. If submissions cannot be resolved, Council is obliged to ask the Minister for Planning to appoint an independent Planning Panel to consider submissions and make recommendations to the Minister.

Figure 1: Planning Scheme Review Methodology



The timing for the project is:

Stage	Timing
Initiate	27/02/23
Analyse	17/04/23
Engage	22/05/23
Report	30/06/23 (Draft Report)
Consult	TBC
Implement	TBC

This planning scheme review has been prepared in consideration to the following directions and guidance provided by DTP.

Ministerial directions:

- Ministerial Direction on the Form and Content of Planning Schemes.
- Ministerial Direction No. 11 Strategic Assessment of Amendments.

Planning practice notes and advice:

- A Practitioner's Guide to Victoria's Planning Schemes.
- PPN46 – Strategic Assessment Guidelines.
- PPN32 – Review of planning schemes.

2.3. Murrindindi Shire Context

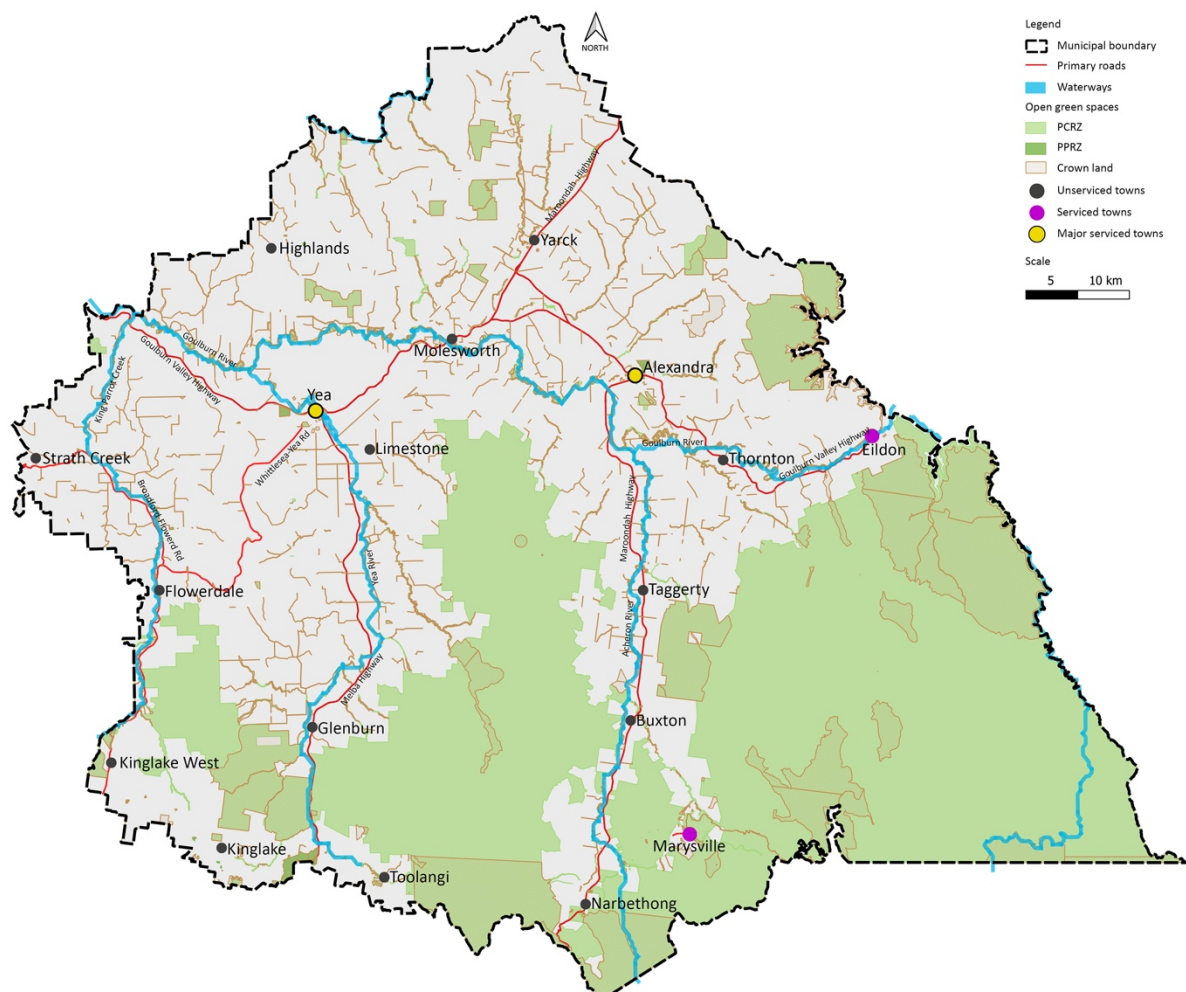
Murrindindi Shire is situated northeast of metropolitan Melbourne, extending from the Kinglake Ranges and Great Dividing Range in the south to the Strathbogrie Ranges to the north. The municipality comprises 3,873 square kilometres, of which 48% is public land.

Murrindindi has a large range of natural features and built attractions that contribute significantly towards the municipality's environment, economy, character and appeal. Features of economic and social significance in the municipality are Lake Eildon, the Goulburn River and valley, the Strathbogrie Ranges, the Melba, Maroondah and Goulburn Valley Highways, the Great Dividing Range and the Lake Mountain Alpine Resort.

The main towns of Alexandra, Yea, Eildon and Marysville are all serviced. Other larger towns are Kinglake and Kinglake West - Pheasant Creek. Smaller towns and settlements include Buxton, Flowerdale, Glenburn, Molesworth, Narbethong, Strath Creek, Taggerty, Taylor Bay, Thornton, Toolangi and Yarck, with other smaller settlements existing throughout the municipality.

The existing road network provides access to metropolitan Melbourne, the Hume Freeway and Melbourne Airport, as well as northern and north-east Victoria. The context for the Murrindindi Shire is shown in **Figure 2**.

Figure 2: Murrindindi Shire Context



2.4. Existing Zones and Overlays applied in Murrindindi Shire

The existing Zones and Overlays applied in Murrindindi Shire that are included in the review are shown in **Figures 3 and 4**.

Figure 3: Murrindindi Planning Scheme – Zones

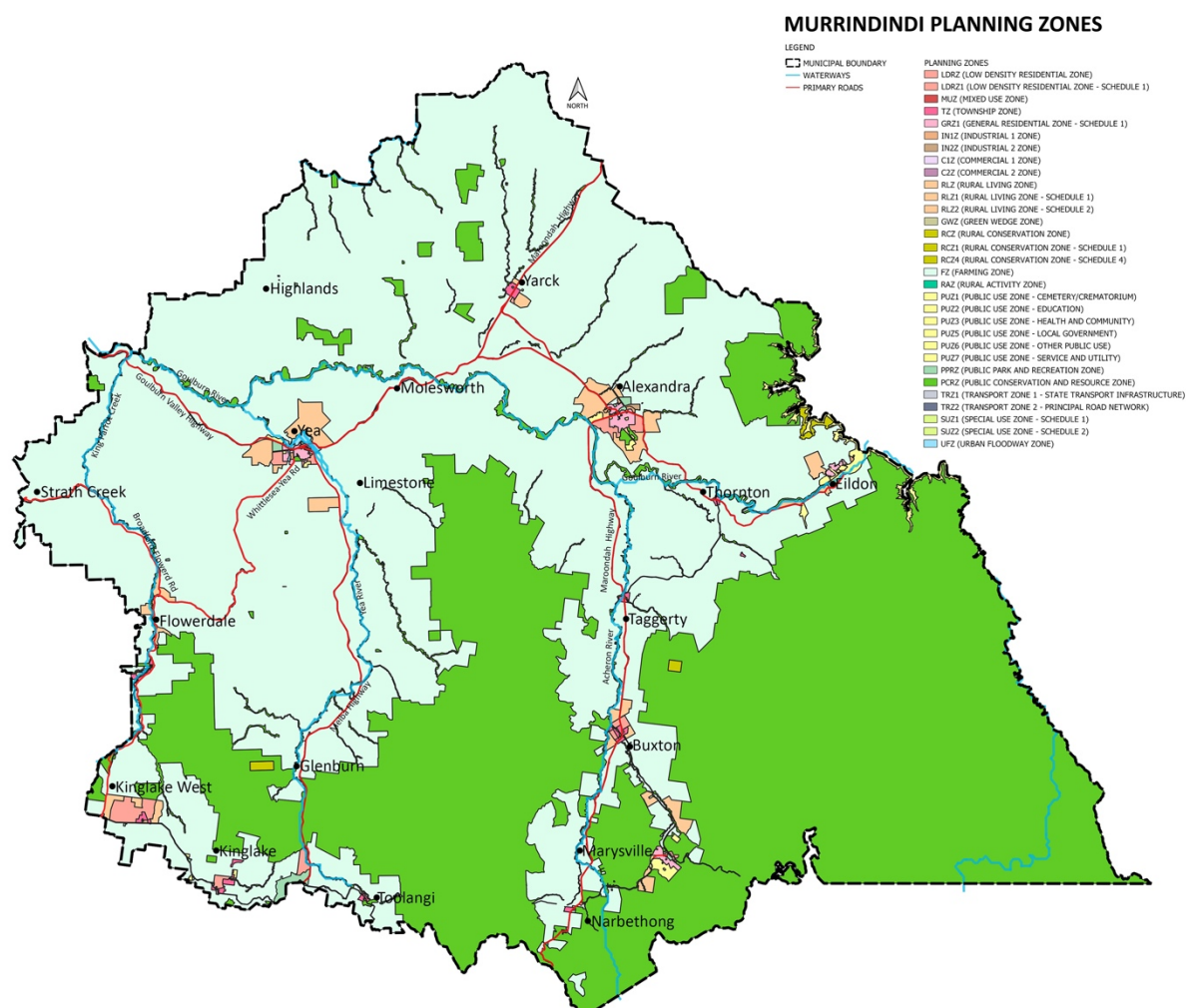
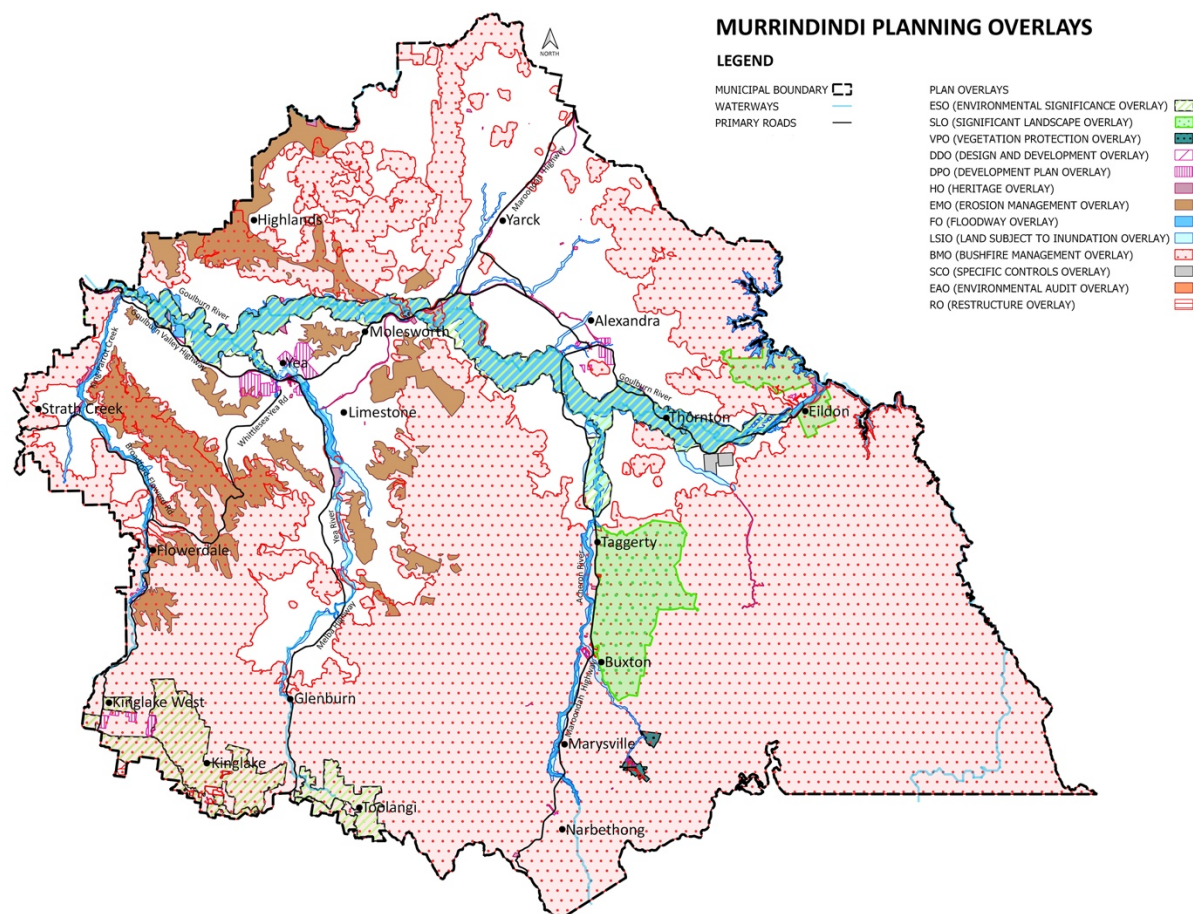


Figure 4: Murrindindi Planning Scheme – Overlays



2.5. Council Organisational Structure

Council's organisational structure includes the Chief Executive Office and three Directors that are responsible for assets and environment, community and development and people and corporate performance. Strategic planning, statutory planning and planning compliance are included in the Community and Development Directorate as shown in **Figure 5**.

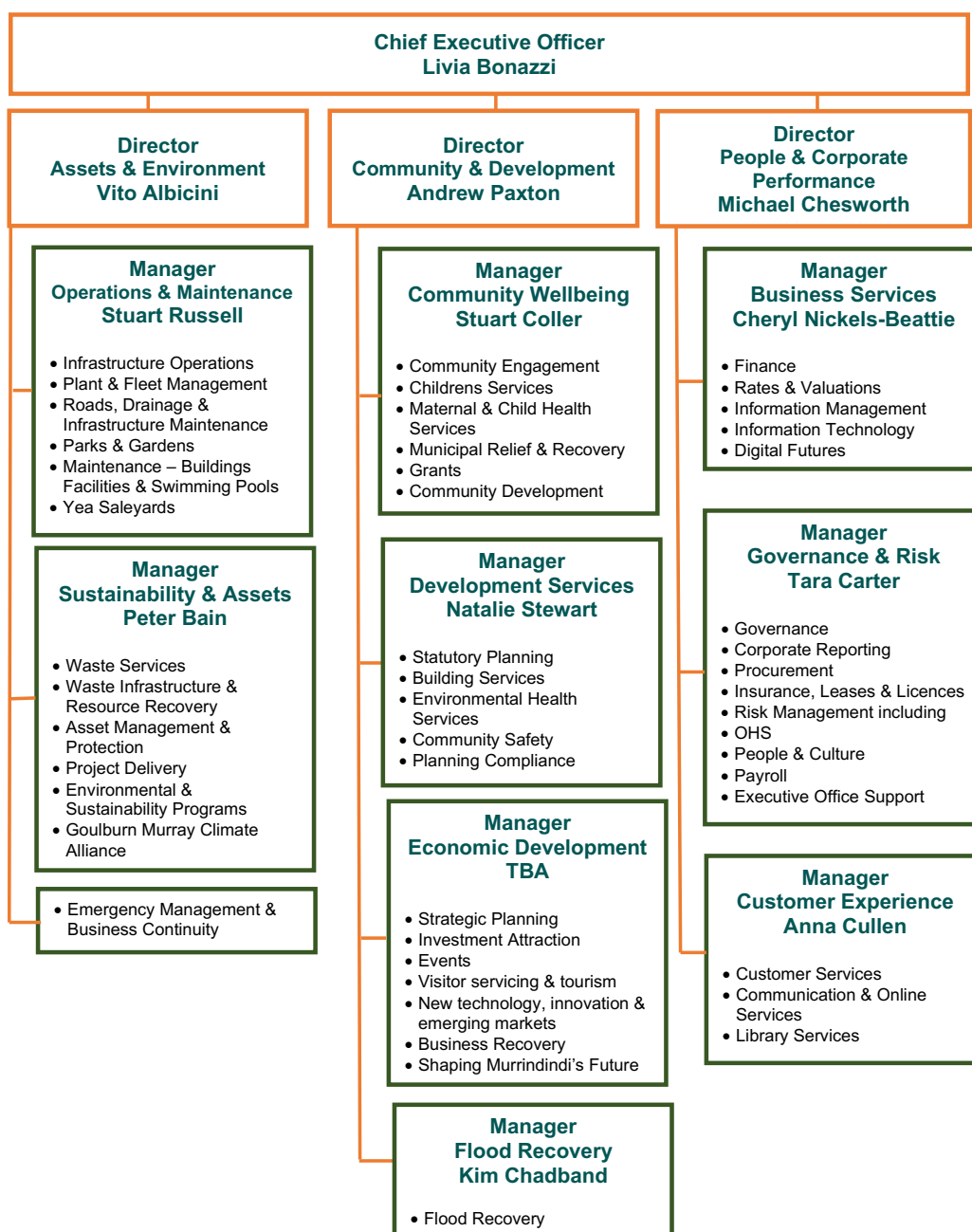
Figure 5: Murrindindi Shire Council Organisational Structure

OFFICIAL



Organisation Structure

As at 15 May 2023



3. What's driving change

3.1. Population, growth, and economy

The growth rate of Murrindindi Shire has steadily increased in the last decade, despite a period of decline between 2001 and 2011. The population of Murrindindi Shire grew from approximately 13,732 persons in 2016 (ABS, 2016) to 15,197 in 2021 (ABS, 2021).

The population is forecast to reach 17,020 persons in 2036 (VIF, 2019), however this projection does not take into account the high rate of growth that has occurred in the last census period and is probably conservative.

In 2021, the Shire had an estimated 8,321 private dwellings (ABS, 2021) and this is forecast to increase to 9,582 dwellings in 2036 (VIF, 2019). This represents an additional 1,261 dwellings to be accommodated, but as noted, this number is likely to be conservative.

Most residents live in the large townships of Alexandra, Eildon, Kinglake, Kinglake West – Pheasant Creek, Marysville and Yea. Smaller towns include Buxton, Flowerdale, Glenburn, Molesworth, Narbethong, Strath Creek, Taggerty, Taylor Bay, Thornton, Toolangi and Yarck. There is continued demand for new housing in townships, some of which is purchased for holiday houses and short-term rental accommodation (e.g. Airbnb, Stayz) placing pressure on the permanent housing market. This is evident from the occupancy rate of 78.2% (ABS, 2021).

3.1.1. Council Plan 2021-2025

Council recently updated its Council plan and have included the following 10-year vision:

Through our combined efforts, our community is vibrant and resilient. We:

- Are inclusive, embrace diversity and encourage the participation of all.
- Welcome new residents and visitors to enjoy and contribute to our Shire.
- Respect and celebrate the cultural heritage of our First Nations People and those who have come before us.
- Actively support the current and future needs and aspirations of people of all ages and abilities.
- Enjoy, participate in and promote culture and the arts, sport and recreation.
- Are leaders in waste reduction and combating climate change.
- Protect our natural environment and biodiversity and preserve our rural landscapes.
- Grow through managed land development, business entrepreneurship and enhanced learning opportunities.

This updated vision needs to be included in an update to Council's Municipal Planning Strategy in the scheme.

Findings/Recommendations

- R1. Update the Municipal Planning Strategy with recent population and dwelling data and forecasts as well as the updated vision included in the Council Plan.**

3.2. Climate change and other environmental risks

Murrindindi Shire has a large range of natural features that contribute significantly towards the municipality's environment, economy, character and appeal. The municipality comprises 3,873 square kilometres, of which 48% is public land.

Natural disasters, including the 2009 bushfires affected substantial areas of the municipality with many towns and settlements being significantly affected and devastated. Natural environmental hazards present risks and constraints for land use and settlement in the municipality and this requires careful management of hazards such as bushfire risk, flooding, drought, and climate change impacts, where more frequent, intense and uncertain weather events are likely. Climate change has the potential to have adverse impacts on the key industries of agriculture and tourism and the economic prosperity and viability of the Shire.

Murrindindi Shire is subject to significant bushfire hazard, particularly in its southern section. This hazard is due to the nature and extent of vegetation, topography, potential for extreme fire behaviour arising from drought and climate change, the dispersed and ad-hoc nature of development and lack of infrastructure and access in some locations. There are also areas of flood prone land where flooding has historically caused substantial damage to the natural and built environment. While significant costs are incurred by direct damage to public and private property, indirect costs to the community such as long-term economic impacts, loss of productivity, displacement of residents, closure of roads, trauma and ill health are also significant.

Council adopted the Murrindindi Climate Change Policy, September 2022 to help provide a framework to better understand and anticipate, and to better plan for, offset and mitigate the impacts of climate change impacts on the Shire. The impacts of climate change can be mitigated in part by supporting alternative energy sources, carbon farming, reducing greenhouse gas emissions, and adopting environmentally sustainable development principles. Directing future growth to existing townships and away from higher risk areas from bushfire and flooding through the appropriate siting, design and management of uses and developments can significantly improve community safety.

Council's Draft Climate Action Plan: Towards 2035 will act as a roadmap towards achieving net zero emissions by 2035. A number of actions outlined in the draft Plan have implications for the planning scheme in the future including in relation to flood modelling ensuring zones and overlays reflect best available climate projections and enhance the local planning policy framework to reflect climate change. This draft Plan is currently on consultation with the community and the actions will be delivered over coming years with subsequent implications for the planning scheme. **Figure 6** shows and extract of Council's Climate Change Action Plan.

Figure 6: Murrindindi Climate Change Action Plan - Extract

Definition	Minimising the impacts of climate change on Council's infrastructure and services					
Goal	Our organisation is adapting well to a changing climate.					
Targets	<ul style="list-style-type: none"> 200 hectares of Council managed land is regenerated, protected and managed to enhance biodiversity values. 50% of Council employees and elected representatives are trained in natural disaster response. 5 key Council owned 'earmarked' disaster recovery centres are retrofitted for climate resilience. 					
Strategic Direction	Ref #	Description of action	Cost	FY	Funding source	Lead
3.2 Continue to manage high priority climate risks to Council's business continuity, essential services and key decision making functions specifically land use planning and development approvals.	ABS2	Explore opportunities to boost National Disaster Fund payments so that damaged assets can be replaced with climate-adapted capacity, rather than like for like	Staff time	Ongoing	Allocated staff time (salaries)	Sustainability and Assets/ Finance
	AEM4	Work with partners to redevelop the Shire's flood modelling for extreme precipitation events in alignment with the Goulburn Broken Floodplain Management Strategy 2018 – 2028 (note GBCMA	Staff time	2024/25	Victorian Government funds	Development Services/GBC MA
		is developing this objective in 2022/23 and 2023/24)				
	AEM5	Review Council's business continuity plan and emergency plans to ensure they meet the needs of a changing climate	Staff time	2023/24	Allocated staff time (salaries)	Emergency management
	ADS1	During review of the Murrindindi Planning Scheme, include overlays and zoning, with consideration of best available climate projections, in accordance with relevant guidelines	Staff time	2023/4 commencement	Funds already allocated for employment of strategic planner	Development Services
	ADS2	Develop a climate change policy under the local planning policy framework, and revise existing planning policies to incorporate consideration of climate change, in accordance with relevant guidelines (link to Planning Review process)	Staff time	2024/25	Allocated staff time (salaries)	Development Services

Findings/Recommendations

- R2. Include reference to the Murrindindi Climate Change Policy, September 2022 in the Municipal Planning Strategy and as a background document.**

3.3. Victorian government amendments and advice

The Victoria Planning Provisions are constantly being reviewed and updated at a state level with numerous VC and GC amendments occurring each year. The State also provides advice to planners in the form of updates to the Practitioner's Guide and new planning practice notes. The full list of Victorian and Regional amendments that have been gazetted, and practice notes that have been released since the last review forms **Appendix 3**.

The way in which the Murrindindi Planning Scheme should respond at a local level to these changes to the Victoria Planning Provisions and how they should be applied has been considered in this review and includes the following.

Planning for housing

The introduction of more sophisticated schedules to the residential zones (through Amendment VC169), including the ability to include place-based objectives (essentially a preferred neighbourhood character statement), provides an opportunity for Council to introduce controls to manage built form in residential areas more effectively. Planning Practice Notes 90 – Planning for Housing and 91 – Using the Residential Zones provide the advice about how this should be done.

This will assist with achieving housing diversity, housing affordability, sustainability and neighbourhood character objectives. Through its Housing and Settlement Strategy 2022, Council has adopted a settlement hierarchy for the Shire and identified structure planning for townships is a priority. Further work to implement local planning policy, zoning and overlay controls that stem from the Strategy's implementation are a focus of future strategic work.

Applying the buffer area overlay

Amendment VC175 introduced the Buffer Area Overlay (BAO) and applied updated separation distances for industries that may have amenity impacts to sensitive uses. The BAO is a new amenity buffer that is designed to ensure that industry can operate according to acceptable standards with no encroachment from sensitive uses such as schools and dwellings that may be affected by odour or dust from industries operating nearby. This control may be suitable for application around a range of infrastructure assets in the Shire, including wastewater treatment plants, transfer stations and stock sale yards where a risk assessment related to the environmental hazard has been undertaken. This work is best led by the owners of the assets but should have some Council involvement.

Rural Worker Accommodation and Dwellings

Amendment VC202 Introduced a land use term and definition for 'Rural worker accommodation' and modified clause 35.07 (Farming Zone) to introduce exemptions for the land use of Rural worker accommodation that accommodates no more than 10 persons. This Amendment also introduced a permit requirement for the land use of Rural worker accommodation for more than 10 persons. This change has enabled rural worker accommodation to be more easily provided on Farming Zone land throughout the Shire, assisting with key worker accommodation. Changes have not been made to address the issues of a second dwelling and subsequent subdivision in the rural zones (the Farming Zone and Rural Conservation in particular) which can negatively affect farming and agricultural production and viability. Greater advocacy on this issue to the Victorian Government is needed.

Environmentally Sustainable Development and Climate Change

Amendments VC216 and VC221 revised the VPP and all planning schemes by altering the PPF to support Environmentally Sustainable Development (ESD) and to facilitate all-electric developments to support implementation of Victoria's *Climate Change Strategy 2021* and *Gas Substitution Roadmap 2022*. These Amendments have ongoing impacts to land in the Shire around ESD policy and requirements and reflects updated climate change forecasts and energy related considerations for land in the Shire.

Findings/Recommendations

R3. As a result of Amendments VC169, VC175, VC202, VC216 and VC221, further work around the following strategic projects and/or advocacy should be undertaken around:

- **Implementation of the Housing and Settlement Strategy 2022 into the scheme.**
- **Investigation of applying the Buffer Area Overlay into the scheme around wastewater treatment plants, transfer stations and stock sale yards (such as the Yea Saleyards Precinct).**
- **Advocating to the Victorian Government for stronger provisions to be included in the Farming Zone and Rural Conservation Zone to prohibit a second dwelling on a lot and subsequent residential subdivisions.**
- **Strengthening ESD policy and requirements and climate change risks and mitigation into the scheme.**

4. Previous planning scheme review

4.1. Previous planning scheme review

The scheme was last reviewed in 2019 which found that the scheme was generally consistent with state policy and planning objectives. At this time it was anticipated that that the MPS and integrated PPF structure would further enhance the policy effectiveness and efficiency of the scheme and its format and usability. The strategic performance of the scheme was identified for improvement through planning projects and planning scheme changes including the:

- Implementation of the Domestic Waste Water Management Plan.
- Implementation of the Eildon Structure Plan 2016.
- Tourism and Events Strategy.
- Alexandra Structure Plans and structure plans for smaller township areas.
- Assessment of industrial land requirements to ensure future employment needs are met.
- Review of the effectiveness of existing zones and overlays.
- Preparation of new planning policy to address the protection of significant landscapes.
- Protection of significant vegetation in and around township areas.
- Identification of agritourism and niche agricultural activities in rural areas.
- Response to issues related to landfill buffers, township entrances, neighbourhood character, outdoor advertising and shipping containers.
- Economic development and tourism opportunities related to investigation of the Yea Saleyards Precinct.
- Review of the Pheasant Creek industrial precinct.
- Implementation of the review of the Restructure Plan Overlay.

The previous review recommended 14 key strategic projects, many of them very significant pieces of strategic work. Several of these projects have been completed, others are yet to be commenced or implemented. The list of strategic projects since the last review in 2019 is included in **Appendix 2**.

Prior to the 2019 review, the Murrindindi Planning Scheme was reviewed in 2014 and that review was implemented into the scheme via Amendment C54 in February 2016.

4.2. Progress since last review

4.2.1. Completed projects

Council has implemented several of the recommendations from the last review through:

- Housing and Settlement Strategy, December 2022
- Public Open Space Contribution Policy, December 2022
- Climate Change Policy, September 2022
- Murrindindi Shire 2021-2025 Council Plan, October 2021
- Murrindindi Shire 2021-25 Municipal Public Health and Wellbeing Plan, September 2021
- Activating Lake Eildon, June 2020
- Arts and Culture Policy, December 2019
- Tourism and Events Strategy, 2019
- Restructuring of the Local Planning Policy Framework into the PPF and inclusion of the MPS.

4.2.2. Projects underway

Council is currently undertaking over 15 projects that will implement several of the projects identified in the previous review plus a range of other projects and inputs to projects including the:

- Eildon Pondage Masterplan - includes the scoping of the project, procurement, project management and implementation plan.
- Toolangi Forest Discovery Centre - planning scheme amendment to rezone and incorporate the business plan.
- Housing and Settlement Strategy - implementation of the action plan.
- Sale of Eildon Reserves land – preparation of combined planning scheme amendment and permit to progress the sale of land.
- Activating Lake Eildon Masterplan – strategic planning role on hold until further instruction by LEAD (Lake Eildon Activation Drivers) group.
- Lake Eildon Masterplan – working with DTP to develop an action plan of strategic planning projects.
- Landfill Buffer – preparation of planning scheme amendment and exhibition and working with EPA.
- Wastewater Management Facilities – working with Goulburn Valley Water for planning scheme amendment to apply BAO for wastewater management facilities.
- Developing draft amendment documentation for priority projects recognised in previous strategic work.
- Identifying any funding opportunities for future work.
- Participation in CASBE and input into planning responses for Council and wider group.
- Participation in pilot group for development of guidance material for rural and regional Councils in the development of town structure plan materials.
- Working with landowners to facilitate development enquiries for industrial uses.
- Identifying and seeking improvements to Intramaps (GIS system within Council).
- Alexandra Streetscape plan.

4.3. Outstanding work since last review

Items that are outstanding from the last planning scheme review are:

- Implementation of the Eildon Structure Plan, May 2016.
- Implementation of the Domestic Waste Water Management Plan.
- Implementation of the Tourism and Events Strategy.
- Alexandra Structure Plan.
- Structure plans for smaller township areas.
- Assessment of industrial land requirements to ensure future employment needs are met.
- Review of the effectiveness of existing zones and overlays.
- Preparation of new planning policy to address the protection of significant landscapes.
- Protection of significant vegetation in and around township areas.
- Identification of agritourism and niche agricultural activities in rural areas.
- Response to issues related to landfill buffers, township entrances, neighbourhood character, outdoor advertising and shipping containers.
- Economic development and tourism opportunities related to investigation of the Yea Saleyards Precinct.
- Review of the Pheasant Creek industrial precinct.
- Implementation of the review of the Restructure Plan Overlay.

The projects identified above remain important projects to progress so as to reinforce and improve the strategic directions of the scheme. One of the projects listed above involving the review of the effectiveness of existing zones and overlays is being undertaken through this review but other projects will need to be prioritised based on resources and funding. It is noted that the Housing and Settlement Strategy that was undertaken in the last few years was not a listed project but has provided improved strategic direction for housing and settlements.

4.4. Obsolete recommendations

Recommendations from the previous review in 2019 are still current and should be undertaken to provide greater strategic direction and clarity for the scheme.

4.5. Findings

Council has undertaken several important strategic planning projects since the last review, most notably the Housing and Settlement Strategy, Activating Lake Eildon, Public Open Space Contribution Policy, Climate Change Policy (and Action Plan) and the Tourism and Events Strategy.

There remain a list of strategic projects that have not been undertaken and/or implemented which should be undertaken in the next 5 years. These include:

- Implementation of the Eildon Structure Plan, May 2016.
- Implementation of the Domestic Waste Water Management Plan.
- Implementation of the Tourism and Events Strategy.
- Alexandra Structure Plan.
- Assessment of industrial land requirements to ensure future employment needs are met.
- Review of the effectiveness of existing zones and overlays.
- Preparation of new planning policy to address the protection of significant landscapes.
- Protection of significant vegetation in and around township areas.
- Identification of agritourism and niche agricultural activities in rural areas.
- Response to issues related to landfill buffers, township entrances, neighbourhood character, outdoor advertising and shipping containers.

- Economic development and tourism opportunities related to investigation of the Yea Saleyards Precinct.
- Review of the Pheasant Creek industrial precinct.
- Implementation of the review of the Restructure Plan Overlay.

Findings / recommendations:

R4. The following further strategic work that should be undertaken in the next 5 years:

- **Implementation of the Eildon Structure Plan, May 2016.**
- **Implementation of the Domestic Waste Water Management Plan.**
- **Implementation of the Tourism and Events Strategy.**
- **Alexandra Structure Plan.**
- **Assessment of industrial land requirements.**
- **Review of the effectiveness of existing zones and overlays.**
- **Preparation of new planning policy to address the protection of significant landscapes.**
- **Protection of significant vegetation in and around township areas.**
- **Identification of agritourism and niche agricultural activities in rural areas.**
- **Response to issues related to landfill buffers, township entrances, neighbourhood character and outdoor advertising.**
- **Economic development and tourism opportunities related to investigation of the Yea Saleyards Precinct.**
- **Implementation of the review of the Restructure Plan Overlay.**

5. Audit and assessment of current scheme

5.1. Methodology

An audit of each local provision (policies and schedules) in the planning scheme has been undertaken. This audit has compared the drafting and application of each local provision against the *Ministerial Direction on the Form and Content of Planning Schemes, a Practitioners' Guide to Victorian Planning Schemes* (Version 1.5, April 2022) and relevant planning practice notes.

Each provision has also been assessed against how it is achieving the strategic objectives that are set out in the State, regional and local planning provisions.

The detailed outcomes of the audit have been provided to Council officers, and changes that can be made without further strategic work have been made to the ordinance at **Appendix 1**.

Findings on improvements that could be made are listed below. Some of these can occur as part of a planning scheme review based on the findings in this report and are included in the marked-up ordinance at **Appendix 1**. Others require further strategic work to justify the change and are listed as findings.

5.2. Municipal Planning Strategy

As well as the assessment outlined above, the MPS was cross referenced against all the other local provisions in the scheme to ensure that there is a link to all local policies in the MPS.

Clause no and name	Compliance or changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
Word count (5000 or less)		PSR complies
02.01 Context	Make minor amendments to the Context (02.01) to include: <ul style="list-style-type: none">Updated economic and population data (e.g. 2021 ABS Census).First Nations recognition and updated economic and population data.Include reference to agriculture in regards to the economy is something that is mentioned in 02.03 Environmental Risks and Amenity.Include reference to floods/ flooding risk.Include less emphasis on the recovery and rebuilding of communities after the 2009 bushfires.	Policy neutral amendment

Clause no and name	Compliance or changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
02.02 Vision	Update to reflect 2021 Council plan vision as follows: “Through our combined efforts, our community is vibrant and resilient. We: <ul style="list-style-type: none"> • Are inclusive, embrace diversity and encourage the participation of all. • Welcome new residents and visitors to enjoy and contribute to our Shire. • Respect and celebrate the cultural heritage of our First Nations People and those who have come before us. • Actively support the current and future needs and aspirations of people of all ages and abilities. • Enjoy, participate in and promote culture and the arts, sport and recreation. • Are leaders in waste reduction and combating climate change. • Protect our natural environment and biodiversity and preserve our rural landscapes. • Grow through managed land development, business entrepreneurship and enhanced learning opportunities.” 	Policy neutral amendment
02.03 Strategic directions	Need to include clauses numbers against themes.	PSR policy neutral amendment
02.03-1 Settlement	Should include a clearer settlement hierarchy outlining the areas of growth in towns focused to Alexandra and Yea. Then Eildon, Marysville and the Kinglake towns. Settlements are clearly identified not as a focus of residential growth.	PSR policy neutral amendment
02.03-2 Environmental values and landscapes		Complies
02.03-3 Environmental risks and amenity		Complies
02.03-4 Natural resource management		Complies
02.05 Built environment and heritage		Complies
02.03-6 Housing	Update to reflect the directions in the Housing and Settlement Strategy, 2022	PSR full amendment
02.03-7 Economic development		Complies
02.03-8 Transport		Complies
02.03-9 Infrastructure		Complies
2.04 Strategic framework plans		Complies

Clause no and name	Compliance or changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
Murrindindi Shire Framework Plan	Update to include the following: <ul style="list-style-type: none"> • A settlement hierarchy • Road labels • Waterway labels • Red lines included in the legend • Blue waterway lines included in legend • Green LGA boundary line included in legend • Scale and orientation 	PSR policy neutral amendment
Alexandra Framework Plan	Move to Clause 11.01-1L Settlement	PSR policy neutral amendment
Eildon Framework Plan	Move to Clause 11.01-1L Settlement	PSR policy neutral amendment
Kinglake Framework Plan	Move to Clause 11.01-1L Settlement	Policy neutral amendment
Kinglake West – Pheasant Creek Framework Plan	Move to Clause 11.01-1L Settlement	PSR policy neutral amendment
Marysville Framework Plan	Move to Clause 11.01-1L Settlement	PSR policy neutral amendment
Yea Framework Plan	Move to Clause 11.01-1L Settlement	PSR policy neutral amendment

5.3. Planning Policy Framework

All the Local PPF policies that are included in the planning scheme are included in the table below, and a notation is included about whether they comply or require changing because of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
SETTLEMENT		
11.01-1L Settlement – Murrindindi	List objective as no objective is listed and it is unclear which of the state objectives the strategies refer to.	PSR policy neutral amendment
	Combine the first two dot points – “Support the recovery and rebuilding of communities, destroyed homes and damaged infrastructure by the 2009 bushfires...”	PSR policy neutral amendment
11.01-1L-02 Alexandra	Introduce new clause and update strategy based on existing MPS content for the town to give effect to the Housing and Settlement Strategy, 2022 including a map	PSR policy neutral amendment

Clause no. and name	Changes required	Action
		PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
11.01-1L-03 Eildon	Introduce new clause and update strategy based on existing MPS content for the town to give effect to the Housing and Settlement Strategy, 2022 including a map	PSR policy neutral amendment
11.01-1L-04 Kinglake	Introduce new clause and update strategy based on existing MPS content for the town to give effect to the Housing and Settlement Strategy, 2022 including a map	PSR policy neutral amendment
11.01-1L-05 Kinglake West- Pheasant Creek	Introduce new clause and update strategy based on existing MPS content for the town to give effect to the Housing and Settlement Strategy, 2022 including a map	PSR policy neutral amendment
11.01-1L-06 Marysville	Introduce new clause and update strategy based on existing MPS content for the town to give effect to the Housing and Settlement Strategy, 2022 including a map	PSR policy neutral amendment
11.01-1L-07 Yea	Introduce new clause and update strategy based on existing MPS content for the town to give effect to the Housing and Settlement Strategy, 2022 including a map	PSR policy neutral amendment
ENVIRONMENT VALUES AND LANDSCAPES		
12.05-2L-01 Murrindindi Significant Landscapes	Introduce new clause and include strategy to give effect to the Planisphere landscape strategy	PSR full amendment
ENVIRONMENTAL RISKS AND AMENITY		
13.02-1L Bushfire Planning	Replace first strategy with two separate strategies or combine into one - "Support the rebuilding of communities, destroyed homes and damaged infrastructure, and the re-establishment of commercial centres affected by the 2009 bushfires in a way that mitigates bushfire risk".	PSR policy neutral amendment
	Remove two of the three verbs at the start of the second strategy.	PSR policy neutral amendment
	Restructure strategy three to the following: "Provide necessary bushfire protection measures, including: <ul style="list-style-type: none"> • Through the design and construction of buildings. • The creation of defensible space. • The provision of a dedicated fire-fighting water supply. • The need for fire authority access to and on the land." 	PSR policy neutral amendment

Clause no. and name	Changes required	Action
		PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	Remove one of the two verbs at the start of strategy four.	PSR policy neutral amendment
	Clarify what “an acceptable level” refers to in strategy five to improve ease of understandability for the general public.	PSR policy neutral amendment
	Update dot point three of the second guideline to reflect current CFA specifications	PSR policy neutral amendment
	Rephrase dot point four of the second guideline to improve readability and clarify what “environmentally unobtrusive or screened” means	PSR policy neutral amendment
13.07-1L Alexandra Industrial Precinct	Rephrase policy application to “The policy applies to all Industrial 2 zoned land in Alexandra”	PSR policy neutral amendment
NATURAL RESOURCE MANAGEMENT		
14.01-1L Dwelling extensions in rural areas	Consider replacing ‘excision’ with a simpler word to improve ease of understandability for the general public. ‘Excision’ in this context essentially refers to subdivision.	PSR policy neutral amendment
	Rephrase the first strategy to improve readability. E.g. “Discourage subdivision that is likely to lead to a concentration of lots which would: <ul style="list-style-type: none"> • Change the use and character of the area. • Limit the productive capacity of the land. 	PSR policy neutral amendment
	Rephrase guidelines one and two to read as guidelines rather than strategies.	PSR policy neutral amendment
	Replace ‘continuing’ in guideline two, dot point one with ‘continued’.	PSR policy neutral amendment
	Rephrase guideline two, dot point two as “Are compatible with and will not have an adverse impact on the potential for rural land uses on the land, adjoining land and the general area”	PSR policy neutral amendment
14.02-1L Murrindindi catchment management and planning	Insert new clause and strategy to give effect to the Domestic Wastewater Management Plan, 2019.	PSR full amendment
BUILT ENVIRONMENT AND HERITAGE		
15.03-1L Heritage Conservation	Rephrase strategy two to the following: “Support the partial demolition of a significant or contributory place where its demolition will not adversely affect the significance of the place and will either...”	PSR policy neutral amendment

Clause no. and name	Changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	Rephrase strategy eight to the following: Support subdivision that: <ul style="list-style-type: none"> Is compatible with the historic subdivision pattern found in an area. Maintains significant fabric associated with a heritage place. 	PSR policy neutral amendment
	Remove 'will' from strategy 10	PSR policy neutral amendment
	Rephrase strategy 11 to the following: "Design development adjacent to a significant tree so that the integrity and condition of the tree is protected."	PSR policy neutral amendment
15.02-1L Environmentally Sustainable Development	Consider writing a local policy for ESD based on the CASBE model with metrics to be determined by Council. State policy was removed through Amendment VC216. Location in PPF needs to be determined.	PSR full amendment or PSR policy neutral amendment
HOUSING		
16.01-2L Residential development in serviced and non-serviced towns	Rephrase strategy one of 'Residential development in non-serviced towns' so it does not contradict with the listed objective.	PSR policy neutral amendment
	Replace 'enforce' at the start of strategy three of 'Residential development in non-serviced towns' with 'establish' as enforce is not an approved verb.	PSR policy neutral amendment
16.01-2L Residential development in serviced towns	Split content from existing 16.01-2L to focus on serviced towns and incorporate any relevant policy changes from Housing and Settlement Strategy.	PSR full amendment
16.01-3L Residential development in non-serviced towns	Split content from existing 16.01-2L to focus on non-serviced towns and incorporate any relevant policy changes from Housing and Settlement Strategy.	PSR full amendment
ECONOMIC DEVELOPMENT		
17.03-2L Yea Saleyards Precinct	Clarify exactly the extent of the surrounding land the policy applies to in 'Policy application'	PSR policy neutral amendment
	The policy has expired. Consider either removing, extending, listing as further strategic work and applying the SUZ and BAO to the area.	Further strategic work
17.04-1L Tourism in Murrindindi	Introduce a new clause and strategy to give effect to the Murrindindi Shire Tourism and Events Strategy 2019-2025, 2019	PSR full amendment

Clause no. and name	Changes required	Action
		PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
INFRASTRUCTURE		
19.03-2L Infrastructure design and provision		Complies

5.4. Zones

All the zone schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action
		PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
RESIDENTIAL ZONES		
32.03s Low Density Residential Zone	Insert schedule numbers	PSR policy neutral amendment
	Replace 'bounded' in "Land bounded by Whittlesea" with 'bound'	PSR policy neutral amendment
	Each area should be separated into its own schedule. E.g. 1 hectare (schedule 1), 2 hectares (schedule 2) etc. in accordance with MD and mapped accordingly.	PSR policy neutral amendment
	Remove unless lots 0.4 hectares or larger are in accordance with a Land Capability Assessment approved by the responsible authority that complies with the EPA publication 746.1 Land Capability Assessment for Onsite Domestic Wastewater Management, March 2003 and the Septic Tanks Code of Practice, March 2003 from 'All other land'	PSR policy neutral amendment
32.04s Mixed Use Zone	Insert Schedule 1 and MUZ1 and map accordingly.	PSR policy neutral amendment
32.05s Township Zone	Insert Schedule 1 and TZ1 in accordance with MD and map accordingly.	PSR policy neutral amendment
32.08s1 General Residential Zone		Complies

Clause no. and name	Changes required (if relevant)	Action
		PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
INDUSTRIAL ZONES		
33.01s Industrial 1 Zone		Complies
33.02s Industrial 2 Zone		Complies
COMMERCIAL ZONES		
34.01s Commercial 1 Zone		Complies
RURAL ZONES		
35.03s Rural Living Zone	Insert schedule numbers	PSR policy neutral amendment
	Replace 'bounded in "Land bounded by Whittlesea..." with 'bound'	PSR policy neutral amendment
	Each area should be separated into its own schedule. E.g. 1 hectare (schedule 1), 2 hectares (schedule 2) etc. in accordance with MD and mapped accordingly	PSR policy neutral amendment
	Remove averages from 'All other land' as this is not permitted by the MD.	PSR policy neutral amendment
35.06s Rural Conservation Zone	Insert schedule numbers	PSR policy neutral amendment
	Each area should be separated into its own schedule. E.g. 5 hectares (schedule 1), none specified. (schedule 2) etc. in accordance with MD and mapped accordingly.	PSR policy neutral amendment
35.07s Farming Zone	Insert schedule numbers	PSR policy neutral amendment
	Each area should be separated into its own schedule. E.g. 40 hectares (schedule 1), none specified. (schedule 2) etc. in accordance with MD and mapped accordingly.	PSR policy neutral amendment
	Land in a Public Acquisition Overlay has different setbacks in TRZ2 and TRZ3. Confusing the way it is drafted – perhaps needs updating by DTP.	N/A
35.08s Rural Activity Zone	Insert schedule numbers	PSR policy neutral amendment
	Insert up to five objectives	PSR policy neutral amendment
	Each area should be separated into its own schedule. E.g. 40 hectares (schedule 1), none specified. (schedule 2) etc in accordance with MD and mapped accordingly..	PSR policy neutral amendment
	Land in a Public Acquisition Overlay has different setbacks in TRZ2 and TRZ3. Confusing the way it is drafted – perhaps needs updating by DTP.	N/A

Clause no. and name	Changes required (if relevant)	Action
		PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
PUBLIC USE ZONES		
36.01s Public Use Zone	Update DELWP to DTP	PSR policy neutral amendment
36.02s Public Park and Recreation Zone	Update DELWP to DTP	PSR policy neutral amendment
36.03s Public Conservation and Resource Zone	Update DELWP to DTP	PSR policy neutral amendment
SPECIAL PURPOSE ZONES		
37.01s1 Special Use Zone	Add full stops to conditions	PSR policy neutral amendment
	Change 'Search for Stone' to 'Stone Exploration'	PSR policy neutral amendment
	Insert section 2 uses which are section 1 uses where the condition isn't met.	PSR policy neutral amendment
37.01s2 Special Use Zone	Add full stops to conditions	PSR policy neutral amendment
	Change 'Railway' to 'Railway Station' as 'Railway' is not a defined term.	PSR policy neutral amendment
	Change 'Tavern' to 'Bar' as 'Tavern' is not a defined term.	PSR policy neutral amendment
	Remove section 2.0 Requirement for development plan as this is not listed in the Ministerial Direction	PSR policy neutral amendment
	Change permit requirements to "No permit is required to construct a building or construct or carry out works for the following"	PSR policy neutral amendment
	Change application requirements to "The following application requirements apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:"	PSR policy neutral amendment
	Change exemption from notice and review to "An application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act."	PSR policy neutral amendment
	Change decision guidelines to "The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the	PSR policy neutral amendment

Clause no. and name	Changes required (if relevant)	Action
		PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	scheme which must be considered, as appropriate, by the responsible authority:"	

5.5. Overlays

All the overlay schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	ACTION
		PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
ENVIRONMENTAL AND LANDSCAPE OVERLAYS		
42.01s1 Environmental Significance Overlay	Reduce the number of objectives to one	PSR policy neutral amendment
	Add 'to' to the start of objectives	PSR policy neutral amendment
	Remove 'exemptions' subheading from permit requirement	PSR policy neutral amendment
	Remove 'any sign' and 'a low impact telecommunications facility' as these are already exempt under Clause 62.02-1	PSR policy neutral amendment
	Change DELWP to DTP	PSR policy neutral amendment
42.01s2 Environmental Significance Overlay	Reduce the number of objectives to one	PSR policy neutral amendment
	Add 'to' to the start of objectives	PSR policy neutral amendment
42.02s1 Vegetation protection Overlay	Add 'to' to the start of objectives	PSR policy neutral amendment
	Remove the last permit requirement exemption (Weeds) as this is already exempt in the parent provision 42.01.	PSR policy neutral amendment
42.03s1 Significant Landscape Overlay	Reduce number of objectives to five	PSR policy neutral amendment

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	Remove 'Requirements' sub heading	PSR policy neutral amendment
	Rephrase 'requirements' to comply with Ministerial Direction format. Needs to be in the form of "a permit is/ is not required..."	PSR policy neutral amendment
	Remove 'any sign' and 'a low impact telecommunications facility' as these are already exempt under Clause 62.02-1	PSR policy neutral amendment
	Overlay states only vegetation listed in overlay requires a permit. The last permit exemption should therefore be removed and replaced with "a permit is required to destroy, remove or lop any native vegetation except for any dead vegetation etc"	PSR policy neutral amendment
	Change DELWP to DTP	PSR policy neutral amendment
	Insert "The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:" in decision guidelines.	PSR policy neutral amendment
42.03s2 Significant Landscape Overlay	Reduce number of objectives to five	PSR policy neutral amendment
	Rephrase 'requirements' to comply with Ministerial Direction format. Needs to be in the form of "a permit is/ is not required..."	PSR policy neutral amendment
	Overlay states only vegetation listed in overlay requires a permit. The last permit exemption should therefore be removed and replaced with "a permit is required to destroy, remove or lop any native vegetation except for any dead vegetation etc"	PSR policy neutral amendment
	Change DELWP to DTP	PSR policy neutral amendment
	Insert "The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:" in decision guidelines.	PSR policy neutral amendment
HERITAGE AND BUILT FORM OVERLAYS		
43.01s Heritage Overlay	Insert statement of significance for all sites not included in the VHR	PSR further strategic work

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
43.02s1 Design and Development Overlay	Reduce number of objectives to five	PSR policy neutral amendment
	Insert "The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:" into decision guidelines.	PSR policy neutral amendment
43.02s2 Design and Development Overlay	Separate "A permit is required for buildings and works. Development must, as applicable:" into two lines	PSR policy neutral amendment
	Rephrase building and works requirements with specific requirements. Currently they are vague and open to interpretation.	PSR policy neutral amendment
	Remove 'Exemption from notice and review' as this is not listed in the Ministerial Direction.	PSR policy neutral amendment
	Insert "The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:" in decision guidelines.	PSR policy neutral amendment
43.04s1 Development Plan Overlay	Insert "The following conditions and/or requirements apply to permits:" into conditions and requirements for permits	PSR policy neutral amendment
	Consider removing "In the preparation of any development plan, consideration must be given, in conjunction with VicRoads, to the need for a Transport Impact Assessment Report when it is considered likely that there will be an effect on any declared arterial road. Any required Transport Impact Assessment Report will have regard to VicRoads Access Management Policies and determine the extent of mitigating works required on declared arterial roads in consultation with VicRoads. An approved development plan may be amended to the satisfaction of the responsible authority" as this is not listed in the Ministerial Direction. Replace with updated, similar text.	PSR policy neutral amendment
43.04s2 Development Plan Overlay	Insert "The following conditions and/or requirements apply to permits:" into conditions and requirements for permits	PSR policy neutral amendment
	Consider removing "In the preparation of any development plan, consideration must be given, in conjunction with VicRoads, to the need for a Transport Impact Assessment Report when it is	PSR policy neutral amendment

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	considered likely that there will be an effect on any declared arterial road. Any required Transport Impact Assessment Report will have regard to VicRoads Access Management Policies and determine the extent of mitigating works required on declared arterial roads in consultation with VicRoads. An approved development plan may be amended to the satisfaction of the responsible authority" as this is not listed in the Ministerial Direction. Replace with updated, similar text.	
43.04s3 Development Plan Overlay	Insert "The following conditions and/or requirements apply to permits:" into conditions and requirements for permits	PSR policy neutral amendment
	Consider removing "In the preparation of any development plan, consideration must be given, in conjunction with VicRoads, to the need for a Transport Impact Assessment Report when it is considered likely that there will be an effect on any declared arterial road. Any required Transport Impact Assessment Report will have regard to VicRoads Access Management Policies and determine the extent of mitigating works required on declared arterial roads in consultation with VicRoads. An approved development plan may be amended to the satisfaction of the responsible authority" as this is not listed in the Ministerial Direction. Replace with updated, similar text.	PSR policy neutral amendment
43.04s4 Development Plan Overlay	Insert "The following conditions and/or requirements apply to permits:" into conditions and requirements for permits	PSR policy neutral amendment
	Consider removing "In the preparation of any development plan, consideration must be given, in conjunction with VicRoads, to the need for a Transport Impact Assessment Report when it is considered likely that there will be an effect on any declared arterial road. Any required Transport Impact Assessment Report will have regard to VicRoads Access Management Policies and determine the extent of mitigating works required on declared arterial roads in consultation with VicRoads. An approved development plan may be amended to the satisfaction of the responsible authority" as this is not listed in the Ministerial Direction. Replace with updated, similar text.	PSR policy neutral amendment

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
43.04s5 Development Plan Overlay	Insert "The following conditions and/or requirements apply to permits:" into conditions and requirements for permits	PSR policy neutral amendment
	Consider removing "In the preparation of any development plan, consideration must be given, in conjunction with VicRoads, to the need for a Transport Impact Assessment Report when it is considered likely that there will be an effect on any declared arterial road. Any required Transport Impact Assessment Report will have regard to VicRoads Access Management Policies and determine the extent of mitigating works required on declared arterial roads in consultation with VicRoads. An approved development plan may be amended to the satisfaction of the responsible authority" as this is not listed in the Ministerial Direction. Replace with updated, similar text.	PSR policy neutral amendment
	Rephrase "Any development plan proposal at the following locations must address and provide" to "A development plan for the following locations must include the following requirements:" to maintain the formatting laid out in the ministerial direction	PSR policy neutral amendment
LAND MANAGEMENT OVERLAYS		
44.01s Erosion Management Overlay	Insert Schedule 1 and EMO1	PSR policy neutral amendment
44.03s Floodway Overlay	Insert Schedule 1 and FO1	PSR policy neutral amendment
	Replace decision guidelines with "The following decision guidelines apply to an application for a permit under Clause 44.03, in addition to those specified in Clause 44.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:"	PSR policy neutral amendment
	Remove Map 1 to Schedule to Clause 44.03 (Murrindindi Local Floodplain Development Plan) as it does not meet standards set out in the schedule template in the Ministerial Direction and is referenced as an incorporated document in clause 72.04	PSR policy neutral amendment
44.04s Land Subject to Inundation Overlay	Insert Schedule 1 and LSI01	PSR policy neutral amendment
	Replace decision guidelines with "The following decision guidelines apply to an application for a permit under Clause 44.04, in addition to those specified in Clause 44.04 and elsewhere in the	PSR policy neutral amendment

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	scheme which must be considered, as appropriate, by the responsible authority:" as listed in Ministerial Direction	
	Remove Map 1 to Schedule to Clause 44.04 (Murrindindi Local Floodplain Development Plan) as it does not meet standards set out in the schedule template in the Ministerial Direction and is referenced as an incorporated document in clause 72.04	PSR policy neutral amendment
44.06s1 Bushfire Management Overlay	Replace mandatory condition with "none specified."	PSR policy neutral amendment
44.06s2 Bushfire Management Overlay	Replace mandatory condition with "none specified."	PSR policy neutral amendment
OTHER OVERLAYS		
45.05s Restructure Overlay	Remove all content not listed in the Ministerial Direction	PSR policy neutral amendment
	Replace all maps with clearer maps to improve clarity	PSR policy neutral amendment
45.12s Specific Controls Overlay		Complies

5.6. Particular provisions

All the particular provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
51.01s Specific sites and inclusions		PSR complies
52.02s Easements, restrictions, and reserves	Applied by is an "?" included in the titled that needs to be corrected with a dash.	PSR policy neutral amendment
52.05s Signs		PSR complies
52.16s Native vegetation precinct plan		PSR complies
52.17s Native vegetation		PSR complies

Clause no. and name	Is it applied?	Action
	Changes required (if relevant)	
		PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
52.27s Licenced premises		PSR complies
52.28s Gaming		PSR complies
52.32s Wind energy facility		PSR complies
52.33 Post boxes and drystone walls		PSR complies
53.01s Public open space contributions and subdivision.		PSR complies
53.06s Live music entertainment venues		PSR complies
53.15s Statement of underlying provisions		PSR complies
59.15s Local VicSmart applications		PSR complies
Schedule 1 to Clause 59.16 Information requirements and decision guidelines for local VicSmart applications	Applied, no changes required but further local classes should be considered as a result of the review.	PSR further strategic work.

5.7. General provisions

There are two general provisions that have a schedule available. They are included in the table below with a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied?	Action
	Changes required (if relevant)	
66.04s Referral of permit applications under local provisions.	Applied. Include referrals for the SUZ5, DPO1, DPO2, DPO3, DPO4 and DPO5	PSR policy neutral amendment
66.06s Notice of permit applications under local provisions	Applied, changes required for GMW under DDO6	PSR Complies

5.8. Operational provisions

All the operational provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause	Name	Considerations	Recommendations
<p>Complies PSR further strategic work. PSR policy neutral amendment. PSR full amendment.</p>			
ADMINISTRATION AND ENFORCEMENT OF THIS SCHEME			
72.01s	Schedule to Responsible Authority for this Planning Scheme	Are all relevant responsible authorities specified correctly? If no, please list any inaccuracies.	Complies
72.02s	Schedule to What Area is Covered by this Planning Scheme?	Is the Municipal district named correctly?	Complies
72.03s	Schedule to What Does this Scheme Consist of?	Are all currently applicable Planning Scheme maps listed correctly? If no, please list any inaccuracies. Maps need to be included in schedule in alphabetical order which is a minor administrative change.	PSR policy neutral amendment
72.04s	Schedule to Documents Incorporated in this Planning Scheme	Is the most up to date version of each Incorporated Document listed? Are there any Incorporated Documents no longer required that can be deleted? Do all Incorporated Documents link to an Amendment and Planning Scheme provision in the final column of the schedule? Would any Incorporated Documents benefit from being mapped as a Special Control Overlay? Note: any changes to Incorporated Documents are beyond the scope of a 20(4) amendment. Updated marked up version of the schedule has been drafted.	PSR policy neutral amendment
72.08s	Schedule to Background Documents	Is the most up to date version of each Background Document listed? Are there any Background Documents no longer required that can be deleted? Do all Background Documents link to an Amendment and Planning Scheme provision in the final column of the schedule? Note: any changes to Background Documents are beyond the scope of a 20(4) amendment.	PSR policy neutral amendment

Clause	Name	Considerations	Recommendations
			Complies PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
		Updated marked up version of the schedule has been drafted.	
STRATEGIC IMPLEMENTATION			
74.01s	Schedule to Application of Zones, Overlays and Provisions	Have any Zones or Overlays been introduced or removed since the PPF translation? If yes, please list (including the Amendment Number, the effect of the Amendment & the date of gazettal). Updated marked up version of the schedule has been drafted.	PSR policy neutral amendment
74.02s	Schedule to further strategic work	Transpose further strategic work to Template R1: Planning Scheme Review Report with the source code of [72.04s] Updated marked up version of the schedule has been drafted.	PSR policy neutral amendment

5.9. Recommendations

- R5. Amend the MPS, local PPF policies and schedules to include changes identified in the audit of the planning scheme review and shown on the marked up ordinance at Appendix 1.**
- R6. Undertake further strategic work to address issues identified in the planning scheme audit for the following controls:**
- Introduce new or revised clauses at 11.01-1L to give effect to the strategic direction of the Housing and Settlement Strategy, 2022.
 - Determine an appropriate clause in the PPF for an Environmentally Sustainable Development local policy for based on the CASBE model with metrics to be determined by Council.
 - Review Clause 17.03-2L - Yea Saleyards Precinct to consider undertaking further strategic work to apply the SUZ and BAO to the area.
 - Review the schedule to Clause 43.01s - Heritage Overlay to insert statements of significance for all sites not included in the Victorian Heritage Register.
 - Review Schedule 1 to Clause 59.16 Information requirements and decision guidelines for local VicSmart applications to incorporate additional local classes of minor applications.

6. Planning scheme performance

This section contains an analysis of planning permit activity that has taken place during the last four years. It draws on both publicly available Planning Permit Activity and Reporting System (PPARs) data and data provided by Council.

6.1. Planning permit activity

6.1.1. Number of permits assessed

Evidence

Table 1 shows the number of permit applications received between the 2017/18 financial year and the 2021/22 financial year. The numbers varied, with a low of 243 in 2019/20 and a high of 319 in 2020/21, with the average permits being determined per year at 297.6. Permit activity has fluctuated over the last five years, decreasing between 2017/18 and 2019/20 and increasing between 2019/20 and 2021/22.

Table 1: PPARs Report for Permits Issued Between the 2017/18 and 2021/22 Calendar Year

Permits (including refusals)	2017/18	2018/19	2019/20	2020/21	2021/22
Received	311	295	243	319	312
NOD	1	0	0	1	14
New / Amended Permit	236	251	205	285	270
Refusal	4	5	4	2	3
Withdrawn / Not Required / Lapsed	68	33	46	26	37
Determined *	307	289	255	314	323

* Note this information is from PPARs and some sub-totals do not add up to the determined total

Discussion

Analysis of Table 1 shows that applications received and determined have remained relative consistent, apart from the period during the initial year of the Covid-19 pandemic restrictions in 2020. Applications determined usually match or sometimes exceed the number of applications lodged which is commendable.

There is a low percentage of refusals, which at less than 1% is typical for rural municipalities but also includes a high degree of withdrawn/not required/lapsed applications. The large rate of withdrawn and no permit required applications is explained in part by the low number of refusals as applications that are inconsistent with Council's MPS and local planning policy are often withdrawn before they are refused. A high number of withdrawn and no permit required applications also suggests that greater clarity could be provided in the Murrindindi Planning Scheme so that it is clearer to applicants and Council about when a permit is required.

6.1.2. Service performance

Evidence

The average timeframe taken to decide applications at Murrindindi has remained relatively stable over the past 4 years with exception of a spike in 2019-20. During 2017-18, 2018-19 and 2020-21, the median number of days taken to process applications was 57, 60 and 59 respectively. In 2019-20, the median number of days rose to 84, a 40% increase between 2018-19 and 2019-20. This was well above the average for other small rural councils (71 days) and the statutory requirement set out in the Planning and Environment Act 1987 (60 days).

Despite this, the percentage of applications decided within the requisite timeframes has remained relatively stable over the past 4 years. Council's performance improved significantly in 2020/21 to 59 days, below the State average. Council aims to improve performance in 2021/22 with increased resourcing.

The per-application cost of statutory planning services at Murrindindi is significantly lower than the selected comparable councils. At an average of \$1,597.38 per application, it is also significantly lower for than similar councils (\$2,469.53).

Discussion

The performance of the statutory planning service at Murrindindi Shire has remained stable over the last five years with the exception between 2019/20 and 2020/21 during the Covid-19 pandemic.

The total number of applications has risen over the last three financial years. Despite this, the processing time for applications has remained stable with exception of a sharp 40% increase to 84 days in 2019-2020 from 60 days in 2018-2019. By 2020-2021, the processing time reduced back to 59 days, a 29.8% drop.

The direct cost to council per planning application increased between periods 2017-18 and 2019-20 from \$1,551.67 to \$1,750.57 but decreased to \$1,457.08 in 2020-21, a 16.8% drop. Despite an initial increase in cost per application, the average direct cost to council per application is \$872.15 lower than the average cost for other comparable rural councils. This could indicate that further resourcing and investment may be required.

Table 2 compares recent service performance of the recent service performance of the Murrindindi Shire against comparable councils.

Table 2: Comparison of Service Performance Against Comparable Councils

Measure description	Council	2017-2018	2018-2019	2019-2020	2020-2021
Median number of days taken between receipt of a planning application and a decision on the application	Murrindindi	57	60	84	59
	Mansfield	83	63	70	59
	Mitchell	84	104	116.5	96
	Strathbogie	34	45	44	54
Percentage of VicSmart planning application decisions made within 10 days and regular planning application decisions made within 60 days	Murrindindi	0.68	0.70	0.59	0.75
	Mansfield	0.47	0.67	0.48	0.67
	Mitchell	0.77	0.77	0.71	0.75
	Strathbogie	0.91	0.89	0.93	0.82

Measure description	Council	2017-2018	2018-2019	2019-2020	2020-2021
Direct cost to council of the statutory planning service per planning application received	Murrindindi	1551.67	1630.19	1750.57	1457.08
	Mansfield	2142.01	2192.49	2410.37	2970.04
	Mitchell	2606.68	2163.90	3261.25	2533.74
	Strathbogie	2805.08	2432.81	1881.96	2234.05
Percentage of council planning application decisions subject to review by VCAT that were not set aside	Murrindindi	0.67	1	0	0.5
	Mansfield	1	0.5	0	1
	Mitchell	0.33	0.25	1	0.86
	Strathbogie	N/A	1	0.5	0

Source: www.knowyourcouncil.vic.gov.au.

6.1.3. Most common permit triggers

As shown in **Table 3**, applications for 'Change or extension of use' and 'Single dwelling' are the two most common in application types between 2017/18 financial year and the 2021/22 financial year over five consecutive years.

Table 3: Most Common Application Types

	2017/18	2018/19	2019/20	2020/21	2021/22
Application type					
Change or extension of use	110	123	100	121	109
Extension to existing dwelling	68	61	57	93	78
One or more new buildings	32	30	37	7	53
Single dwelling	76	102	69	34	78
Multi-dwellings	6	3	2	2	7
Native vegetation removal	6	11	6	9	7
Subdivision	23	21	24	29	29
Liquor licence	5	2	6	3	9
Signage	6	3	2	3	6
Telecommunications facility	9 *	1	0	0	1

Source: PPARS (including aggregates of new permit applications and amended permit applications)

* Black spot or potentially early NBN applications

Table 3 includes the most common types of applications received in the municipality, with change or extension of use being the highest number of applications received, consistently close to over a third of all applications received annually. Extensions to existing dwellings and single dwellings are the next highest categories of application type received. There are a reasonable number of applications received for subdivision and liquor licence applications. Applications for multi-dwellings are characteristically low for a rural municipality but the low number of native vegetation removal applications is very low for a rural area.

6.1.4. VCAT Matters

The number of applications that were appealed to the Victorian Civil and Administrative Tribunal was less than 1% which is a relatively low amount and equates to around 1-2 appeals per year on average. This low appeal rate is characteristic of many rural municipalities and reflects the rural nature of the municipality and the predisposition to negotiating planning application outcomes.

As shown in **Table 4**, Most appeals are against Council's Notice of Decision to Grant a Planning Permit with 7 appeals in the last three years in this category. It is noted that the appeals recorded in PPARs total 5 between 2017/18 and 2021/22 but in the appeal determinations provided by Council over the same period total 10.

Table 4: Applications for Review against Planning Applications to VCAT

	2017/18	2018/19	2019/20	2020/21	2021/22
Application for review type					
Appeal against refusal (s. 77)	1	2	0	0	0
Appeal against decision to grant (s. 82)	0	0	2	1	4

Note: decisions are from both PPARs and Council supplied VCAT determinations.

6.1.5. Geographic spread of applications

There is a large spread of applications over the municipality with concentrations in the large townships of Alexandra and Yea, but also Buxton, Eildon, Flowerdale, Kinglake, Kinglake Central, Kinglake West, Marysville and Thornton as shown in **Table 5**.

Table 5: Distribution of Applications from 2019 to March 2023

Locality	Applications 2017/2018 – March 2023	(%)	Locality	Applications 2017/2018 – March 2023	(%)
ACHERON	16	1.46%	GHIN GHIN	12	1.10%
ALEXANDRA	75	6.84%	GLENBURN	23	2.10%
BUXTON	70	6.39%	GOBUR	14	1.28%
CASTELLA	15	1.37%	HIGHLANDS	15	1.37%
CAVEAT	2	0.18%	HOMWOOD	2	0.18%
DEVILS RIVER	12	1.10%	KANUMBRA	6	0.55%
EILDON	41	3.74%	KERRISDALE	6	0.55%
FAWCETT	8	0.73%	KILLINGWORTH	25	2.28%
FLOWERDALE	41	3.74%	KINGLAKE	109	9.95%

Locality	Applications 2017/2018 – March 2023	(%)
KINGLAKE CENTRAL	44	4.02%
KINGLAKE WEST	70	6.39%
KORIELLA	5	0.45%
LIMESTONE	10	0.91%
MAINTONGOON	22	2.01%
MARYSVILLE	88	8.03%
MERTON	2	0.18%
MOLESWORTH	8	0.73%
MURRINDINDI	18	1.64%
NARBETHONG	20	1.83%
PHEASANT CREEK	21	1.92%

Locality	Applications 2017/2018 – March 2023	(%)
RUBICON	6	0.55%
STRATH CREEK	15	1.37%
TAGGERTY	30	2.74%
TAYLOR BAY	21	1.92%
TERIP TERIP	1	0.09%
THORNTON	38	3.47%
TOOLANGI	25	2.28%
WHANREGARWEN	11	1.00%
YARCK	27	2.47%
YEA	83	7.58%

Unsurprisingly most of the permit activity is occurring in the main townships of Alexandra, Kinglake, Kinglake West, Marysville and Yea. These towns have a more diverse residential, commercial and industrial base triggering permit requirements for new dwellings, extensions to buildings and liquor licences.

There is also a large spread of applications in smaller townships and settlements including Eildon, Flowerdale, Kinglake, Kinglake Central and Thornton. These towns and settlements have a large degree of tourism related development and activity as well a large amount of building activity resulting from bushfire rebuilding and recovery.

Buxton, despite being a smaller township with only 176 private dwellings as of the 2021 ABS Census, sees a very high number of applications. There are multiple overlays that apply to Buxton including the BMO, SLO and DPO resulting in greater permit triggers and, consequently, greater numbers of permit applications. The same can be said in Kinglake Central, which despite having only 168 dwellings, also sees a high number of applications. Small lots in the Farming Zone is also likely to be a likely source of applications outside of townships.

6.2. Planning Panels Victoria

6.2.1. Summary of planning scheme amendments

Council has undertaken 10 'C' planning scheme amendments since the last planning scheme review as shown in **Table 6**. A detailed analysis of these has been provided to Council officers. None were considered by a Panel. Implications for two Amendments, C54 and C65, are further discussed below.

Table 6: C Amendments Undertaken by Council from 2019

Amendment number	In operation from	Brief description of the amendment	What sort of amendment: - Policy related - Site specific - Administrative	Status of the amendment - Did not progress - Approved - Underway
C45muri	N/A	Flowerdale Flood Study 2013	Policy related	Unsure if progressing
C67muri	N/A	Alexandra Waste Facility Buffer	Site specific	Waiting on Recycling Victoria
C71muri	N/A	Toolangi Forest Discovery Centre	Site specific	Conditional Authorisation
C062muri	24 July 2019	Implements the findings of the Murrindindi Shire Gaming Policy Review October 2015.	Policy related	Approved
C70muri	4 August 2021	Combined planning permit and amendment to rezone land to Low Density Residential and issue a planning permit to allow cattery on site.	Site specific	Approved
C63muri	9 May 2019	Corrects anomalies to ensure planning controls reflect land ownership and management, including public land.	Administrative	Approved
C059 muri	6 September 2018	The Amendment proposed to rezone part of 265 Whittlesea-Kinglake Road, Kinglake from Public Use Zone 7 (Other) to Public Use Zone 5 (Cemetery and Crematorium) and remove Environmental Significance Overlay (Schedule 1) from the land	Site specific	Abandoned
C65muri	11 July 2019	Replaces the Local Planning Policy Framework with a new Municipal Planning Strategy at Clause 2 and a modified Planning Policy Framework at Clauses 10-19.	Policy related	Approved
C66muri	6 June 2022	Corrections amendment to remove inconsistencies in local schedules with the Victorian Planning Provisions and Ministerial Direction on the Form and Content of Planning Schemes as part of the Smart Planning Local Schedules Update	Administrative	Approved

Amendment number	In operation from	Brief description of the amendment	What sort of amendment:	Status of the amendment
			- Policy related - Site specific - Administrative	- Did not progress - Approved - Underway
C72muri	3 May 2023	Apply the Specific Controls Overlay and insert an Incorporated Document titled '969 Goulburn Valley Highway, Thornton - September 2022 (Tanglewood Music Festival)' to facilitate use of the land at 969 Goulburn Valley Highway, Thornton for the Tanglewood Music Festival.	Site specific	Approved

6.2.2. Issue One

Evidence

Matter	Response
Amendment No:	C54muri
Amendment common name	-
Issues considered:	<p>Relates to existing settlement hierarchy in Municipal Planning Strategy. Wording from Panel recommendations for settlement hierarchy were adopted word for word in existing Municipal Planning Strategy.</p> <p>Discussed the improved use of zones such as commercial and industrial zones to better express the settlement hierarchy in individual towns/settlements.</p> <p>Discussed the Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework, AECOM, 2014 (the KFT Plan)</p>
In operation from:	23 June 2015
Brief description of the amendment:	The amendment seeks to revise the Murrindindi Planning Scheme Local Planning Policy Framework to reflect current strategic directions for land use and implement a more usable and relevant planning scheme format.
Policy matters raised by the Panel that require further consideration or action by Council.	<p>Adopted settlement strategy refined the settlement hierarchy proposed in the Amendment.</p> <p>This settlement hierarchy has been in operation for almost the last decade and was replicated in the MPS and PPF translation process in 2019.</p>
Changes to ordinance required:	Replaced the following new MSS clauses: Clause 21.01, Context - Clause 21.02, The Planning Vision - Clause 21.03, Economic Development - Clause 21.04, Housing - Clause 21.05, Environment - Clause 21.06, Transport and Infrastructure, deleted Clauses 21.07 – 21.12 and all local policies at 22.01 – 22.05.
Further strategic work required:	<p>Recommended that implementation of the Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework include the Kinglake West-Pheasant Creek structure plan.</p> <p>Also recommended that the Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework be implemented to include more than just policy changes and exhibit zoning and other control changes identified in the plan.</p> <p>Council has adopted a Housing and Settlement Strategy in 2022 which updates the settlement hierarchy and supersedes the findings of this Panel report.</p>

Discussion

Council's recent Housing and Settlement Strategy 2022 deals with many of the recommendations and implications from the Panel's recommendations in Amendment C54muri.

Findings

- R7. Further strategic work should be undertaken to implement the findings and recommendations of the Housing and Settlement Strategy 2022 into the scheme through new local policy, zones and overlays.**

6.2.3. Issue Two

Evidence

Matter	Response
Amendment No:	C65muri
Amendment common name	-
Issues considered:	Amendment was a policy neutral translation exercise that introduced no new policy development or zone and overlay application.
In operation from:	11 July 2019
Brief description of the amendment:	Replaced the Local Planning Policy Framework with a new Municipal Planning Strategy at Clause 2 and a modified Planning Policy Framework at Clauses 10-19.
Policy matters raised by the Panel that require further consideration or action by Council.	N/A
Changes to ordinance required:	Replaced Clause 21 with Clause 02 Municipal Planning Strategy and an integrated Planning Policy Framework at Clauses 10-19.
Further strategic work required:	This MPS and PPF integrated translation was the first to be gazetted in the state. It provided the foundation for further strategic work to be undertaken based on Clause 74.02 and for new strategy and policy to be developed and provisions to be applied.

Discussion

The gazettal of Amendment C65muri was the first MPS and integrated PPF translation to be gazetted in the state. It provided the foundation for further strategic work to be undertaken based on Clause 74.02 and for new strategy and policy to be developed and provisions to be applied. It has enabled the review to be more targeted to areas of strategic gaps and in improving the efficiency and effectiveness of the scheme.

Findings

- R8. Target the review to areas of strategic gaps and in improving the efficiency and effectiveness of the scheme.**

6.3. VCAT

6.3.1. VCAT cases reviewed

Council officers provided the following list of VCAT cases to review as provided below:

- 1294 Goulburn Valley Highway, Thornton VCAT Reference No. P1723/2019 Permit Application No. 2018/79 Tossol v Murrindindi SC [2020] VCAT 346.
- 248 Spraggs Road, Toolangi VCAT Reference No. P2247/2019 Permit Application No. 2019/6 Toolangi Certified Strawberry Runner Growers Co-op Ltd v Murrindindi SC [2021] VCAT 1085.
- 1274 Yarck Road, Gobur VCAT Reference No. P2328/2019 Permit Application No. 2019/88 Rowe v Murrindindi SC [2020] VCAT 875.
- 969 Goulburn Valley Highway, Thornton VCAT Reference No. P1375/2020 Permit Application No. 2020/47 Coates v Murrindindi SC [2021] VCAT 751.
- 2 North Street, Yea VCAT Reference No. P11500/2021 Permit Application No. 2021/56 Gaetano v Murrindindi SC [2022] VCAT 668.
- 265 Whittlesea-Kinglake Road, Kinglake Central VCAT Reference No. P1726/2020 Permit Application No. 2020/97 Gunter v Murrindindi SC [2021] VCAT 1162.

6.3.2. Policy issues raised at VCAT

The issues raised with policy implications at VCAT over the past four years related to:

- Amenity impacts on adjoining dwellings from a proposed service station.
- increased biosecurity risks to the farming operations of local strawberry-runner growers in the Farming Zone and issues related to high value agricultural land.
- Land management and effluent management from proposed dwellings, bushfire risks, water-logged soils due to the extent of wetlands and flooding, incongruency of land management plan with proposed dwelling developments.
- Piecemeal and incomplete applications for the use and development of land; impacts to amenity and agricultural production of adjoining farming land; noise and biosecurity impacts; reduced traffic safety; potential for unauthorised trespass on adjoining properties.
- Land use conflict for adjoining land due to a car restoration business; existing use rights and subdivision.
- Scale and intensity of a cemetery and potential impacts on the rural landscape character and possible groundwater contamination
- Impact of dwellings in rural areas on farming and agriculture.

6.3.3. Issue One

Dwellings in the Farming Zone and Public Conservation and Resource Zone

Summary

In *Rowe vs Murrindindi Council*, the applicant sought approval for a dwelling in the Farming Zone and Public Conservation and Resource Zone to enable management of the cattle herd and land. Council officers raised issues in relation to land management and effluent management from the proposed dwelling, bushfire risks, water logging of land due to the extent of wetlands and flooding, and the incongruency of a land management plan with the proposed dwelling development. Despite the Council officer report recommending refusal of the permit application, the Council decided to grant planning permission. VCAT disagreed with Council and no permit was granted.

Discussion

This case highlights many other similar instances where dwellings are proposed in Farming and Rural Conservation Zones. An application can be made for a dwelling on a lot less than the minimum lot size and then an application for a two lot subdivision can be made to Council to enable the sale of the second dwelling. Subdivision of land following further dwelling approval could happen again and this

usually negatively affects farming and agricultural activities on neighbouring land. Improved strategic directions to discourage multiple dwellings and their subdivision and to better protect farming and agricultural land are important issues that should be further progressed through local planning policy, advocacy and other mechanisms.

6.3.4. Issue Two

Compatibility of activities adjacent to high value agricultural land

Summary

In Toolangi Certified Strawberry Runner Growers Co-op Ltd vs Murrindindi Council, the applicant sought a review of the notice of decision to grant a permit. Council had approved a proposal for an outdoor recreation tourism facility adjacent to the objector's land. The objector's concerns related to increased biosecurity risks to the farming operations of local strawberry-runner growers in the Farming Zone with land identified as high value agricultural land. VCAT disagreed with Council and no permit was granted.

Discussion

The case had significant implications for local policy and the prioritisation of tourism uses versus protecting high value agricultural land, also tensions between facilitating MPS and PPF objectives and adhering to specific controls and permit triggers. Amendment C71muri deals with the tourism facility issue and will be exhibited in future. Improved strategic directions to identify and protect tourist facilities and high value agricultural land are important issues that should be further progressed through local planning policy and other mechanisms.

Findings / recommendations

R9. Local planning policy needs to be strengthened in the scheme around:

- **Discouraging dwellings and subdivision lower than the minimum lot size in Farming and Rural Conservation Zones.**
- **Providing clearer direction to tourism and potentially high impact recreation uses through implementing the Tourism and Events Strategy, 2019 into the scheme.**
- **Identification of the Shire's high value agricultural land in the scheme and how it can be better protected.**

7. Stakeholder engagement

This section contains an overview and analysis of stakeholder engagement that has informed the Planning Scheme Review. It includes data collected as part of a Council planner survey, responses from key referral agencies and external stakeholders as well as feedback provided by planning staff, key internal staff, and Councillors through a series of workshops.

The intention of this part of the review is to provide context from those who most use the planning scheme and Councillors, as the community representatives. The findings of this engagement help refine the key issues that Council needs to address and prioritise the scope of further strategic work that should be undertaken during the next four years.

Detailed tabulated survey results have been provided separately to Council.

7.1. Planners' feedback

Council planning officers were asked to respond to a survey about the Murrindindi Planning Scheme, prior to any analysis documents or findings being shared. The survey included questions from an officer perspective, about how well the scheme is performing, controls that need refining or could be removed, applications that are taking more time than they should, and policy gaps.

R10. Recommendations included the following matters about the operation of the Scheme including the:

- Drafting of overlays such as the ESO, VPO, SLO and RO.
- Absence of local policy for significant landscapes.
- Need to strengthen local policy for agriculture and farming and that discourages dwellings and small lot subdivisions in the Farming Zone and provides clear requirements.
- The removal of unnecessary referrals or notice of permit applications under local provisions as detailed in the schedules to Clauses 66.04 and 66.06 and including other agencies/organisations such as the Taungurung Land and Waters Council Aboriginal Corporation and AGL (particularly around Eildon) and Agriculture Victoria for applications which require or have a high value agricultural outcome.

R11. Recommendations included the following matters about further strategic work and/or implementation to address policy gaps for:

- Protection of significant landscapes and particularly ridgelines.
- Water Catchment Supply Area that is not appropriately mapped and should be included as a Schedule to an ESO.
- Greater use of schedules for minimum land sizes (related to Housing and Settlement Strategy).
- Neighbourhood character.
- Strengthening guidelines for development in farming areas in Clause 14.01-1L and considering more flexibility for house excisions related to allowing for infrastructure provision and natural features.
- Clearer policy for dwellings related to subdivisions (excisions) and on existing small lots in the Farming Zone.
- Local classes of VicSmart applications in the BMO for outbuildings greater 100sqm where only a Bushfire Management Plan is required and no CFA referral necessary.

- **Local classes of VicSmart applications in the ESO1 for alterations/additions to an existing dwelling if the proposed floor area is less than 100% of the existing floor area and for an outbuilding or extension to an outbuilding associated with existing dwelling on land or the use of agriculture when the outbuilding does not exceed 200 sqm.**
- **Local classes of VicSmart applications for minor sign applications and small domestic outbuildings in the RO.**

Feedback from the initial planner survey provided the basis for a workshop with Council planners held on 12 May 2023. The workshop expanded on the issues raised in the Planners' survey and analysed planning scheme performance more broadly.

Matters raised in this workshop echoed the survey results but there were further issues raised about:

- Insufficient guidance to support consistent decision-making in the Farming Zone, particularly for dwellings and small lot subdivisions.
- Bushfire Management Overlays and the siting of dwellings.
- Including a framework for developer contributions and open space contributions.
- Stormwater treatment.
- Encouraging more sustainable design and ESD policy and requirements.
- Housing and neighbourhood character issues.
- Delegations for planning applications and that they could be more strategically targeted.

There were also issues raised about the inadequate resourcing of the planning functions at Council particularly in the strategic planning area. Only one strategic planner is employed at Council to manage the more than 15 strategic and other projects currently underway and the new projects proposed through future strategic work. This level of resourcing does not enable multiple planning scheme amendments and strategic projects to be progressed, multiple project briefs and consultancy projects to be managed and planning advice to be provided throughout Council.

The funding of strategic projects and their implementation is also a significant issue for Council in a rate capped and inflationary fiscal environment. Council progressed and adopted the Housing and Settlement Strategy in 2022 which is a significant and important strategic project, but this was not included in the list of future strategic work at Clause 74.02 of the scheme. There are many strategic projects on that list, such as the Alexandra Structure Plan and an industrial and commercial land strategy that have not progressed. Council needs to prioritise funding to these and several other projects in order to implement this planning scheme review. To assist with this, Council should investigate external funding and partnership opportunities that are provided by Victorian Government Departments and Agencies and regional organisations.

Council delegations for planning functions currently state that any application where two or more objections have been received must be determined by Council. This includes any application that is recommended for a permit, notice of decision to grant a permit or refusal. This level of delegation is insufficient and inconsistent with an efficient and well-functioning planning scheme and application process and should be reviewed.

Strategic planning matters and applications received and progressed are regularly reported to Council. This enables Councillors to raise any issues with specific matters and to "call-in" planning applications for reporting to Council such as those that raise substantial policy issues. To provide for a better functioning planning function at Council, it is recommended that Council revise its delegations for planning applications so that those that are recommended for refusal and applications with five or less objections are determined under delegation by officers.

This leads to an additional recommendation to:

- **Review delegations for planning applications and better resource the strategic planning function.**

Refer to Chapter 10 for a more detailed discussion about the matters raised.

7.2. Internal staff

Council staff identified as having an interaction with the Murrindindi Planning Scheme, either in an internal referral capacity or as an administrator of its policies, were asked to participate in a survey and then a workshop on 16 June 2023.

Matters raised by internal staff have provided useful comments about the review relating to the types of planning applications that are referred and some of the strategic gaps in the scheme. A documented protocol that provides clear direction about internal referrals and processes was seen as important. There was also support for preparing improved information such as new checklists for applications and for other matters that are outside of the planning system. The preparation of registers such as around native vegetation offsets that are accessible to Council officers were considered important.

R12. Recommendations included the following matters about internal Council processes that could be improved:

- **Improved planning enforcement and compliance (resources have just been allocated for this by Council).**
- **Using Council's GIS to precisely map significant trees with photos.**
- **Enhance digital platforms to assist capability and resourcing through software improvements over 4 regional municipalities including Murrindindi for better interchange of systems and information.**
- **Provide a documented protocol that gives clear direction about internal referrals and processes.**
- **Prepare improved information such as new checklists for applications and for other matters that are outside of the planning system.**
- **Prepare registers such as a native vegetation offsets register that are accessible to staff.**

R13. Recommendations included the following matters about further strategic work that should be prepared:

- **Additional application requirements and decision guidelines being included in some overlays.**
- **Additional content could be included in the existing incorporated document to exempt certain trees/areas from heritage overlay requirements.**
- **Domestic Wastewater Management Plan should be referenced in the scheme through a local policy and policy maps and then in the long term prepare a specific ESO schedule.**
- **New VPOs as part of the implementation of the review of the Rural Roadside Management Plan.**
- **Heritage overlay statements of significance should be reviewed and updated.**
- **Preparation of Development Contribution Plans / Infrastructure Contributions Plans for municipal infrastructure.**
- **Implementation of the Integrated Water Management plan currently being prepared.**
- **Landscape guidelines for multi-dwelling developments.**

- **Implementation of the Recreation and Open Space Strategy and updated public open space contributions.**
- **Reference to the Municipal Public Health and Wellbeing Plan.**
- **Implementation of the Review underway of Rural Roadside Management Plan.**
- **Prepare a local policy to better protect biosecurity for high value agricultural land.**
- **Prepare an ESD policy based on the CASBE model and determine relevant development triggers.**
- **Introducing a local class of VicSmart applications for native vegetation removal of up to three trees on one lot.**

7.3. Councillors and executive team

The Executive team and Councillors were engaged about the review in May and June 2023 in several meetings. At these meetings, the planning scheme review background, an outline of the objectives of planning in Victoria and what the review should achieve, and a summary of analysis findings to date were presented and discussed. Opportunities were also given for feedback to be provided and this has helped to inform the review.

Councillors were asked the follow questions and responses were received which have been included under each question below.

What are the top 3 frustrations you hear from the community and developers regarding planning matters?

Councillor 1	Councillor 2	Councillor 3
1. Overlay Restrictions. 2. Inconsistent approvals i.e. town to town inconsistencies throughout shire. 3. Why can't farms be subdivided if they're not being utilized and/or it is not Prime Farmland?	1. Insufficient land to develop. 2. Zoning. 3. Overlays – Cultural Heritage – Happy to have the study not the cost and time involved. This overlay came into force (in many cases) after a property had been purchased.	1. "Why can't I build a dwelling on this small FZ block which is useless for anything else?" 2. "How do I get around the cost and delay of a CHMP?" 3. "Is there some hidden, available industrial land that I don't know about?"

Based on what you have heard within the community or from developers what do they want to be able to do that they feel planning prevents them from doing?

Councillor 1	Councillor 2	Councillor 3
Subdivide land that is not being utilized.	LDRZ.	Small FZ dwelling development.

Based on what you hear within the community and from developers what don't they like in terms of development which has been allowed to occur?

Councillor 1	Councillor 2	Councillor 3
Small blocks in rural settings.	Inconsistency, creeping/ amendments, e.g. Bonfire Station??	Ridge-line development attracts passionate objection – especially on rolling, un-treed hills (e.g. visible from Maroondah Hwy between Acheron and Taggerty, and from Molesworth) Unmown nature strips! ;-) Not a specific issue – but occasionally hear feedback that "I didn't know that was going to happen" from stakeholders who feel they weren't informed and should have been.

What do you think the planning scheme could do to support Council's vision for the municipality?

Councillor 1	Councillor 2	Councillor 3
Fix zoning anomalies (developed farms zones changes to Rural Residential – example).	-	Consideration of the scheme as fit for purpose to address financial and legal risk exposure owing to climate change (i.e. more intense bushfires/floods/droughts). Enshrine in the MSS the value of local perspectives in consideration of planning matter [[Separate advocacy to avoid state bypassing councils to fast-track planning matters]] Again, I think I'm not technically proficient enough to understand the power of the planning scheme to achieve these outcomes.

What sort of strategic planning needs to be undertaken to better support your community?

Councillor 1	Councillor 2	Councillor 3
Utilise the un-used land and lift building restrictions in areas that have overlays which are no longer relevant We do not have the bushfire risk due to the reduction in trees anymore (they burnt down).	-	- Secure, viable growth corridors in townships. - Identification (if not elimination) of anomalies - Clear community guidance with respect to likely success of an application – as part of Council's service.

What are the three key priorities that you believe need to be addressed in the review of the planning scheme?

Councillor 1	Councillor 2	Councillor 3
1. Fixing zoning anomalies.	1. Being able to work with other stakeholders/owners to open more land for housing/development.	1. Resolve anomalies. 2. Provision for commercial area growth in Alexandra. 3. Let's push controlled, considered development into defined pockets around Lake Eildon. 4. Specific overlays implemented for areas inferred by MSC as VCAT no-dev-zones (e.g. Toolangi). 5. Guidelines for developers on likely success of a planning application prior to the process. 6. An appropriate instrument to ensure minimum lot sizes in unserved areas to ensure adequate space for wastewater treatment.

The Councillors raised many matters and the key ones included:

- Dwellings in farming and agricultural areas and providing better guidance.
- Improving the scheme by removing zoning and overlay anomalies/inconsistencies.
- Supporting the implementation of the Housing and Settlement Strategy with township growth and other growth in the right places to support housing provision and affordability.
- Better understanding commercial and industrial land and growth.
- Issues of growth and its management around Lake Eildon.
- Providing guidelines and other advice about the planning scheme and requirements.

- Bushfire management and what is permissible in guiding development.
- Native vegetation removal and the issues of compliance and fines.
- Climate change and impacts on the municipality.

The matters raised above are very important for the review and have been incorporated into the review's recommendations.

7.4. Referral and notice agencies

All relevant Referral and Notice agencies and the Registered Aboriginal Party were invited to provide their written comments and feedback regarding the current performance of the Murrindindi Planning Scheme, in relation to their specific area(s) of responsibility. Referral and notice agency responses were provided to Council and are summarised below.

In summary, there were many good suggestions made by referral authorities for the review currently underway. These relate to referrals or notice of permit applications under local provisions as detailed in the schedules to Clauses 66.04 and 66.06. There are several matters listed incorrectly in schedules to overlays in relation to referral or notice requirements that should be removed and relocated in either Clause 66.04 or 66.06 and Department or agency name updates.

Department of Transport and Planning (DTP)

DTP requested that references to VicRoads as a referral authority in the Scheme should be replaced with 'Head, Transport for Victoria (Department of Transport and Planning)'. This change is supported and can be progressed as a policy neutral Amendment or a prescribed Amendment.

DTP requested that revisions be made to the wording of a requirement in Clause 43.04 – Development Plan Overlay Schedules 2, 3, 4 and 5 to update references from VicRoads to the 'Head, Transport for Victoria (Department of Transport and Planning)' and the requirements about a traffic impact assessment report. These changes are supported and can be progressed as a policy neutral Amendment or a prescribed Amendment.

Country Fire Authority (CFA)

Discussions were held between Council officers and the CFA but no formal written response was received from the CFA. They raised issues around the need for the municipal settlement strategy to reflect the overarching policy directions of Clause 13.02-1S and the strategic directions included in Council's recently adopted Housing and Settlement Strategy.

Murrindindi Municipal Emergency Management Officer

The Murrindindi Municipal Emergency Management Officer requested that updates be made to the policy guidelines in Clause 13.02-1L related to the size of a three thread fitting requirement for fire tanks and updating that with a '75mm Storz fitting'. This change is supported and can be progressed as a policy neutral Amendment or a prescribed Amendment.

Goulburn Broken Catchment Management Authority (GBCMA)

The GBCMA requested that updates be made to the Schedule to Clause 66.04 - Referral of permit applications under local provisions to change reference to the "Secretary to the Department of Environment, Land, Water and Planning" to the "Secretary of the Department of Energy, Environment and Climate Action" to reflect the current Department Name. This change is supported and can be progressed as a policy neutral Amendment or a prescribed Amendment.

The GBCMA requested that updates be made Clause 45.05 – Restructure Overlay (RO) to acknowledge all relevant authorities/agencies for notification of an application for development (including subdivision and dwellings). This includes Goulburn Murray Water, the relevant Catchment Management Authority (being either Goulburn Broken Catchment Management Authority or Melbourne Water), Department of Energy, Environment and Climate Action and the former VicRoads. In principle this change is possible but further consultation should occur with the affected authorities/agencies to determine their views and resourcing implications. The RO requires revisions to be consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* and notice provisions should be included in the schedule to Clause 66.06.

Taungurung Land & Waters Council

The Taungurung Land & Waters Council (TLWC) were asked a series of questions and provided answers below.

- Does the strategic direction of the Murrindindi Planning Scheme pick up on cultural heritage?

There are areas that are not picked up – specifically the flood plain is not flagged – it should be flagged as a culturally significant area. Stoney rises are also not always included – they need to be mapped. Many culturally significant areas are not adequately mapped. This impacts on a range of issues – particularly when decisions are made from a desktop map. There is also an issue of cumulative impacts of a range of projects that are not picked up.

- How well is the scheme currently working for the RAP in terms of planning applications?

The RAP is often brought in too late and not given enough time to respond – the lack of mapping also makes this difficult. The current system means that cultural heritage is seen as a blocker rather than part of the process. Due to the lack of good mapping of culturally significant sites sometimes things get well advanced before issues arise – it would be better to get in earlier. The TLWC have an Memorandum of Understanding (MOU) with Strathbogie Shire which clearly outlines what should be done for a range of scenarios including how the RAP will respond – this makes thing a great deal clearer.

- Is there a better way to engage with the RAP?

It would be better if Council had an overarching approach to engaging with the RAP – this needs to be consistent across council. For projects such as this, Council should inform the RAP that a project such as this is happening – so they know who they are talking to. TLWC have projects until May 2024 – so there is little time and they need to be clear where their time is going.

- Other comments

The Aboriginal Heritage Act is very fixed so the planning scheme provides an excellent opportunity to get things happening on the ground – an MOU would be an ideal way to do this. The MOU could outline when you will need the RAP so they can plan their work.

R14. The following recommendations are included:

- **Update references to VicRoads throughout the scheme to ‘Head, Transport for Victoria (Department of Transport and Planning)’**
- **In Schedules 2, 3, 4 and 5 to Clause 43.04 update requirements for a transport impact assessment report and related matters.**
- **Update the Clause 13.02-1L policy guidelines related to the size of a three thread fitting requirement for fire tanks to a ‘75mm Storz fitting’.**
- **Updates the Schedule to Clause 66.04 - Referral of permit applications under local provisions to change reference to the “Secretary to the Department of Environment,**

Land, Water and Planning” to the “Secretary of the Department of Energy, Environment and Climate Action”.

- Determine if Goulburn Murray Water, the relevant Catchment Management Authority (being either Goulburn Broken Catchment Management Authority or Melbourne Water), Department of Energy, Environment and Climate Action and former VicRoads wish to be notified of an application for development in the RO.
- Prepare an MOU between Council and the Taungurung Land & Waters Council that clearly and consistently outlines roles and responses for each party across a range of scenarios in partnership approach.

Agencies that did not respond.

All relevant agencies provided a response to the review.

7.5. Community and other external stakeholders

[Add details after community and other external stakeholder consultation]

7.6. Summary of issues raised through engagement

The following table prioritises the various matters raised during the Stakeholder Engagement phase of the review and recommends appropriate actions:

Issue	Officer survey	Planners	Internal staff	Crs and Executive	Referral Agencies	Community and other external stakeholders
Dwellings and subdivision in the Farming and Rural Conservation Zones	✓	✓	✓	✓		
Internal processes, communication and delegations.	✓	✓	✓			
Significant landscapes and Significant Landscape Overlay	✓	✓	✓			
Native vegetation removal	✓	✓	✓	✓		
Towns and settlements	✓	✓	✓	✓		
Developer contribution requirements and infrastructure	✓	✓	✓			
Bushfire and Bushfire Management Overlay	✓	✓			✓	
Affordable housing		✓		✓		
Environmentally sustainable development	✓	✓	✓	✓		
Heritage	✓	✓				
Tourism and Lake Eildon	✓	✓	✓		✓	
Water and stormwater treatment		✓	✓		✓	

8. New strategic work

New strategic work that has been adopted by Council and prepared for the Shire was reviewed to identify whether any policy should be included into the scheme.

The intention of this part of the review process is to include policy that may have been developed by another part of Council (for example, Economic Development, Sustainability, Community Planning etc.) and that is unlikely to be incorporated into the planning scheme through a stand-alone amendment.

The scope of this does not include significant strategic land use planning projects such as Structure Plans for townships, or Housing Strategies, which should go through a separate, dedicated planning scheme review process.

Regional documents, such as Catchment Management Plans, are also reviewed, to identify if there are any Council specific proposals that should be reflected in the planning scheme. (For example, the construction of a new wetland or an integrated water management plan).

8.1. Council projects and documents

8.1.1. Documents reviewed

The following documents were reviewed:

- Murrindindi Shire Domestic Wastewater Management Plan, 2019
- Arts and Culture Policy, 2019
- Murrindindi Shire Housing and Settlement Strategy, 2022
- Murrindindi Shire Tourism and Events Strategy, 2019
- Climate Change Policy, 2019
- Murrindindi Shire Council Recreation and Open Space Strategy 2018-2028, 2018
- Public Open Space Contributions Policy, 2022

8.1.2. Documents with policy implications

Murrindindi Domestic Wastewater Management Plan, 2019

Council is required to prepare a Domestic Wastewater Management Plan (DWMP) under the State Environment Protection Policy (Waters). The DWMP assesses domestic wastewater (often referred to as on-site wastewater or septic tank) risks in the municipality and develops prioritised actions to address potential impacts.

Public Open Space Contributions Policy, 2022

Provides a framework for managing the collection and spending of Public Open Space Contributions in a transparent, equitable and accountable way b) Provide guidance for the determination of how Public Open Space contributions are received, that is, in the form of a monetary contribution or by providing land; and c) Ensure the provision of public open spaces contribute to enhancing the lives of community and visitors within Murrindindi Shire.

R15. Introduce revisions to the schedule to Clause 53.01 Public open space contributions and subdivision to collect a 5% contribution for residential subdivisions in line with the Subdivision Act 1987 and current Council practice.

Eildon Structure Plan, 2016

The Structure Plan articulates a long term land use vision and strategic framework for the area.

R16. Introduce a new local policy at Clause 11.03-6L – Regional and local places to reference the Eildon Structure Plan, 2016 and include the document as a Background document.

Murrindindi Shire Tourism and Events Strategy, 2019

Guides the delivery of all tourism and events activities in the area, providing the opportunity for a long-term plan and vision for Murrindindi Shire which will strengthen the role of tourism in the region's economy.

R17. Introduce a new local policy at Clause 17.04-1L Tourism and Events in Murrindindi and include the document as a Background document.

Murrindindi Shire Housing and Settlement Strategy, 2022

The Housing and Settlement Strategy (H&SS) seeks to provide a clear and logical framework that will guide planning and decision-making and assist meeting future housing needs within Murrindindi Shire to 2041 and beyond.

R18. Amend Clause 16.01-1L and include the Housing and Settlement Strategy as a Background document.

8.2. Regional projects and documents

8.2.1. Documents reviewed

The following documents were reviewed:

- Taungurung Land and Waters Council Strategic Plan 2021-2025, 2021
- Goulburn Broken Regional Catchment Strategy 2021-2027

This has been covered in section 9.1.2.

9. Work underway

There are no concurrent planning scheme amendments occurring but one is pending with conditional authorisation (Amendment C71muri).

Council is currently preparing the following strategic planning projects.

- Climate Action Plan: Towards 2035
- Rural Roadside Management Plan.

Council is currently scoping the following projects and others are listed below.

- Alexandra Streetscape Plan.

Council is currently undertaking over 15 strategic planning projects that will implement several of the projects identified in the previous review plus a range of other projects and inputs to projects including the:

- Eildon Pondage Masterplan - includes the scoping of the project, procurement, project management and implementation plan.
- Toolangi Forest Discovery Centre - planning scheme amendment to rezone and incorporate the business plan.
- Housing and Settlement Strategy - implementation of the action plan.
- Sale of Eildon Reserves land – preparation of combined planning scheme amendment and permit to progress the sale of land.
- Activating Lake Eildon Masterplan – strategic planning role on hold until further instruction by LEAD (Lake Eildon Activation Drivers) group.
- Lake Eildon Masterplan – working with DTP to develop an action plan of strategic planning projects.
- Landfill Buffer – preparation of planning scheme amendment and exhibition and working with EPA.
- Wastewater Management Facilities – working with Goulburn Valley Water for planning scheme amendment to apply BAO for wastewater management facilities.
- Developing draft amendment documentation for priority projects recognised in previous strategic work.
- Identifying any funding opportunities for future work.
- Participation in CASBE and input into planning responses for Council and wider group.
- Participation in pilot group for development of guidance material for rural and regional Councils in the development of town structure plan materials.
- Working with landowners to facilitate development enquiries for industrial uses.
- Identifying and seeking improvements to Intramaps (GIS system within Council).
- Alexandra Streetscape plan.

These projects are burden on Council's strategic planning resources. In order to be delivered within the next review period, these existing and all additional projects need to be resourced with additional strategic planning staff resources and budget.

10. Key issues

Most of the key issues have already been discussed. However, the issue of open space contributions requires further elaboration below.

10.1. Open space contributions

10.1.1. Issue

Council does not currently utilise the schedule to Clause 53.01 Public open space contributions and subdivision, that permits the collection of public open space contributions at the time of subdivision of land.

10.1.2. Discussion

Council officers currently negotiate on a case by case basis for open space contributions when residential subdivisions occur, and this generally results in a 5% open space contribution. This is what is permissible under the *Subdivision Act 1987*.

Clause 53.01 provides for councils to tailor a contribution rate for the municipality. Generally, the introduction of a tailored subdivision contribution is underpinned by a strategic planning study that justifies the collection of the tailored amount. In some the contribution applies to categories of land development (for example, industrial, commercial and residential), in others there may be a variable rate depending on the intensification of development expected (for example, 5% for incremental growth areas and 8% for high growth areas).

Most planning schemes now utilise Clause 53.01 to the planning scheme and this provides up front clarity and certainty to applicants, and eliminates the need for officers to negotiate for open space contributions on a case by case basis. Murrindindi is behind on its strategic planning work for reasons already outlined and it is not a priority to prepare a strategy to justify the application of Clause 53.01. Negotiating the open space contributions on a case by case basis is time consuming for officers, and generally results in a 5% contribution. Rather than spending resources negotiating for a fairly certain and consistent outcome, it is proposed that, through this planning scheme review, the schedule to Clause 53.01 is introduced to align the Murrindindi planning scheme with other planning schemes across the state, and reflect current practice to provide certainty to the community, applicants and decision makers.

10.1.3. Recommendation

R19. Introduce revisions to the schedule to Clause 53.01 Public open space contributions and subdivision to collect a 5% contribution for residential, commercial and industrial subdivisions in line with the Subdivision Act 1987 and current Council practice.

11. Further strategic work

Appendix 2 of this report outlines the strategic planning work that has been identified through this planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme has been identified and is included in the recommendations below. Numerous other recommendations for further strategic work have been identified through this review and are included in **Appendix 2**.

Council has reviewed this list and removed projects that are no longer required. The list below represents the further strategic work that will have the most positive impact for the Murrindindi community and the efficient functioning of the planning service.

Only work that can be completed in the next four years should be included in Clause 72.04 of the planning scheme. A recommended Clause 72.04 is included in the marked-up ordinance at **Appendix 2**. This should be considered by Council to ensure that the work is reasonable to complete over the next four years and, if not, the priority projects that should be included in Clause 74.02.

Recommendations:

It is recommended that Council prioritise the following further strategic work over the next four years to:

- R20. Prepare and implement a structure plan for the Alexandra township.
- R21. Partner with Agriculture Victoria to identify and review high quality agricultural land, the significance of horticultural and agricultural land and how to best manage bio-security issues.
- R22. Support and partner with Goulburn Murray Water to undertake a review of planning requirements and controls for the declared water supply catchment area north of Eildon.
- R23. Implement the report *Management of Significant Landscapes in Murrindindi and Baw Baw* (Planisphere, 2005) and introduce new SLO mapping, policy and provisions.
- R24. Implement the review of the Restructure Overlay through revisions to the Restructure Overlay schedule and update and review the Bayview Estate restructure plan.
- R25. Undertake a municipal Industrial and Commercial Land (Employment) Strategy.
- R26. Implement the review of environmental overlays with changes to maps and controls for the Significant Landscape Overlay (SLO), Environmental Significance Overlay (ESO) and Erosion Management Overlay (EMO), and replacement of the Vegetation Protection Overlay (VPO) in the Marysville township area with the SLO.
- R27. Implement the Eildon Structure Plan.
- R28. Implement the Housing and Settlement Strategy, 2022 and provide a better understanding of the relationship of rural living and low density residential zoned land to housing provision and housing affordability.
- R29. Undertake a review of the Yea Saleyards Precinct and consider the appropriate planning response, such as applying the SUZ and BAO to the area.
- R30. Review the schedule to Clause 43.01s - Heritage Overlay to insert statements of significance for all sites not included in the Victorian Heritage Register.
- R31. Undertake an audit of social infrastructure assets and provision and the future needs of the municipality's population.
- R32. Review Schedule 1 to Clause 59.16 - information requirements and decision guidelines for local VicSmart applications to incorporate additional local classes of minor applications.

Appendix 1

Marked up ordinance with policy neutral and strategically justified changes to the planning scheme.

Circulate as a separate document.

Appendix 2

Comprehensive list of further strategic work

The following list of work is a comprehensive list of all the further strategic work that has been identified through this planning scheme review.

The highest priorities have been identified and included in Chapter 11 of the report. The remaining projects on this list need to be prioritised by Council.

Project Name	Project source:
Prepare and implement a structure plan for the Alexandra township.	Cl. 74.02 MSPS
Partner with Agriculture Victoria to identify and review high quality agricultural land, the significance of horticultural and agricultural land and how to best manage bio-security issues.	Cl. 74.02 MSPS
Support and partner with Goulburn Murray Water to undertake a review of planning requirements and controls for the declared water supply catchment area north of Eildon.	Cl. 74.02 MSPS
Implement the report <i>Management of Significant Landscapes in Murrindindi and Baw Baw</i> (Planisphere, 2005) and introduce new SLO mapping, policy and provisions.	Cl. 74.02 MSPS
Implement the review of the Restructure Overlay through revisions to the Restructure Overlay schedule and update and review the Bayview Estate restructure plan.	Identified in the Murrindindi Planning Scheme Review 2019
Undertake a municipal Industrial and Commercial Land (Employment) Strategy.	Identified in the Murrindindi Planning Scheme Review 2019
Implement the review of environmental overlays with changes to maps and controls for the Significant Landscape Overlay (SLO), Environmental Significance Overlay (ESO) and Erosion Management Overlay (EMO), with the replacement of the Vegetation Protection Overlay (VPO) in the Maryville township area with the SLO.	Identified in the Murrindindi Planning Scheme Review 2019
Implement the Eildon Structure Plan, 2016.	Identified in the Murrindindi Planning Scheme Review 2019
Implement the Housing and Settlement Strategy, 2022 and provide a better understanding of the relationship of rural living and low density residential zoned land to housing provision and housing affordability.	N/A
Undertake a review of the Yea Saleyards Precinct and consider the appropriate planning response, such as applying the SUZ and BAO to the area.	N/A
Review the schedule to Clause 43.01s - Heritage Overlay to insert statements of significance for all sites not included in the Victorian Heritage Register.	N/A
Undertake an audit of social infrastructure assets and provision and the future needs of the municipality's population.	N/A
Review Schedule 1 to Clause 59.16 - information requirements and decision guidelines for local VicSmart applications to incorporate additional local classes of minor applications.	N/A

Appendix 3

State and regional planning scheme amendments and planning practice notes issued since last planning scheme review

VC (Victorian) and GC (group of council) amendments.

Since the last planning scheme review in 2019, 70 VC and GC amendments have introduced new policy and provisions into the Murrindindi Planning Scheme and many directly relevant to this review:

Table 7: V, VC and GC Amendments to Murrindindi Planning Scheme From 2019

Amendment number	In operation from	Brief description
VC157	15 MAR 2019	Introduced changes to the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes to require planning approval for power lines to connect new large-scale electricity generation facilities to the electricity network. Impact on Murrindindi Planning Scheme: May impact on future transmission lines connecting wind farms across the state.
VC156	11 APR 2019	Introduced changes to the Victoria Planning Provisions and all planning schemes to correct formatting and spelling errors and omissions and to clarify the operation of certain provisions. Impact on Murrindindi Planning Scheme: Minimal. This is a policy neutral amendment.
VC159	8 AUG 2019	The Amendment supported Smart Planning and addressed land use terms. Impact on Murrindindi Planning Scheme: Minimal and largely administrative with updated land use definitions used in planning applications.
VC163	16 AUG 2019	Corrected an error in Clause 73.04 (nesting diagrams) Impact on Murrindindi Planning Scheme: Minimal. This is a policy neutral amendment.
VC161	17 SEP 2019	Amended the Victoria Planning Provisions and all planning schemes to introduce new requirements for renewable energy facilities and a State planning policy for the protection of declared irrigation districts, and makes an administrative correction in relation to Amendment VC157. Impact on Murrindindi Planning Scheme: Minimal.
VC164	26 SEP 2019	The Amendment changed the Victoria Planning Provisions and all planning schemes by amending Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to extend the expiry date to 31 March 2020. Impact on Murrindindi Planning Scheme: Minimal as this Clause has expired.
VC158	26 NOV 2019	Introduced a new particular provision to exempt combustible cladding rectification on buildings subject to an emergency order, building notice or building order under Part 8 of the Building Act 1993. Impact on Murrindindi Planning Scheme: Minimal due to the low rise residential nature of the Shire.
VC165	3 DEC 2019	Amended the Victoria Planning Provisions and all planning schemes to introduce notice and review exemptions and to amend the responsible authority status for certain planning applications for non-government primary and secondary schools. Impact on Murrindindi Planning Scheme:

Amendment number	In operation from	Brief description
		Minimal.
VC160	24 JAN 2020	Amended the Victoria Planning Provisions and all planning schemes to correct errors and omissions, clarify the operation of certain provisions, and implement planning reforms for extractive industries. Impact on Murrindindi Planning Scheme: Minimal but has some impact on the assessment of extractive industries.
VC170	31 JAN 2020	Introduced a new particular provision to facilitate the Level Crossing Removal Project. Impact on Murrindindi Planning Scheme: Minimal.
VC168	11 FEB 2020	Updated the PPF and Operational Provisions to reference the Plan Melbourne 2017-2050: Addendum 2019 and introduced a new strategy and spatial framework at Clause 11.01-1R Settlement-Metropolitan Melbourne. Impact on Murrindindi Planning Scheme: Minimal.
VC177	11 MAR 2020	The Amendment changes the VPP and all planning schemes in Victoria by inserting a new particular provision at Clause 52.07 to facilitate and support recovery from bushfire. Impact on Murrindindi Planning Scheme: Has ongoing impact on the Shire due to the nature of bushfire risk and ongoing recovery efforts from the 2009 bushfires.
VC181	6 APR 2020	Changes the VPP and all planning schemes were revised with a new Clause 52.18 (State of emergency exemption), to facilitate the delivery of food and other essential goods during and following a state of emergency declared in relation to Novel Coronavirus 2019 (2019-nCoV). Impact on Murrindindi Planning Scheme: Had some impact on the Shire but its effect is now negligible.
VC178	9 APR 2020	Changes the VPP and all planning schemes were revised with an amended expiry date for Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to 30 June 2020 as well as changes to the terms 'extractive industry' and 'solar energy system' to align with the intent of Amendment VC160. Impact on Murrindindi Planning Scheme: Had ongoing impact on the Shire but the Clause has expired.
VC179	6 MAY 2020	Inserts a new provision at Clause 52.10 to facilitate rebuilding following the 2019/20 bushfires and amends the Schedule to Clause 72.01 in all planning schemes to designate the Council CEO as the responsible authority for Clause 52.10. Impact on Murrindindi Planning Scheme: Has no impact on the Shire.
VC175	26 MAY 2020	Improves the way the planning system addresses buffers for amenity, human health and safety impacts by updating the PPF and Clause 53.10, as well as introducing the Buffer Area Overlay (BAO). Impact on Murrindindi Planning Scheme: Has ongoing impacts on separation distances for industrial and other hazardous land uses to more sensitive land uses and enables the BAO to be applied to uses where risk assessments related to the environmental hazard have been undertaken.
VC176	5 AUG 2020	Changes the VPP and all planning schemes by amending Clause 52.12 (Bushfire Protection: Exemptions) to align the 10/30 and fence line vegetation exemptions with the Bushfire Prone Area map across all Victorian councils, making administrative updates and further clarifies the exemptions for dwellings and defendable space under the BMO. Impact on Murrindindi Planning Scheme:

Amendment number	In operation from	Brief description
		Has ongoing impacts on the Shire and bushfire requirements.
VC186	27 AUG 2020	<p>The amendment inserts a new particular provision at Clause 51.06 (Secondary Dwelling) to facilitate the development of a secondary dwelling in the Greater Bendigo, Kingston, Moreland and Murrindindi Planning Schemes.</p> <p>Impact on Murrindindi Planning Scheme: Had ongoing impacts on secondary dwellings in the Shire but the provision has now been removed from operation.</p>
VC183	28 SEP 2020	<p>Introduces a new state planning policy Clause 13.07-3S (Live Music) and makes changes to Clause 53.06 (Live Music Entertainment Venues) of the VPP and all planning schemes to encourage, create and protect opportunities for the enjoyment of live music.</p> <p>Impact on Murrindindi Planning Scheme: Had ongoing impacts on live music venues in the Shire.</p>
VC169	9 OCT 2020	<p>Changes the VPP and all planning schemes by changing the PPF to help direct balanced outcomes for housing growth and built form while also clarifying and consolidating housing policy.</p> <p>Impact on Murrindindi Planning Scheme: Has ongoing impacts on residential development in the Shire in townships and settlements.</p>
VC193	21 OCT 2020	<p>Amends clause 52.18 (State of emergency exemption) to support Victoria's social and economic recovery from the coronavirus (COVID-19) pandemic through temporary planning scheme and permit condition exemptions that enable outdoor dining and facilitate the reopening and safe operation of restaurants and other food and drink businesses.</p> <p>Impact on Murrindindi Planning Scheme: Had some impact on the Shire but its effect is now negligible.</p>
VC191	5 NOV 2020	<p>Clarifies permit requirements for rectification works on government buildings related to Clause 52.01 ('Combustible cladding rectification exemptions').</p> <p>Impact on Murrindindi Planning Scheme: Is administrative in nature but has ongoing impacts on development in the Shire.</p>
VC192	16 NOV 2020	<p>Clarifies Clause 72.01-1 to make the Minister for Planning the responsible authority for all large energy generation facilities and electrical utility installations, including large renewable energy facilities and large scale battery facilities that store electricity from any source.</p> <p>Impact on Murrindindi Planning Scheme: Is administrative in nature and clarifies decision making roles.</p>
VC187	1 DEC 2020	<p>Introduces a new particular provision for 'Housing by or on behalf of the Director of Housing' at Clause 53.20 and streamlines the planning permit process for residential development made by or on behalf of the Director of Housing.</p> <p>Impact on Murrindindi Planning Scheme: Is administrative in nature and reflects existing roles for social and affordable housing.</p>
VC190	1 DEC 2020	<p>Introduces a new particular provision for 'Victoria's Big Housing Build' at Clause 52.20. Clause 52.20 and streamlines the planning permit process for residential development made by or on behalf of the Director of Housing.</p> <p>Impact on Murrindindi Planning Scheme: Is administrative in nature and reflects existing roles for social and affordable housing.</p>
VC180	4 DEC 2020	<p>Facilitates the development of new, and the upgrade and expansion of existing, non-government primary and secondary schools.</p> <p>Impact on Murrindindi Planning Scheme: Has an ongoing role for the development of non-government schools.</p>

Amendment number	In operation from	Brief description
VC188	14 DEC 2020	Removes Clause 52.13 2009 Bushfire: Recovery Exemptions and references to it from all planning schemes following its expiry. Impact on Murrindindi Planning Scheme: Is administrative in nature and removes an expired clause.
GC175	18 FEB 2021	Updates the Schedules to Clause 53.06 and changes the parent provision to reflected scheduled provisions. Impact on Murrindindi Planning Scheme: Is administrative in nature and relates to live music venues.
VC195	11 MAR 2021	Modifies the particular provision at clause 52.32 (Wind energy facilities) to streamline the application process for minor changes to approved wind energy facilities, clarify consent requirements and simplify review and panel exemptions. Impact on Murrindindi Planning Scheme: Is administrative in nature and clarifies existing responsibilities.
VC194	25 MAR 2021	The amendment inserts two new particular provisions at clauses 52.30 and 52.31 to facilitate state projects and local government projects. Impact on Murrindindi Planning Scheme: Reflects the ability to identify state and locally significant projects, exemption and permit requirements.
VC185	30 APR 2021	Modifies Clause 72.01-1 to make transitional provisions for an energy generation facility or utility installation to be determined by the council instead of the Minister for Planning if made prior to the approval date of Amendment VC192. Impact on Murrindindi Planning Scheme: Is administrative in nature and clarifies existing responsibilities.
VC198	14 MAY 2021	The amendment introduces new particular provisions at clauses 52.35 (Major Road Projects) and 52.36 (Rail Projects) and makes other changes related to delivery of projects carried out by or on behalf of Major Road Projects Victoria and Rail Projects Victoria. Impact on Murrindindi Planning Scheme: Reflects the ability to identify state significant projects, exemptions and permit requirements.
VC189	3 JUN 2021	Amends Clause 12.04-1S Sustainable development in alpine areas, to reference the <i>Alpine Resorts Strategic Plan 2020-2025</i> , a new Municipal Planning Strategy at Clause 02 and local policies within the Planning Policy Framework at Clauses 11-19, and administrative changes. Impact on Murrindindi Planning Scheme: Has no impact on the Shire.
VC203	1 JUL 2021	Implements a new environment protection framework in the VPP and all planning schemes through updates to the PPF to align with new requirements for contaminated and potentially contaminated land, revises clause 45.03 (Environmental Audit Overlay) and replaces references to State Environment Protection Policies with new content references to related to the <i>Environment Protection Act 2017</i> . Impact on Murrindindi Planning Scheme: Has ongoing impacts on land in the Shire.
GC161	08 JUL 2021	Includes maps and transfers sites from the Schedule to Clause 51.01 (Specific Sites and Exclusions) into the Schedule to Clause 45.12 (Specific Controls Overlay) or deletes expired documents from the Schedule to Clause 51.01 and makes other related consequential changes. Impact on Murrindindi Planning Scheme: Is administrative in nature and reflects existing requirements.

Amendment number	In operation from	Brief description
VC206	3 AUG 2021	<p>Changes the VPP and all planning schemes by aligning planning provisions for a wind energy facility with the requirements of the <i>Environment Protection Act 2017</i> for the regulation of wind turbine noise and updates licencing references in the Port Zone.</p> <p>Impact on Murrindindi Planning Scheme: Is administrative in nature but reflects updated requirements.</p>
VC196	19 AUG 2021	<p>Changes the VPP and all planning schemes by providing stronger recognition and protection of existing extractive industries, and to designate land with State-significant earth resources, where extractive industries may be established in the future, as strategic extractive resource areas.</p> <p>Impact on Murrindindi Planning Scheme: Has ongoing requirements for land identified as strategic extractive resource areas.</p>
VC171	6 SEP 2021	<p>Changes the VPP and all planning schemes to implement the Marine and Coastal Policy, support coastal hazard planning and sea level rise adaptation, and update policy references.</p> <p>Impact on Murrindindi Planning Scheme: Has impact on the Shire given its inland location.</p>
VC211	14 SEP 2021	<p>Modifies clause 67.02 to enable the application of exemptions set out in clause 52.31 and updates clauses 66.05 and 67, consolidates clauses 67.02, 67.03 and 67.04 under clause 67.02, and deletes clauses 67.03 and 67.04.</p> <p>Impact on Murrindindi Planning Scheme: Is administrative in nature and has little impact.</p>
VC208	5 OCT 2021	<p>Amends Clause 52.10 to apply the use, notice and review exemptions to other types of emergencies.</p> <p>Impact on Murrindindi Planning Scheme: Is administrative in nature and has little impact.</p>
VC202	12 OCT 2021	<p>Introduces a land use term and definition for Rural worker accommodation and modifies clause 35.07 (Farming Zone) to introduce exemptions for use of land for Rural worker accommodation that accommodates no more than 10 persons and introduces a permit requirement for use of land for Rural worker accommodation for more than 10 persons.</p> <p>Impact on Murrindindi Planning Scheme: Has an ongoing impact on Farming Zone land throughout the Shire and enables rural worker accommodation to be more easily provided.</p>
VC212	13 OCT 2021	<p>Makes changes to Clause 35.07 (Farming Zone) and to notice requirements to minimise the potential for land use conflict from as-of-right accommodation uses in the Farming Zone, in the vicinity of proposed and approved wind energy facilities.</p> <p>Impact on Murrindindi Planning Scheme: Is administrative in nature and has little impact.</p>
VC214	19 NOV 2021	<p>Amends the exemptions at clause 52.18 (State of Emergency and Recovery Exemptions) to apply to a broader range of uses.</p> <p>Impact on Murrindindi Planning Scheme: Is administrative in nature and has little impact.</p>
VC204	9 DEC 2021	<p>Changes the VPP and all planning schemes in Victoria by modifying Clause 18 of the Victoria Planning Provisions to implement changes to State planning policy for transport.</p> <p>Impact on Murrindindi Planning Scheme: Is administrative in nature and has little impact.</p>
VC174	20 DEC 2021	<p>Changes the VPP and all planning schemes by implementing the Better Apartment Design Standards for all apartment developments.</p>

Amendment number	In operation from	Brief description
		Impact on Murrindindi Planning Scheme: Minimal due to the low rise residential nature of the Shire.
VC207	20 DEC 2021	Changes the VPP and all planning schemes by implementing the revised Better Apartment Design Standards into clauses 52.20 and 53.20. Impact on Murrindindi Planning Scheme: Minimal for the Shire.
VC205	20 JAN 2022	Introduces a new Transport Zone to replace the Road Zone and Public Use Zone Schedule 4 with consequential changes. Impact on Murrindindi Planning Scheme: Is administrative in nature but affects all transport land.
VC199	3 FEB 2022	Changes the VPP and all planning schemes by aligning existing provisions with current policy, guidelines and legislation, deleting redundant content and correcting clerical errors. Impact on Murrindindi Planning Scheme: Is administrative in nature and has little impact.
VC200	17 FEB 2022	Changes the VPP and all planning schemes by introducing planning permit exemptions for specified types of transport projects and specifies the Minister for Planning as the responsible authority for transport projects. Impact on Murrindindi Planning Scheme: Is administrative in nature and has little impact.
VC209	8 MAR 2022	Changes the VPP and all planning schemes by removing clause 51.06 (Secondary dwelling) from the VPP and the Greater Bendigo, Kingston, Moreland and Murrindindi planning schemes, and updating clause 52.18 (State of emergency and recovery exemptions) to reflect the new pandemic declaration powers under the <i>Public Health and Wellbeing Act 2008</i> . Impact on Murrindindi Planning Scheme: Impacts on the secondary dwelling provisions for the Shire by removing them.
VC219	22 MAR 2022	Changes the VPP and all planning schemes to support the ongoing operation of extractive industry across Victoria and increase amenity protections for nearby accommodation. Impact on Murrindindi Planning Scheme: Has ongoing requirements for extractive industry and adjoining sensitive uses in the Shire.
GC192	31 MAR 2022	Amends the Casey, Manningham, Maribyrnong, Maroondah, Melbourne, Monash, Moreland, Murrindindi, Stonnington, Whitehorse and Yarra planning schemes to transfer the responsible authority status of 16 sites from the Minister for Planning to the relevant municipal council. Impact on Murrindindi Planning Scheme: Has ongoing requirements for certain land in the Shire and Council now being the responsible authority.
VC210	4 MAY 2022	Makes changes to the VPP and all planning schemes to ensure they are current and correct obvious or technical errors. Impact on Murrindindi Planning Scheme: Is administrative in nature.
VC218	18 MAY 2022	Changes the VPP by updating the PPF to further implement the National Airports Safeguarding Framework in Victoria. Impact on Murrindindi Planning Scheme: Has some but limited impact to land in the Shire.
VC220	30 MAY 2022	Changes the VPP and all planning schemes by supporting the efficient delivery of neighbourhood batteries into the electricity distribution network by amending clause 73.03 Land use terms. Impact on Murrindindi Planning Scheme:

Amendment number	In operation from	Brief description
		Has ongoing impact to land in the Shire.
VC216	10 JUN 2022	Changes the VPP and all planning schemes by altering the PPF to support Environmentally Sustainable Development (ESD). Impact on Murrindindi Planning Scheme: Has ongoing impact to land in the Shire around ESD.
VC213	14 JUL 2022	Makes changes to the VPP and all planning schemes to ensure consistency with existing requirements under the Melbourne Strategic Assessment (MSA) Program to achieve specific biodiversity outcomes within Melbourne's growth corridors. Impact on Murrindindi Planning Scheme: Has no impact on land in the Shire.
VC230	14 JUL 2022	Updates clauses 52.20 (Victoria's Big Housing Build) and 72.01 (Responsible authority for this planning scheme) to replace the Minister for Planning as the responsible authority. Impact on Murrindindi Planning Scheme: Is administrative and has little impact on the Shire.
VC221	4 AUG 2022	Facilitates all-electric developments to support implementation of Victoria's <i>Climate Change Strategy 2021</i> and <i>Gas Substitution Roadmap 2022</i> and changes the VPP and all planning schemes by amending clauses that require developments to be connected to reticulated gas and amending the referral requirements. Impact on Murrindindi Planning Scheme: Reflects climate change and energy related considerations for land in the Shire.
VC223	12 AUG 2022	Amends Clause 73.01 (General terms) to define Minister for Planning to mean a Minister for the time being administering the <i>Planning and Environment Act 1987</i> . Impact on Murrindindi Planning Scheme: Is administrative and has little impact on the Shire.
VC225	15 SEP 2022	Makes changes to the VPP and all planning schemes to correct obvious or technical errors and ensure they are current. Impact on Murrindindi Planning Scheme: Is administrative and has little impact on the Shire.
VC222	29 SEP 2022	Changes to the VPP and all planning schemes to support the co-location of new government primary schools with kindergartens and facilitate projects that support the 2026 Commonwealth Games. Impact on Murrindindi Planning Scheme: Has ongoing and potentially large impacts on the Shire's early childhood education provision and facilities for the 2026 Commonwealth Games.
VC224	28 OCT 2022	Changes the VPP and all planning schemes that relate to declared irrigation districts and solar energy facilities, delivery exemptions, electorate offices, Future Homes, healthy waterways, land use terms, stormwater management and tree removal under VicSmart. Impact on Murrindindi Planning Scheme: Is largely administrative in nature but has ongoing impacts for land in the Shire.
VC226	4 NOV 2022	Makes changes to the VPP and all planning schemes to support emergency recovery, telecommunications, solar energy systems and community care accommodation. Impact on Murrindindi Planning Scheme: Is largely administrative in nature.
VC227	14 NOV 2022	Changes the VPP and all planning schemes to support the facilitation of container deposit scheme (CDS) infrastructure under the <i>Victorian Government's Recycling Victoria: a new economy policy</i> .

Amendment number	In operation from	Brief description
		Impact on Murrindindi Planning Scheme: Has ongoing impacts for recycling in the Shire.
VC228	22 NOV 2022	Changes to the VPP and all planning schemes to facilitate Victoria's recovery from emergencies by allowing an exemption from operation hours for extractive industries. Impact on Murrindindi Planning Scheme: Is administrative in nature.
VC201	16 DEC 2022	Updates the PPF, introduces two new regional policies and a series of new Significant Landscape Overlays to recognise, protect and improve waterway health, amenity, access and community values. Impact on Murrindindi Planning Scheme: Provides updates to waterway policy across the State including the Shire.
VC215	3 MAR 2023	Implements the <i>Melbourne Industrial and Commercial Land Use Plan</i> in the PPF. Impact on Murrindindi Planning Scheme: Has no impact on land in the Shire.
VC229	20 MAR 2023	Makes changes to the VPP and all planning schemes to correct obvious or technical errors and ensure they are current. Impact on Murrindindi Planning Scheme: Is administrative in nature.
VC231	6 APR 2023	Amends the Victoria Planning Provisions and 60 planning schemes in Victoria by amending existing planning permit exemption thresholds for dwelling extensions, out-buildings and buildings used for agriculture in clauses 35.03 (Rural Living Zone), 35.07 (Farming Zone) and 35.08 (Rural Activity Zone). Impact on Murrindindi Planning Scheme: Reduces permit requirements for some rural zones in the municipality.

11.1.1. New Planning Practice Notes and Guidance Materials

Since the last planning scheme review in 2019, Several Planning Practice Notes (PPNs) and guidance materials have been introduced which impact on the strategic directions and drafting of the Murrindindi Planning Scheme.

Table 8: New or Updated Ministerial Directions and Planning Practice Notes From 2019

Resource	Summary of Document	Implications for Murrindindi Planning Scheme
Planning for Housing and Using the Residential Zones (Planning Practice Notes 90 and 91) December 2019 planning-practice-notes	In the last decade, the Victorian Government has revised housing and residential zone resources and approaches with extensive changes and improvements to residential zones, overlays and guidelines through Planning Practice Notes (PPN) 90 and 91. A residential development framework is required to be prepared usually at a municipal level that identifies residential changes areas and implementation mechanisms. Built form outcomes are driven by the application of specific types of residential zones. In 2017 changes to residential zones restricted building height to 9 metres in the	The principles established through these PPNs are sound and need to be nuanced to settlement hierarchies based on a housing and settlement strategy and the preferred neighbourhood character for residential areas. These PPNs have been in operation since the last review and provide different guidance to previous documentation.

Resource	Summary of Document	Implications for Murrindindi Planning Scheme
	Neighbourhood Residential Zone and 11 metres in the General Residential Zone with a garden area requirement. Application of the Residential Growth Zone encourages four storey development and Mixed Use Zones have no height limit unless specified in a schedule to the zone. Low Density Residential Zones are applied to low density areas usually between 0.2 and 0.4 hectares (minimum) with no minimum height requirement in the zone. Township Zones continue to apply in smaller townships with a minimum height requirement only if specified in a schedule to the zone and allow a wide range of commercial, residential, industrial and community uses.	
A Practitioner's Guide to Victorian Planning Schemes, April 2022 (Version 1.5) practitioners-guide	The guide applies to the preparation and application of a planning scheme provision in Victoria. It is primarily intended for use by practitioners considering or preparing a new or revised provision for a planning scheme. The guide sets out and explains: <ul style="list-style-type: none"> • The principles that should underpin the creation, selection and application of a planning scheme provision. • How a planning scheme relates to the VPP. • Rules and advice about how the various components of a planning scheme operate. • How to select, write and apply various elements of a planning scheme. 	This guide establishes the VPP principles and good drafting conventions and examples. It must be followed when preparing a planning scheme policy or provision and has been updated since the last review.
Managing buffers for land use compatibility (Planning Practice Note 92) planning-practice-notes	The PPN provides guidance about planning for land use compatibility and the PPF and planning requirements relating to the management of buffers such as Clause 53.10 Uses and activities with potential adverse impacts and Clause 44.08 Buffer Area Overlay. The BAO supports implementation of the objective and strategies in Clause 13.07-1S - Land use compatibility. The BAO complements Clause 53.10 to help ensure that industry establishes appropriately and addresses the reverse situation so that land use and development around existing industry is appropriate. Buffers can be used to manage both land use and development and should be applied to address different issues of risk and land use compatibility.	This PPN relates to Amendment VC175 and was prepared after the last review in 2019. It provides clearer guidance for industrial uses and maintaining separation distances to sensitive uses and how to apply the BAO to industrial facilities.
Ministerial Direction on the Form and Content of Planning Schemes	This Direction provides the schedule template for zone, overlay, particular provision and general provision schedules and how local planning schemes are to be prepared based on	These templates can change from time to time and should be used as the basis for the

Resource	Summary of Document	Implications for Murrindindi Planning Scheme
5 April 2023 The role of the Minister (planning.vic.gov.au)	the VPP. It includes requirements and parameters about how State provisions can be applied at the local level and how local provisions can be given effect.	preparation of new or revised schedules in the scheme.
Ministerial Direction 19 – Preparation and Content of Amendments That May Significantly Impact the Environment, Amenity and Human Health October 2018 The role of the Minister (planning.vic.gov.au)	This Direction requires planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste. The Direction applies to any strategic plan or its review that forms the basis of a planning scheme amendment relating to the use or development of land within a buffer area or separation distance of industry and specified industrial uses.	This Direction is triggered for any planning scheme amendment or a planning scheme review.
Ministerial Direction 20 – Major Hazard Facilities October 2018 The role of the Minister (planning.vic.gov.au)	This Direction aims to minimise potential human and property exposure from the risk of incidents that may occur at a major hazard facility and ensure their ongoing viability. The Direction requires planning authorities to seek and have regard to the views of WorkSafe Victoria and the Minister for Economic Development when preparing a planning scheme amendment which rezones land for, or is within the threshold distance of, a major hazard facility.	This Direction is triggered for any planning scheme amendment that relates to a threshold distance for a major hazard facility.