

# Yarriambiack Planning Scheme Review

Final Report  
April 2023





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## Document History

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## Contributors and Reviewers

The following people were involved, to different extents, in the process of developing and finalising this document, but were not responsible for its authorship:

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## Approval

Handover to Council



# 1. Executive summary

## 1.1 Why is the planning scheme being reviewed?

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

Council last undertook a comprehensive review of the planning scheme in 2008.

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 done via amendments C23yari and C29yari and was a policy neutral amendment undertaken by the State government.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the Act once complete. Planning scheme amendment documentation required 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 Characteristics of the municipal area

Yarriambiack Shire covers an area of 7,158 square kilometres and is located approximately 330 kilometres north-west of Melbourne, in the Wimmera Mallee region. It is situated on the lands of the Wotjobaluk, Wergaia, Jaadwa, Jadawadjali, and Jupagalk traditional owners, represented today by the Barengi Gadjin Land Council Corporation.

The municipal area contains significant tracks of semi-arid wilderness and conservation reserves including the Wyperfield National Park, the Barrett, Barabool and Bryntirion State Forests, and the Wathe Flora and Fauna Reserve.

Yarriambiack Shire has an estimated resident population of 6,556 in 2021. Victoria in Future (2019) forecasts predict that the population of the Shire will decline to an overall population of 5,568 by 2036.

Warracknabeal is the Shire's main urban centre accommodating 2,359 people and supporting a network of district towns including Murtoa, Hopetoun, Rupanyup, and Minyip.

The agriculture sector is the Shire's key industry, with broad-acre cereal, oilseed, pulse and legume crops the most significant in terms of land use and economic contribution. Allied rural industries (including the storage, cleaning, and distribution of agricultural product) and lamb and wool production also contribute to the local and regional economy. Significant grain handling and storage facilities are located adjacent to major freight routes across the Shire.

Between 2018- 2021, Yarriambiack Shire received 257 planning permit applications and processed an average of 60 permits per calendar year. The most common category of application being '*one of more new buildings*', which were typically for agricultural sheds and rural outbuildings.

### 1.2.1 Key land use planning issues for the Yarriambiack Shire Council include:

- Resourcing required to undertake and implement a strategic work program within the planning scheme review cycle
- Settlement planning for Warracknabeal, Hopetoun and Murtoa
- Policy direction to support rural industry and protect high-quality agricultural land
- Protection of biodiversity, waterways, landscapes, and heritage places across the Shire
- Policy direction for tourism and economic development
- Climate change adaptation, including flood mapping and updating planning controls.

## 1.3 Overall health check

Much of the content of the Yarriambiack Planning Scheme dates from 1999 and was introduced as part of the Yarriambiack New Format Planning Scheme.



Other than site-specific corrections and the removal of Environmental Significance Overlay Schedule 3 (ESO3), there has been very little change to the scheme's local policy content and planning controls over the last 20 years. The last review of the scheme was undertaken in 2008.

In 2020-21 the scheme was restructured to insert a new Municipal Planning Strategy (MPS), update local schedules and reformat local planning policies to replace the former Local Policy Planning Framework. This change was 'policy neutral' and did not result in the introduction of new content.

This review has identified a number of opportunities to update and improve the Yarriambiack Planning Scheme:

- local zones and overlay provisions require a detailed review to remove unnecessary permit triggers, correct mapping errors and align permit and application requirements with State planning directives.
- a number of strategic gaps have been identified in the MPS and Planning Policy Framework (PPF) which will require further strategic work in the form of targeted or thematic studies.

The planning unit is currently working on a planning scheme amendment to address issues relating to:

- the Land Subject to Inundation Overlay (LSIO), which generates high permit activity for minor works that are of little planning consequence.
- correction of zoning and mapping errors
- identify and increase tourism accommodation opportunities on council managed public land across the Shire.

At a municipal level, council is also preparing shire-wide tourism, economic development and open space and recreation strategies, which can inform policy directions in the scheme to update land use strategies in these areas.

This review seeks to expand on the strategic work underway and makes recommendations for further work for key priority areas that can be undertaken in the current and future review cycle period.

Numerous small, policy neutral changes have also been identified to bring the Yarriambiack Planning Scheme in line with the *Ministerial Direction on the Form and Content of Planning Schemes*.

## 2. 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.

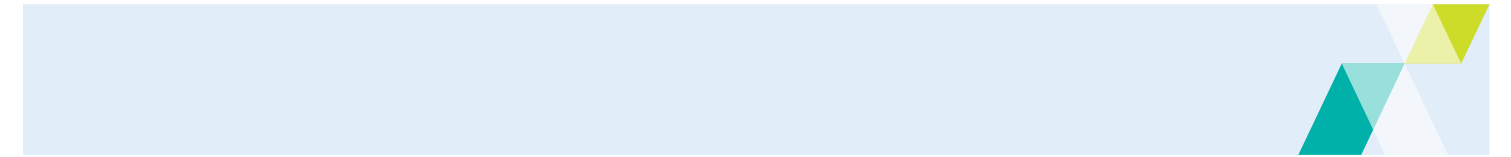
### 2.1 Planning scheme amendment recommendation

It is recommended that a planning scheme amendment is carried out by Council to implement the findings of this review that relate to administrative matters or to incorporate Council or State adopted strategic planning work into the scheme.

The 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. These are purely 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 to bring it up to date with the latest ABS data, the Council Plan and to acknowledge the Traditional Owners of the land in which Yarriambiack Shire Council sits - the lands of the Wotjobaluk peoples.

The planning permit audit (Appendix 1) and consultation with Council staff (Appendix 1) identified that all local schedules to the zones and overlay should be reviewed and updated to remove or reduce building and works permit



triggers as they generate unnecessary permit applications that relate to matters that Council is not concerned about from a planning perspective.

Removal of these permit triggers should reduce the number of planning permits processed by Council and enable the redirection of resources to other planning priorities.

An audit of local and regional strategies and policies that have been adopted since the last planning scheme review (Appendix 1) has identified new policy that has the strategic justification to be incorporated into the planning scheme.

These changes are marked up on the supporting Ordinance (See Appendix 2).

In Appendix 2, 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.

Council should liaise with the DTP Regional Planning Services Grampians Region team to determine the appropriate amendment pathway to progress the findings of this report.

### **Recommendation:**

To implement the findings of the Yarriambiack Planning Scheme Review Report 2023, it is recommended that Council:

- 1. Prepare a planning scheme amendment or amendments using the marked-up Ordinance at Appendix 2 to:**
  - a) Incorporate the policy neutral changes to align the ordinance with the Ministerial Direction on the Form and Content of Planning Schemes.**
  - b) Incorporate elements from the 2021 – 2025 Council Plan and make other updates to factual data.**
  - c) Amend the MPS at Clause 02.01 Context to include appropriate reference to Traditional Owners and Country.**
  - d) Include new policy to implement the:**
    - *Yarriambiack Council Plan 2021 – 2025, incorporating the Municipal Health and Wellbeing Plan (Yarriambiack Shire Council, 2021).*
    - *Yarriambiack Tree Management Policy (Yarriambiack Shire Council, 2022)*
  - e) Insert a new Clause 74.02 Further Strategic Work that includes the prioritised strategic work program, that Council intends to commence in the next four years (which is the period of the planning scheme review cycle), based on the findings of this review (listed in Section 2.2 below) and the prioritisation of the strategic work identified in Appendix 3.**
- 2. Adequately resource the proposed strategic work program to enable the delivery of the highest priority strategic planning projects identified in Appendix 3 of the report.**

## **2.2 Further strategic work recommendations**

Section 8 and Appendix 3 of this report outlines future strategic planning work that has been identified through an audit of planning permit activity data, feedback from Council staff and a review of scheme ordinance.

Some of these tasks represent significant pieces of strategic work, but others are relatively simple changes that can be made to the planning scheme to both improve planning decision making and reduce the number of planning permits being triggered for applications of little consequence.

It is recommended that the following matters should be addressed:

- 1. Finalise strategic work that is in progress, particularly proposed C24yari to update the existing schedule to the LSIO and introduce a new LSIO schedule, schedule to the Flood Overlay and local flood policy to address flood plain management.**

## 2. Undertake a permit trigger review to:

- Assess the relevance of ESO1 and ESO2 controls to ensure the environmental objective to be achieved can be met, remove duplication with Clauses 52.17 and 52.29 and determine whether further strategic work is required to prepare a VPO and or ESO to protect target species.
- Review the DDO1 control for relevance and clarity and investigate if any permit exemptions can be introduced or performance measures included (i.e building heights) can be introduced to reduce the resource burden on the council planners and remove unnecessary red tape for applicants.
- Investigate applying a further DDO to cover an appropriate curtilage to the Hopetoun aerodrome OLS.
- Review the SUZ controls and prepare site masterplans to ensure the table of uses support the existing and intended use and development for tourist accommodation and cultural events.
- Investigate the introduction of local schedules to the FZ and RLZ to reduce setback triggers to roads and waterways and streamline permit triggers for sheds and outbuildings.
- Review the schedule to the FZ and the minimum subdivision area of 0.5 that allows a 'specific use other than accommodation, which needs to be located in the Farming Zone' provision.
- Review PAO1 in consultation with GWM Water to determine if this overlay is required, remove if land has been purchased.

## 3. Prepare Structure Plans for Warracknabeal, Murtoa and Hopetoun.

## 4. Review the Yarriambiack Heritage Study Stage 2 (2014) and implement the findings into the scheme in accordance with the requirements of *PPN1: Applying the Heritage Overlay*. Correct heritage overlay mapping errors identified in the 2004 Planning Scheme Review Report.

## 5. Prepare a Rural Land Use Strategy to:

- a) guide the appropriate siting, curtilage and built form outcomes for rural industry in the rural zones.
- b) review the schedule to the FZ and the minimum subdivision for 'specific use other than accommodation, which needs to be located in the Farming Zone' provision
- c) develop township settlement plans for Minyip, Rupanyup, Beulah and Woomelang.

## 6. Undertake a 'visioning process' to review and update the Municipal Planning Strategy (MPS) as part of the 2026-2030 Council Plan community engagement process.

Documents **R3: Further Strategic Work Prioritisation** and the '**A Good Practice Guide to Planning Scheme Reviews**' includes instructions for preparing a prioritised further strategic work list for Clause 74.02 Further Strategic Work schedule.

## 2.3 Process improvement recommendations

Process improvement recommendations are drawn from analysis of the planning scheme, permit activity data and consultation with Council staff. Whilst referral authorities were contacted for comment, no feedback was provided.

These recommendations

### Recommendations:

## 7. Participate in DTP's Better Planning Approval Co-Design program to develop pre-application material.



## 2.4 Advocacy recommendations

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 State Government to highlight the issue and advocate for change.

Council officers identified that whilst Council qualified for support from the State Government's Building Housing Build to construct social / affordable houses to meet demand for diversified accommodation options, costs associated with sourcing labour and construction material in rural areas reduce the likelihood of meeting program criteria for funding.

The review also identified opportunities to include planning policies relating to climate change adaptation, however it is recommended that the Council advocate to work in partnership with the Wimmera Development Association, GWM Water, and the State government to implement policy and guidance documents at a regional scale, i.e. sustainability principles for development and subdivision across Wimmera Mallee Councils, and policy to support the agriculture industry to respond to climate change.

### Recommendations:

- 8. Advocate for the Environmentally Sustainable Development of buildings and subdivisions (ESD) framework to be prepared and implemented into planning scheme via a regional approach.**
- 9. Request the State government implement the Grampian's Region Climate Adaptation Plan into the planning scheme, to introduce policy to support the agriculture sector as it transitions to respond to climate change.**
- 10. Advocate for State and federal funding opportunities to support the construction of social and affordable housing to meet demand for diversified accommodation options in rural areas.**

## 2.5 Minister for Planning recommendation

Yarriambiack Shire Council, with assistance from the Regional Planning Partnerships (RPP) team at the Department of Transport and Planning (DTP), 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, to enhance 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:

- 11. That the Yarriambiack Shire Council accept this Planning Scheme Review and forward to the Minister for Planning as evidence Yarriambiack Shire Council, as the planning authority for Yarriambiack 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.**

## 3. Introduction

### 3.1 Purpose

Council as the planning authority for the Yarriambiack 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 2008.

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 done via amendments C23yari and C29yari and was a policy neutral amendment undertaken by the State government.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the Act once complete.

### 3.2 Methodology

This planning scheme review was undertaken by the Regional Planning Partnerships (RPP) team at the Department of Transport and Planning (DTP) under the Regional Planning Hub (RPH) program, which has been established to provide rural and regional councils with statutory and strategic planning support. Many rural and regional councils have requested assistance under the RPH program' to prepare their planning scheme reviews.

To support this, the RPP team partnered with Redink Planning to develop a methodology, procedure and templates to enable planning scheme reviews to be undertaken more easily. This included developing a methodology that enabled a thorough and quick understanding on how the scheme is performing against various indicators and identifying priority areas to focus on to improve the scheme. The methodology also includes marking up the planning scheme ordinance with the recommended changes to enable the review to be progressed via a planning scheme amendment /amendments (provided at Appendix 2).

The planning scheme review has included the following tasks:

Stage	Tasks	Timing
Inception stage	Inception meeting with project manager Gather information from council (e.g. referral authorities, strategic plans, permit data etc) Survey of planning staff to identify performance strengths and weakness of the scheme and key issues. Email referral agencies for feedback	October, 2022



<b>Analysis stage</b>	Review of previous 12B Review of VCAT decisions and Panel recommendations Review of Planning Permit Activity Reporting System (PPARS) data. Review of new strategic plans (regional and local) Audit planning scheme and identify changes required. Document concurrent planning scheme amendments. Ongoing consultation with internal staff. Further consultation with referral authorities if required. Consultation with DTP – Regional Office Review community satisfaction rating for planning	October - November, 2022
<b>Consultation stage</b>	Consultation with internal staff Briefing to Councillors and the Executive Team.	December 2022
<b>Reporting stage</b>	Finalise planning scheme review report. Finalise ordinance.	February - April 2023
<b>Finalisation stage</b>	Endorse review and send to Planning Minister as required by section 12(B) of the <i>Planning and Environment Act 1987</i> . Proceed with planning scheme amendment to implement the review.	TBD by Council

### 3.3 Guidance

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 (PPNs) and advice:

- A Practitioners' Guide to Victorian Planning Schemes.
- PPN46: Strategic Assessment Guidelines
- PPN32: Review of planning schemes

### 3.4 Changes in State Planning Policy since the last review

The Victorian Planning Provisions are constantly being reviewed and updated at a State level with numerous VC (Victorian) and GC (group of council) amendments occurring each year. The Department of Transport and Planning also provides advice to planners in the form of updates to the Practitioners Guide and new planning practice notes.

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

#### VC and GC amendments

Since the last planning scheme review in 2008 several VC and GC amendments have introduced new policy into the Yarriambiack Planning Scheme and are directly relevant to this review:

- VC134 – Introduced the Municipal Planning Statement (MPS)
- VC138 – Updates to the Native Vegetation Framework
- VC140 – Provisions for the Planning Policy Framework transition



VC142 – Update to the Ministerial Direction on Form and Content and clean-up of permit triggers.

VC148 – Planning Policy Framework introduction

VC175 – Buffer Area Overlay introduction

VC200, VC 204 and VC205 – Transport planning reforms

### **New Planning Practice Notes**

Since the last planning scheme review in 2008, a suite of PPNs have been introduced which may impact on the future development of the Yarriambiack Planning Scheme.

PPN01: Applying the Heritage Overlay

PPN03: Applying the Special Use Zone

PPN11: Applying for a planning permit under the flood provisions

PPN12: Applying the flood provisions in planning schemes

PPN15: Assessing an application for One or More Dwellings in a Residential Zone

PPN23: Applying the Incorporated Plan and Development Plan Overlays

PPN24: Shipping Container Storage

PPN27: Understanding the Residential Development Provisions

PPN30: Potentially Contaminated Land

PPN37: Rural Residential Development

PPN42: Applying the Rural Zones

PPN45: Aboriginal Heritage Act 2006 and the Planning Permit Process

PPN64: Local planning for bushfire protection

PPN70: Open space strategies

PPN74: Making planning documents available to the public

PPN81: Live music and entertainment noise

PPN84: Applying the minimum garden area requirement

PPN85: Applying the Commercial 3 zone

PPN86: Applying for a planning permit for a pig farm

PPN87: Preparing a planning permit application for animal production

PPN88: Planning considerations for existing residential rooftop solar energy facilities

PPN89: Extractive energy and resources

PPN90: Planning for housing

PPN91: Using the residential zones

PPN92: Managing buffers or land use compatibility

PPN94: Land use and transport integration

PPN95: Local heritage protection provisions



## 4. What's driving change

### 4.1 Population, growth and economy

Yarriambiack Shire has a population of 6,556 people (as of October 2022), however its population is forecast to reduce to 5,618 persons by 2031.

Victoria in Future predicted a decline in population of almost 400 persons during the last Census period, however Census data released in 2022 recorded a loss of only 119 persons during 2016 – 2021.

Whilst these figures record a lower than forecast population loss, overall, the Shire's growth rate is one of the lowest in the State.

Warracknabeal is the Shire's main urban centre accommodating 2,359 people. A network of district towns including Murtoa, Hopetoun, Rupanyup, and Minyip accommodate small urban populations and rural services.

Agriculture is the key economic driver for the municipality. Broad acre cropping is the predominant rural land use (504 457.3 hectares in 2021), with lamb and wool production and some extractive and rural industries, such as the storage, cleaning and distribution of agricultural product, also contributing to the local and regional economy.

The 2021 census indicates that agriculture is the largest employer, followed by health care, social assistance; education and training; and retail (ABS, 2021 Census).

### 4.2 Climate change and other environmental risks

Yarriambiack Shire is subject to the impacts of climate change, however it does not have strong climate change policy and relies on State policy to guide planning decisions in this area.

Due to climate change and climate variability, natural disasters, and environmental hazards such as heatwaves, bushfires, floods and storms are likely to be more frequent and severe. This will present many challenges and some opportunities.

The Council Plan 2021 – 2025 includes several objectives that seek to address climate impacts, including an action to 'plant more trees in townships' and to carry out 'streetscape works targeted at reducing the heat impacts in mains street districts' (Council Plan, pg. 28). However, the scheme lacks strategic direction to guide sustainable subdivision, development and infrastructure delivery, such as an Environmentally Sustainable Design framework.

Clause 02.03-3 of the MPS highlights several land systems in the Shire susceptible to erosion and salinity risks, but the scheme lacks policy or controls to identify and protect this land and minimise soil and groundwater disturbance.

Flooding in the Shire is the result of high-intensity short-duration rain occurrences which cause localised flooding, particularly along its two main watercourses, the Yarriambiack Creek and Dunmunkle Creek.

Warracknabeal has been subject to number of flooding events, most recently in 2010 and 2011, where above-average rainfall events in spring and summer resulted in major flooding of the Yarriambiack Creek, Dunmunkle Creek and adjoining tributaries. (Yarriambiack Shire Municipal Emergency Management Plan, 2022, pg. 10).

Council has commenced work to implement a planning scheme amendment to introduce flood controls for the Yarriambiack Creek and update the existing LSIO, which is a priority project.

## 5. Previous review

### 5.1 Yarriambiack Planning Scheme Review (2008)

The Yarriambiack Planning Scheme was last reviewed in 2008. According to the 2008 report, it was the first review since the introduction of the Yarriambiack New Format Planning Scheme in 1999.

The report recommended 38 changes to the scheme based on the review and stakeholder feedback, including:

- Layout, content and policy improvements to the Municipal Strategic Statement (MSS) and Local Planning Policy (LPP)



- Corrections to overlay and zone mapping to address errors
- Removal of Schedule 2 to the Environmental Significance Overlay (ESO3)
- Removal of Schedule 3 to the Environmental Significance Overlay (ESO3)
- Reduction in the mapped extent of Schedule 1 to the Design and Development Overlay (DDO1)
- Implementation of the following studies and insertion as reference documents into the scheme:
  - *Yarriambiack Shire Tourism Study (1995)*
  - *Yarriambiack Industrial Land Capability Study (2014)*
  - *Yaapeet Township Development Plan (2002)*
  - *Warracknabeal Urban Design Framework (2002)*
  - *Rupanyup Urban Design Framework (2003)*
  - *Murtoa Urban Design Frameworks (2004)*
  - *Economic Development Strategy (2006)*

The report also identified the following policy gaps and recommended further work to address these gaps:

- Floodplain studies and updated flood controls
- Land Capability Assessment / Agricultural Land Use Strategy to identify and protect high-quality agricultural land and support diversification (i.e policy for intensive animal industries).
- Stormwater management and water sensitive urban design in urban settlements
- Municipal heritage study and correction of HO mapping errors
- Environment studies, including identification of significant native vegetation and species habitat protection in scheme.

## 5.2 Progress since last review

Since the 2008 review, Council has completed the following further strategic work and scheme amendments:

- Amendments C08, C017, C018, C22yari to correct zoning errors, rezone divested Crown land to residential zones and correct HO mapping errors.
- Amendment C021 to remove the Environmental Significance Overlay Schedule 3 (ESO3).
- *Yarriambiack Heritage Study Stages 1 & 2 (2012 - 2014)*
- *Warracknabeal and Brim Flood Investigation (2016)*
- *Dunmunkle Creek Flood Investigation (2016)*

Almost all of the matters raised in the 2008 review remain priorities for Yarriambiack Shire Council today. The limited strategic work program highlights the significant resourcing and staffing pressures experienced by Council over the last 14 years. Of note is the work undertaken since 2014, the result of partnerships with agencies such as Heritage Victoria and local catchment management authorities.

The planning unit has commenced a strategic work program to update flood mapping and controls, correct zoning errors and identify and increase tourism accommodation opportunities on council managed public land across the Shire.

Council is also preparing a shire-wide Tourism Strategy, Open Space and Recreation Strategy and Access and Inclusion Plan.

## 6. Planning permit activity

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. Appendix 2 includes the raw data that has been used for the analysis.

### 6.1 Number and nature of permits assessed

Table 1 indicates the number of permit applications that Council processed between 2018 and 2021, with a variation between a high of 72 and a low of 55.

Data shows that the number of permits processed per calendar year since 2018 has reduced, with little variation between 2019 – 2021 and an average of 60 per annum. Approximately 57 permits have been processed within the 2021-22 calendar year (up to August 2022) as captured in PPARS data.

The reduction in permit activity is likely to reflect the decline in population experienced by the Yarriambiack Shire between 2016 – 2021.

While Council's permit activity data does not reflect the trend in regional areas of increased permit activity since 2020 (due to regional migration and increased building activity during and after COVID19), there has been a small increase recorded in some permit classes, notably new dwellings (see table 2).

PPARS data shows the since 2020 approximately 46 permit applications for new dwellings and have been approved and Council's data indicates that three residential subdivisions have been assessed. Residential growth activity in the Shire may be greater, as these figures do not include new dwellings constructed on vacant land in residential zones that do not require a planning permission

Table 1 – Planning permit activity between the 2018 calendar year and the 2021 calendar year

Permits refusals)	(including 2018	2019	2020	2021
Received	75	57	65	60
Processed	72	57	55	58
Issued	67	53	63	54

Source: Yarriambiack Shire planning permit data, DTP Planning Information Services dataset.

Over the last 4 years the category of permits generating the highest activity has consistently been 'one or more new buildings', which in 2021 accounted for approximately 43% of all permits received. Permit data supplied by Council indicates that these permits are typically for:

- agricultural sheds and outbuildings located within rural zones (33)
- warehouses, sheds and stores located in industrial and commercial zones (8).

For many of these applications, there is an additional permit requirement due to either the Environmental Significance Overlay (ESO), Design and Development Overlay (DDO) or Land Subject to Inundation Overlay (LSIO).

The second highest number of permits received were for minor structures such as carports, verandahs and decking associated with existing dwellings located within the LSIO (38).

Council officers have indicated that agricultural sheds in the Farming Zone (FZ), outbuildings in the Rural Living Zone (RLZ) and Township Zones (TZ) and minor structures associated with existing dwellings often have little to no planning consequence and can be time consuming to process and assess.

There is an opportunity to address this issue by undertaking a review of permit requirements in the scheme and updating local schedules for the FZ, RLZ, ESO, DDO and LSIO to remove unnecessary permit triggers for sheds,



outbuildings and minor structures. This may include introducing reduced setback triggers to roads and waterways and will require consultation with agencies such as DTP and relevant catchment management authorities. It is also recommended that the mapped extent of all overlays are reviewed as part of this work.

Another common application type is for rural industry located within the FZ. Permits received during the review period included applications for mineral extraction (5), stone extraction (3), storing, cleaning, and processing rural product (6) and intensive animal production (1).

### 6.1.1 Table 2 – PPARs data for top permit categories from 2018 calendar year and the 2021 calendar year

Permit category	2018	%	2019	%	2020	%	2021	%
One or more new buildings	31	41.33%	27	47.37%	20	30.77%	26	43.33%
Single dwelling	5	6.67%	2	3.51%	10	15.38%	10	16.67%
Subdivision of land	9	12.00%	7	12.28%	10	15.38%	6	10%
Alterations to a building structure or dwelling	7	9.33%	2	3.51%	2	3.08%	2	3.33%
Change or extension of use	6	8.00%	-	-%	3	4.62%	4	6.67%
Total permits received	75		57		65		60	

Source: Yarriambiack Shire planning permit data, DTP Planning Information Services dataset.

## 6.2 Service performance

The median number of days taken between the receipt of an application and a decision on an application was 18 days in 2020 – 2021. The percentage of VicSmart planning application decisions made within 10 days and standard planning applications decisions made within 60 days is recorded as 97.56% (State of Victoria, 2022).

Both figures represent exceptional results, given similar local councils are recorded as determining applications within 54.37 days in the same period, having processed a similar number of permit applications (PPARS, State of Victoria, 2022).

At present, the planning unit is staffed by a single planner (full time) and administrative support officer.

## 6.3 Decision making

### 6.3.1 Decisions by Council

Over the four-year review period, the Yarriambiack planning unit considered a total of 257 permits, with most decisions made under delegation (89.9%). This includes 25 VicSmart permits, which account for almost 10% of all permits processed.

Council data shows that three permits were determined via resolution at a Council level. No permits were subject to a review by VCAT.

Table 3 indicates that 20 permit applications were not determined, including applications that were lodged with Council but did not require a permit, 6 withdrawn applications, one lapsed application and one permit application that was refused.

Given that 19 of the lodged permits did not require a permit or were withdrawn by the applicant, there is an opportunity for Council to enhance its pre-application engagement processes and provide greater certainty to applicants regarding scheme requirements and expectations for the standard of supporting material required to accompany applications.



It is recommended that Council consider participating the DTP Better Planning Approvals Co-Design Process to develop pre-application material, (such as supporting information templates, checklists and enhanced website material) to support applicants to navigate the application process and assist council officers in pre-application consultation processes.

**6.3.2 Table 3 – PPARS data for decision outcome on permits received 2018 – 2021 calendar years**

	No permit issued	Permit issued by delegate	Permit issued by the responsible authority	Not yet determined	Total permits 2018-2021
Permit	20	231	1	5	257
% of total	7.78%	89.88%	0.39%	0.7%	100%

## 6.4 Geographic spread of applications

Planning permit activity is not distributed evenly across the municipality. Table 4 shows that Warracknabeal has experienced the highest number of permit applications, accounting for approx. 42% of all applications over the review period.

This is expected as Warracknabeal is the major urban centre of the municipality and provides the focus for most residential, commercial, retail and industrial opportunities. MPS policy directs urban growth to Warracknabeal, followed by Hopetoun and Murtoa, however broader strategic planning direction is limited and the planning controls affecting these townships were last updated as part of the New Format Planning Scheme in 1999.

It is noted that there has been some re-zoning of land to correct site-specific errors, but no rezoning as part of a coordinated strategic planning program to introduce additional residential or industrial land to market.

While population data does not reflect the need to increase residential land supply in the Shire, Council's 2021- 2025 Council Plan and local policy in the MPS identify a desire to increase the diversity of housing and accommodation options as a key priority. The Council Plan also includes an action to ensure adequate supply of industrial land in the Shire.

Of the 31 subdivisions applications processed in the four-year review period, only three applications were for residential subdivision, the balance being for the subdivision of land in the FZ. So far in 2022, Council data indicates that two subdivision permits have been approved in the TZ.

As referenced in Section 10.2 it is recommended that Council's prepare a structure plan for Warracknabeal as a priority, followed by Hopetoun and Murtoa to identify land use planning opportunities to assist Council to achieve its strategic goals for sustainable growth, housing diversity, economic development, infrastructure and community services in the Shire.

**6.4.1 Table 5 – Key permit action areas from 2018 – 2021 calendar years (DTP, Planning Information Services data)**

Location	Number of applications	% of total
Warracknabeal	42.02%	108
Hopetoun	13.62%	35
Minyip	8.17%	21
Rupanyup	6.23%	16
Murtoa	5.84%	15
Total	75.88%	195

## Findings:

- A. Implement proposed C24yari amendment to update the existing LSIO, insert a new schedule to the LSIO, FO, and introduce new flood policy and mapping to improve floodplain management.**
- B. Undertake a permit trigger review to:**
  - **Assess the relevance of ESO1 and ESO2 controls for relevance and clarity to ensure the environmental objective to be achieved can be met due to duplication with Clauses 52.17 and 52.29 and determine whether further strategic work is required to prepare a VPO and or ESO to protect target species.**
  - **Review the DDO1 control for relevance and clarity and investigate if any permit exemptions can be introduced or performance measures included (i.e building heights) can be introduced to reduce the resource burden on the council planners and remove unnecessary red tape for applicants.**
  - **Investigate applying a further DDO to cover an appropriate curtilage to the Hopetoun aerodrome OLS.**
  - **Review the SUZ controls and prepare site masterplans to ensure the table of uses support the existing and intended use and development for tourist accommodation and cultural events.**
  - **Investigate the introduction of local schedules to the FZ and RLZ to reduce setback triggers to roads and waterways and streamline permit triggers for sheds and outbuildings.**
  - **Review the schedule to the FZ and the minimum subdivision area of 0.5 that allows a 'specific use other than accommodation, which needs to be located in the Farming Zone' provision.**
- C. Participate in the Better Planning Approvals Co-Design Process to develop pre-application material and website resources.**

## 7. Planning scheme performance

### 7.1 Planning Panel Victoria recommendations and VCAT decisions

Council has undertaken ten planning scheme amendments since the last planning scheme review in 2008. These are detailed in Appendix 1.

No matters have been reviewed by a Planning Panel. No permits were subject to a review by VCAT.

### 7.2 Consultation with stakeholders

#### 7.2.1 Council planners and internal staff consultation

A meeting with Council's Manager of Development and Statutory Services was held on 24/10/2022.

Key issues identified during the meeting included:

- Local policy content and strategic directions comprising scheme largely date from 1999. Council interested in undertaking a review and re-write of MPS to update it and set policy agenda for future strategic work program.
- Absence of policy support / direction for emerging tourism opportunities, especially those presented by Silo Art Trail and facilitating accommodation uses on council managed public land.




- Absence of policy to direct Rural Industry to appropriate locations within the municipal area.
- Lack of guidance to inform decision making about small lot residential development, house lot excision and non-agricultural land uses in the Farming Zone. Although not a high number of permits issued for these matters.
- Absence of settlement policy and framework plans in scheme.
- The need for settlement plans for district and sub-district towns (Warracknabeal, Hopetoun and Murtoa) and review of existing and preferred pattern of land use zones and minimum subdivision sizes.
- Absence of township plans for small towns and rural hamlets.
- Social and affordable housing being constructed across the Shire, not just limited to key townships, but targeting availability of land ready for market and nearby employment. For social housing, development of housing has been directed to former public land managed by council.
- Last Big Housing Build grant application unsuccessful due to labour and material availability and costs in rural areas.
- Wimmera Region Industrial Land Use dates from 2014 and requires refresh.
- Wimmera Development Association Housing Supply study (2022) underway.
- Permit triggers for ESO1 and ESO2 require review to address duplication with Clauses 52.17 and 52.29, mapping errors and streamline permit triggers.
- Investigate protection of Hopetoun aerodrome OLS via DDO.
- Minimum subdivision area in RLZ (currently 8 hectares) not consistent with State standard.
- Strategic work program underway, including minor corrections amendments, but limited work undertaken since last review in 2008.
- Preparing strategic justification report to update SUZ 2 & 3 table of uses to allow for camping on council land.
- Preparing C24yari to update LSIO and implement flood studies, undertaking in conjunction with CMA.
- Heritage Study (2014) not adopted or implemented into scheme and Heritage Overlay mapping errors not yet corrected. Correction of errors is priority.
- Council uses *Infrastructure Design Manual* but its not included in the scheme and is looking to undertake a stormwater study.

### 7.2.2 Councillors and executive team consultation

A council briefing session was held on 7 December 2022. The councillors were provided with an overview of the project and the key strategic recommendations that had been identified.

### 7.2.3 Referral agencies

As part of the methodology for this review, the referral agencies listed under Clause 66.06 and other organisations listed in local policies in the scheme were consulted.



No formal feedback was received from referral agencies, however Department of Energy, Environment and Climate Action (DEECA) Forest, Fire and Regions, environmental planning officers from the Grampians region, have indicated an interest in participating in a future review of Schedule 1 to Clause 42.01 Environmental Significance Overlay: Yarriambiack Creek (ESO1). This task is one of the priority areas identified in Section 7 of the report.

**Findings:**

**D. Involve relevant referral authorities in the review of the ESO1, ESO2 and DDO1.**

**7.2.4 Registered Aboriginal Parties**

**Barengi Gadjin Land Council**

The Victorian Aboriginal Heritage Act (2006) recognises Traditional Owners as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage. At a local level, Registered Aboriginal Parties are the voice of Aboriginal people in the management and protection of Aboriginal cultural heritage in Victoria.

The project team acknowledges that Indigenous people and values go beyond RAPs, but for the purposes of the project and available timeframes, only formally recognised Registered Aboriginal Parties (RAPs) were engaged, the Barengi Gadjin Land Council.

The Yarriambiack Planning Scheme does not currently recognise Traditional Owners or traditional cultural values. It does not provide any guidance about Country or places of significance, or reference to any Country Plan.

Council officers have noted that a Reconciliation Plan is under preparation and there will be opportunity to engage with Traditional Owners regarding land use planning matters as part of this process.

In the short term, it is recommended that the identification of Country and acknowledgement of the Traditional Owners of the Country are introduced into the scheme at Clause 02.01. As the identification of Country and acknowledgement of the Traditional Owners are factual changes, it could be included as part of a policy neutral amendment.

**Findings:**

**E. Amend the MPS at Clause 02.01 Context to include appropriate reference to Traditional Owners and Country.**

## **8. New strategic work**

### **8.1 Regional documents**

The following regional documents were reviewed:

- *Growing What Is Good Country Plan: Voices of the Wotjobaluk Nations (2017)*
- *Grampians Region Climate Change Adaptation Policy (date)*
- *Wimmera Regional Catchment Strategy 2021-27 (2021)*
- *Mallee Floodplain Management Strategy 2018-2028 (2018)*
- *GWM Water Urban and Rural Water Strategy (2022)*

A detailed assessment of applicable Regional Documents is included in Appendix 1.

The recommendations of the Grampian's Region Climate Adaptation Plan should be implemented through State or Regional policies within the PPF and not as a local policy inclusion.

The scheme should be amended to acknowledge First Nations people in the content of the MPS and further work undertaken in partnership with Registered Aboriginal Parties to ensure the planning scheme considers and reflects First Nations land and cultural values within the Yarriambiack Shire.

## 8.2 Council documents

The following council documents were reviewed:

- *Yarriambiack Council Plan (incorporating the Municipal Health and Wellbeing Plan) 2021-2025 (2021)*
- *Yarriambiack Shire Heritage Study, Stage 2 (2014)*
- *Yarriambiack Sport and Recreation Strategy 2016 – 2025 (2016) (currently under review by Council)*
- *Yarriambiack Tree Management Policy (Yarriambiack Shire Council, August 2022)*
- *Yarriambiack Shire Access and Inclusion Plan 2017 – 2021 (2017) (currently under review by Council)*
- *Wimmera Industrial Land Capability Study (2014)*

A detailed assessment of Council Documents and Strategies adopted since the last review is included in Appendix 1.

### Findings:

**F. Amend the Vision (02.02) to reflect the current Council Plan (2021-2025).**

**G. Introduce a range of new policies to give effect to Council's adopted:**

- *Yarriambiack Council Plan (incorporating the Municipal Health and Wellbeing Plan) 2021-2025 (2021)*
- *Yarriambiack Shire Heritage Study, Stage 2 (2014)*
- *Yarriambiack Tree Management Policy (Yarriambiack Shire Council, August 2022)*

## 9. Audit and assessment of the current scheme

An audit of each local provision and schedule in the planning scheme has been undertaken. This audit has compared the drafting and application of each 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 with consideration to the work it is doing in achieving the strategic objectives that are set out in the State, regional and local planning provisions.

The detailed outcomes of the audit are contained in Appendix 1 to the scheme.

Some of the recommended improvements can be implemented through a policy neutral planning scheme amendment based on the findings in this report and are included in the marked-up Ordinance at Appendix 2. Others require further strategic work to justify the change and are listed as findings.

### 9.1 Recommended changes

Clause	Change	Policy neutral	Not policy neutral	Further strategic work required
MPS	Include First Nations people recognition in Clause 02.01 Context.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MPS	Make minor amendments to the Context (02.01) to include updated economic and population data and the Vision (02.02) to reflect the current Council Plan (2021-2025).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MPS	Undertake strategic work to address policy gaps relating to settlement, including strategic directions that provide	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Clause	Change	Policy neutral	Not policy neutral	Further strategic work required
	the policy basis for the application of Zones, Overlays, Particular Provisions and Local Policies in Warracknabeal, Hopetoun and Murtoa.			
MPS	Include updated tourism and economic data in Context (02.01) following adoption of <i>Tourism and Economic Development Strategy 2022-23</i> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MPS	Make minor amendments to content to comply with the Ministerial Direction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MPS	Undertake further strategic work to prepare up-to-date local content for Clause 02.03-2, which currently duplicates State policy and Clause 52.17 provisions, particularly  <i>“Maintain and enhance biodiversity”</i>  <i>“Protect remnant vegetation”</i>  Following review of ESO1 and ESO2, expand direction: <i>“Protect corridor and habitat values of roadside and riparian vegetation”</i> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MPS	Further strategic work is required to identify whether overlay controls such as the EMO is required to protect the four land systems identified in Clause 02.03-3 as having erosion risk	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MPS	Move <i>“Encourage agricultural diversity and promote opportunities for new farming enterprises”</i> and Redraft <i>“Encourage value adding uses based on agricultural production”</i> to Clause 02.03-7 as this is an economic development initiative, not a natural resource management matter.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MPS	Undertake further strategic work to give effect to direction: <i>“With changing housing needs, a wider range of housing types is required and clear direction for the form and design of these types of development is also needed”</i> .  As a priority, this work should be included in settlement / structure planning work for Warracknabeal, Murtoa and Hopetoun – as these are the locations that residential development is to be directed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MPS	Undertake further strategic works to give effect to strategic direction <i>“Ensure an adequate supply of serviced industrial land is available at locations with good road access, drainage and reticulated services”</i> in the form of an industrial land strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
MPS	Undertake further strategic work to strengthen policy relating to the protection of the Warracknabeal and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Clause	Change	Policy neutral	Not policy neutral	Further strategic work required
	Hopetoun aerodromes and Hopetoun OLS as part of the review of DDO1.			
<b>MPS</b>	Include a new Clause and Strategies at Clause 19.02 to give effect to the strategic directions relating to health facilities and social and cultural infrastructure as this Council's key policy growth and settlement position in relation to the direction of future services according to settlement hierarchy and population thresholds. This work should be completed following the preparation of the structure plans for Warracknabeal, Murtoa and Hopetoun.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>MPS</b>	Include <i>Infrastructure Design Manual</i> (Local Government Infrastructure Design Association, 2022) in schedule to the Clause 72.08 (following the adoption of the document by Council).  Insert Policy Document subheading and include as policy document. Include a new Clause and Strategies at Clause 19.03-2L Infrastructure design and provision to give effect to the strategic directions relating to stormwater and infrastructure provision.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>MPS</b>	Amend Clause 02.04 Framework Plan to illustrate priority strategic directions based on the vision objectives from Council Plan 2021 – 2025, being: <ul style="list-style-type: none"> <li>▪ Supporting agriculture.</li> <li>▪ Staying connected through infrastructure.</li> <li>▪ Strengthening business and tourism.</li> <li>▪ Being environmentally responsible.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>PPF</b>	13.04-3L Salinity – Yarriambiack:  Further strategic work is required to identify and map areas subject to salinity.  As part of this work, redraft strategy into three separate ideas covering: prevention of stormwater discharge / run off, vegetation clearance and inappropriate development in areas affected by groundwater salinity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>PPF</b>	18.02-4L Road access:  Re-draft "Ensure use and development is provided with safe and efficient two-way access".	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Zones</b>	Make minor amendments to content to comply with the Ministerial Direction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Zones</b>	35.03s Schedule 1 – RLZ	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Clause	Change	Policy neutral	Not policy neutral	Further strategic work required
	Further strategic work required to review 8 hectare minimum subdivision area as part of the Warracknabeal Structure Plan.			
<b>Zones</b>	35.07s Schedule 1 – FZ  Further strategic work required to review the 0.5 min subdivision area as part of Rural Land Use Strategy.  “Specific use other than accommodation” not consistent with land use terms.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Zones</b>	37.01s1 Schedule 1 – SUZ1  Strategic work required to review this schedule, update land use terms and tables of uses.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Zones</b>	37.01s3 Schedule 2 – SUZ2  Strategic work required to review this schedule, update land use terms and tables of uses.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Zones</b>	37.01s3 Schedule 3 – SUZ3  Strategic work required to review this schedule, update land use terms and tables of uses.  Review mapped area and rezone of privately held title within SUZ3.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Overlays</b>	Make minor amendments to content to comply with the Ministerial Direction.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Overlays</b>	43.01s Schedule 1 – HO: Does not comply  Remove unnecessary text relating to missing maps.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Overlays</b>	43.02s Schedule 1 – DDO1 : Does not comply  - 5.0 Application requirements not per MD and is considering permits not application requirements.  Review notice requirement to DEECA for new vegetation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Overlays</b>	43.04s Schedule 1 – LSIO: Does not comply  Update as part of implementation of C24yari	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Overlays</b>	45.01s  Remove POA1 from Schedule to Clause 45.01 Public Acquisition Overlay and PS map if the PAO1 on part of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>





Clause	Change	Policy neutral	Not policy neutral	Further strategic work required
	<p>Lot 2 PS342456V, Parish Nullan described in Certificate of Title Vol 10259 Fol 980, Minyup &amp; part CA30 Parish Goyura described in Certificate of Title Vol 6505 Fol 899, Hopetoun is no longer required.</p> <p>This work should also include consideration of the rezoning of the parcels containing the existing waste water infrastructure from FZ to PUZ.</p>			
<b>Particular provisions</b>	<p>Schedule to Clause 51.01 Rail Gauge Standardisation Project, December 2002</p> <p>Redraft title to match following description from 72.04 listing: Rail Gauge Standardisation Project, Integrated Approval Requirements, December 2002</p> <p>Further strategic work required to consult with the Department of Transport to discuss the removal of this site from the schedule to 51.01 due to the finalisation of the project.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Particular provisions</b>	<p>Schedule to Clause 52.17</p> <p>The adopted Environmental Management Plan x2 is not listed in 72.04 or attached as an appendix to the Wimmera Mallee Pipeline Project Yarriambiack Planning Scheme Incorporated Document.</p> <p>If still relevant list under Clause 72.04 or delete from the 1.01 scheduled area table.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Operational provisions</b>	<p>Update Clause 72.08 to include all background documents referenced in the planning scheme.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 10. Key issues

This section of the report identifies key strategic issues that have emerged during the preparation of the Planning Scheme Review.

### 10.1 Gaps in policy setting of planning scheme

The content of the Yarriambiack Planning Scheme largely dates from 1999 and was introduced as part of the Yarriambiack New Format Planning Scheme.

There has been very little change to the scheme's local policy content and provisions. The most recent updates in 2020 - 2021 were 'policy neutral' and led by the State government to insert a new Municipal Planning Strategy and re-format local planning policies to replace the former Local Policy Planning Framework.

Council officers have noted a desire to review and update the Municipal Planning Strategy to better reflect the land use planning issues, opportunities, priorities, and outcomes that Council seeks to achieve in 2023 and beyond.

Feedback from Council indicates that the policy areas relating to tourism, economic development, rural land use and environmental hazards are key policy settings that require attention.

This review has not included an in-depth examination of Council's policy setting, rather it includes a strategic gap analysis against guidance material as discussed in Section 2.2 of this report, with the findings contained in Appendix 1.

This review has identified gaps relating to:

- Settlement
- Protection of agricultural land uses
- Tourism and economic development
- Industry – including rural industry
- Heritage and urban character
- Environmental risk
- Biodiversity
- Climate change adaption


It is recommended that Council focus on the pieces of work that will bring the most community benefit (i.e settlement planning to ensure the key urban centres can sustain threshold populations and service provision) and will reduce administrative burden (i.e update planning controls for zones and overlays) on the planning unit. These matters are further addressed in the following sections.

Council is currently undertaking a Tourism Strategy, Open Space and Recreation Strategy and Access and Inclusion Strategy and relevant planning policy and strategy should be translated into the scheme to update these themes.

In addition to the preparation of targeted strategic work, Council may also wish to undertake a 'visioning process' to review and update the Municipal Planning Strategy. This work would involve the identification of up-to-date land use priorities to reflect and provide strategic direction to address the current issues and opportunities for land use planning in the Shire. It is recommended that this work is undertaken as part of the Council Plan / Health and Wellbeing Plan 2026- 2030 development and in consultation with community and relevant agencies.

#### Findings:

- H. Adequately resource the proposed strategic work program to enable the delivery of the highest priority strategic planning projects identified in Appendix 3 of the report.**

- 
- I. **Finalise strategic work that is in progress, particularly proposed C24yari to update the existing schedule to the LSIO and introduce a new LSIO schedule, schedule to the Flood Overlay and local flood policy to address flood plain management.**
  - J. **Implement the land use planning findings of the Tourism Strategy, Open Space and Recreation Strategy and Access and Inclusions Plan (currently under preparation) via the translation of policy into the scheme.**
  - K. **Undertake a 'visioning process' to review and update the Municipal Planning Strategy as part of the 2026-2030 Council Plan process.**

## 10.2 Settlement planning

Clause 02.03-1 of the scheme identifies Council's primary settlement challenge as maintaining minimum threshold populations for its district and sub-district centres in order to sustain key infrastructure, services, and community facilities.

However, the scheme currently lacks local policy and provisions to give effect to Council's preferred settlement hierarchy and targeted strategic work is required to develop settlement frameworks for Warracknabeal, Hopetoun and Murtoa.

The preparation of structure plans will assist Council to direct development to urban centres that can accommodate a mix of land uses, sustain existing populations and address the limited growth projected for the Shire. This work should also identify the appropriate locations for future residential and rural residential greenfield or infill development. It should guide existing and future industrial land uses in urban areas, including appropriate setbacks, amenity and built form outcomes for new or expanded industry development to minimise potential land use conflicts with existing industrial / infrastructure uses such as grain terminals, Hopetoun aerodrome and wastewater treatment plants.

It is recommended that Council prepare structure plans that address the following matters:

- **Land Use** - identify appropriate zoning and controls and minimise potential land use conflicts between sensitive land uses (i.e such as grain storage, processing and handling uses and the interface with residential and community uses).
- **Settlement boundaries** - delineate settlement boundaries to prevent the encroachment of residential land uses in the adjoining Farming Zone.
- **Housing** – support the intensification and/or diversification of residential development in appropriate locations.
- **Movement and infrastructure network** - identify infrastructure requirements and opportunities to increase active transport linkages and routes.
- **Tourism accommodation and infrastructure** – identify opportunities to increase tourist infrastructure operations on public and private land.
- **Heritage, streetscape and urban design** - identify heritage values and preferred character for commercial and residential areas.

To build on this work and further enhance the scheme's settlement framework, small town plans should be prepared for Minyip, Rupanyup, Beulah and Woomelang in the following review cycle.

### Findings:

- L. **Prepare structure plans for Warracknabeal, Murtoa and Hopetoun and insert policy, framework plans and updated zones and overlays into the scheme to direct and maintain threshold populations and ensure a mixture / compatibility of residential, commercial, industrial and public land uses.**



### 10.3 Review of zones and overlay provisions - permit trigger review

A review of planning activity data for the 2019 - 2022 shows that the 'one or more new buildings' and 'alterations to an existing dwelling' categories receive the highest numbers of permit applications.

Permit data supplied by Council indicates that these permits are typically for:

- minor structures such as carports, verandahs and decking associated with existing dwellings located within the LSIO
- outbuildings and agricultural sheds on land affected by ESO1, ESO2 and DDO1
- outbuildings and agricultural sheds in the rural zones.

A large portion of the permits processed from the above categories are 'low value', meaning that the proposed development will have little or no planning consequence due to the minor nature of the work and compatibility with the existing use of the land. This class of permit can be time consuming to assess and it is estimated that a reduction in permit numbers for 'low value' triggers will significantly reduce the administrative burden on the planning unit and remove unnecessary red tape for applicants.

Amendment VC231 was gazetted on 3/4/2023 and reduced permit requirements for minor works permits for farm buildings and works to existing dwellings in the rural zones. This change is anticipated to result in a decrease in permit applications for some of the 'low value' permits in the FZ and RLZ, discussed above.

The Planning Unit has also identified errors associated with extent mapping for the schedules to the ESO and duplication of Clause 52.17 and 52.29 provisions that require correction and opportunities to reduce setback triggers for agricultural buildings in the rural zones.

The 2008 review identified the need to review ESO1 and apply to overlay to length of Yarriambiack Creek and Wimmera River.

The schedule to the Public Acquisition Overlay (PAO) may be redundant and consultation with the relevant acquiring authority is required to determine if the POA is still required.

It is recommended that a detailed review is conducted of all local overlay, zone and VicSmart schedules to remove unnecessary permit triggers, reduce setback triggers to roads and waterways, increase size of outbuildings and sheds not requiring a permit in rural zones, correct mapping errors and align permit and application requirements with State planning directives.

Consultation with agencies and relevant catchment management authorities will be required.

#### Findings:

- M. Undertake a permit trigger review of all local overlay, zone and VicSmart schedules to improve clarity, reduce triggers or introduce exemptions and correct mapping errors.**
- N. Consult with Grampians Water to determine if the land affected by PAO1 has been purchased and if the overlay is still required or the mapped extent appropriate.**

### 10.4 Implement the Yarriambiack Heritage Study, Stages 1 & 2 (2014)

A comprehensive heritage study was undertaken between 2012 - 2014 which included the preparation of a Thematic Environmental History, 108 individual place citations and 15 precinct citations, local policy and a permit exemption Incorporated Document and to HO mapping corrections. This work was a recommendation of the 2008 scheme review, however the study was not adopted by council or implemented into the scheme.

Due to the age of the study and new heritage guidance material prepared by DTP, it is recommended that a review of the study is undertaken, and further work completed to update citations, local policy and ordinance to ensure consistency with *Planning Practice Note 01: PPN1: Applying the Heritage Overlay*.

## Findings:

- O. Review the Yarriambiack Heritage Study Stage 2 (2014) and implement the findings into the scheme.**
- P. Correct heritage overlay schedule and mapping errors identified in the 2004 Planning Scheme Review Report.**

## 10.5 Rural Land Use Strategy

One of the primary land use planning actions from Council's Council Plan 2021-2025 is the protection of agricultural land to ensure the primacy of agricultural uses.

The analysis of permit activity data indicates low development pressure from non-agricultural applications such as small lot residential or tourism accommodation development in farming areas and/or adjacent to township boundaries.

As identified in Section 5.1 of the report, data shows a range of permits are processed for allied uses including mineral extraction, stone extraction and rural industries (the storing, cleaning, and processing rural product) on land in the FZ.

The MPS contains strategy to encourage 'Rural Dependent Enterprises' to be situated in rural zones and identifies examples such as processing facilities, transport depots and storage facilities as appropriate activities. This is given effect through the schedule to the FZ, which allows a minimum subdivision area of 0.5 to establish '*specific use other than accommodation, which needs to be located in the Farming Zone*'.

However, the scheme currently lacks local PPF policy to direct the appropriate siting, curtilage and built form outcomes for these uses and their interface with the existing rural settlements across the municipal area.

It is recommended that Council prepare a Rural Land Use Strategy and identify locations or areas that have the potential to support and accommodate rural industry, based on locational advantage to infrastructure, land capability and setback distance to sensitive uses.

This work should be undertaken as part of a Shire-wide study focused on all rural land uses, including settlement plans for small towns such as Minyip, Rupanyup, Beulah and Woomelang.

## Findings:

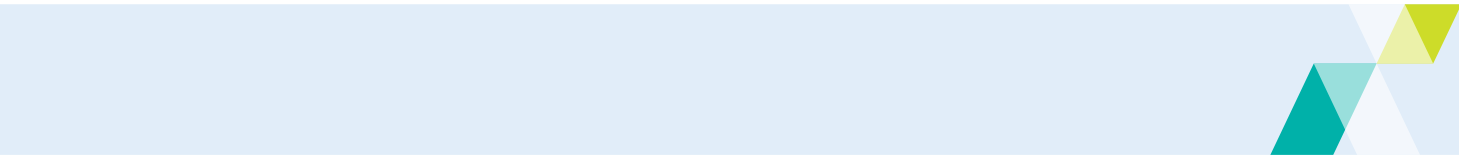
- Q. Prepare a Rural Land Use Strategy to:**
  - **guide the appropriate siting, curtilage and built form outcomes for rural industry proposals in rural zones.**
  - **review the schedule to FZ that allows a 0.5 hectare minimum subdivision area for 'specific use other than accommodation, which needs to be located in the Farming Zone' provision.**
  - **develop township settlement plans for Minyip, Rupanyup, Beulah and Woomelang.**

## 11. Further strategic work

Appendix 3 includes a list of the further strategic planning work items identified through this review based on:

- Further work identified in the 2008 planning scheme review
- Recently adopted Regional and Council strategies and policies that have not yet been introduced into the planning scheme.
- Findings from this review, particularly from the audit of the scheme (as outlined in Section 8 of this report) and stakeholder engagement.

Council officers have reviewed the list of further strategic planning work items and identified if items on the list are either completed or redundant work and outstanding.



Following the handover of the review report, Council officers will undertake a prioritisation exercise to determine what work Council should focus on over the next four years to ensure the planning scheme is up to date and delivering the objectives of planning in Victoria, and the objectives of the Victoria Planning Provisions.

The priority work list is to be included in Clause 74.02 of the planning scheme to identify the strategic planning work that Council intends to resource and progress over the current review cycle.



## Appendix 1: Analysis documents



## Appendix 2: Marked up ordinance



## Appendix 3: Further strategic work assessment list

Refer to project documents **R3: Further Strategic Work Prioritisation** and the '**A Good Practice Guide to Planning Scheme Reviews, August 2022**' for instructions for preparing a prioritised further strategic work list for Clause 74.02 Further Strategic Work schedule.

FSW project no.	FSW Project Name	FSW project source	Has the FSW project been completed	Has the FSW project been commenced	Is the FSW project required by Council	If the FSW project is not required by Council, explain why not.
1	Undertake layout, content and policy improvements to the Municipal Strategic Statement (MSS) and Local Planning Policy (LPP)	Previous 12B Review (2008)	Yes	N/A	No	Layout and formatting changes undertaken via C23yari & C29yari
2	Remove the action statements from the Flora and Fauna Guarantee Act, and replace it with a reference to that document and it's action statements, thus giving this section an automatic update as the statements are added to	Previous 12B Review (2008)	Yes	N/A	No	Changes undertaken via C23yari & C29yari
3	Corrections to overlay and zone mapping to address errors	Previous 12B Review (2008)	Some site-specific errors have been corrected via CO18 & CO08.	Zone correction analysis underway. PSA required to introduce corrections.	Yes – outstanding errors required to be corrected.  Planning Unit monitor and record errors.	
4	Update existing ESO1 and apply to length of Yarriambiack Creek and entire Wimmera River.  Review extent and relevant of ESO that applies to water channels.	Previous 12B Review (2008)	No		Yes  Address via permit trigger review.	



FSW project no.	FSW Project Name	FSW project source	Has the FSW project been completed	Has the FSW project been commenced	Is the FSW project required by Council	If the FSW project is not required by Council, explain why not.
5	Correct mapping error to remove ESO2 from Hopetoun and Brim townships.	Previous 12B Review (2008)	No		Yes Address via permit trigger review.	
6	Remove Schedule 3 to the Environmental Significance Overlay (ESO3)	Previous 12B Review (2008)	Yes via amendment C012		No	Removed via amendment C012
7	Review the mapped extent of Schedule 1 to the Design and Development Overlay (DDO1)	Previous 12B Review (2008)	No		Yes Address via permit trigger review	
8	Correct various Heritage Overlay mapping and schedule errors	Previous 12B Review (2008)	No		Yes Address via implementation of Heritage Study Stage 2	
9	Introduce and update areas of heritage significance identified in the Yarriambiack Heritage Study.	Previous 12B Review (2008)	No		Yes Prepare review of Yarriambiack Heritage Study – Stage 2 (2014) and implement via planning scheme amendment.	



FSW project no.	FSW Project Name	FSW project source	Has the FSW project been completed	Has the FSW project been commenced	Is the FSW project required by Council	If the FSW project is not required by Council, explain why not.
10	Prepare policy to guide stormwater management and water sensitive urban design in urban settlements	Previous 12B Review (2008)	No		Yes	
11	Include any recommendations from the Yarriambiack Shire Tourism Study (Mouritz, 1995) and add as a reference document.	Previous 12B Review (2008)	No	Due to age of documents inclusion no longer appropriate.	Yes	Implement Yarriambiack Economic Development and Tourism Strategy (under preparation)
12	Include recommendations from the Wimmera Region Industrial Land Capability Study (2004).	Previous 12B Review (2008)	No	Due to age of documents inclusion no longer appropriate.	Yes	Address via structure plans for Warracknabeal, Murtoa and Hopetoun.  Prepare an Industrial Land Use Strategy as part of 2025 – 2028 strategic work program cycle.



FSW project no.	FSW Project Name	FSW project source	Has the FSW project been completed	Has the FSW project been commenced	Is the FSW project required by Council	If the FSW project is not required by Council, explain why not.
13	Update information with the Scheme regarding flood plain management. Review and update the LSIO in line with the CMA flood studies and Flood Data Transfer Mapping Project.	Previous 12B Review (2008)	C24yari under preparation to introduce the FO and LSIO.		No	
14	Insert list of key environmental features or assets that the Shire seeks to enhance Update the relevant section of the MSS to include reference to the various EVC's and their status.	Previous 12B Review (2008)	Clause 02.03-3 Environmental risk and amenity identifies land systems in municipality and addresses salinity.		Yes	
15	Include an addition of a new action regarding the development of Vegetation Protection based on information from CMA's and DSE.		Some protection of native vegetation via Clause 52.17 Native Vegetation, however there is no species specific policies or controls in scheme.		Yes. Identify and protect significant remnant vegetation in consultation with relevant agencies and consider introducing the VPO to specific species.	
16	Make reference in the environment section to the management of the waterways or floodplains of the municipality, especially the Yarriambiack Creek.		Proposed C24yari includes updated local flood policy and ordinance to address flood plain management.		Yes Implement proposed C24yari.	



FSW project no.	FSW Project Name	FSW project source	Has the FSW project been completed	Has the FSW project been commenced	Is the FSW project required by Council	If the FSW project is not required by Council, explain why not.
17	<p>Insert strategy regarding wind erosion being an issue for the northern area of the Shire and also impacts on the central and southern areas of the Shire.</p> <p>Make greater reference to land capability in the strategies</p> <p>Expand reference environmental weed including: Bridal Creeper, Hardheads, Paterson's Curse and St Johns Wort.</p>		<p>Yes.</p> <p>Clause 02.03-4 Natural resource management &amp;</p> <p>Clause 02.03-3 Environmental risk and amenity address this request.</p>		No	
18	<p>Implementation of the following studies and insertion as reference documents into the scheme:</p> <ul style="list-style-type: none"> <li>○ <i>Yarriambiack Shire Tourism Study (1995)</i></li> <li>○ <i>Yarriambiack Industrial Land Capability Study (2014)</i></li> <li>○ <i>Yaapeet Township Development Plan (2002)</i></li> <li>○ <i>Warracknabeal Urban Design Framework (2002)</i></li> <li>○ <i>Rupanyup Urban Design Framework (2003)</i></li> <li>○ <i>Murtoa Urban Design Frameworks (2004)</i></li> </ul>	Previous 12B Review (2008)	<p>No</p> <p>Due to age of documents, inclusion no longer appropriate.</p>		No	



FSW project no.	FSW Project Name	FSW project source	Has the FSW project been completed	Has the FSW project been commenced	Is the FSW project required by Council	If the FSW project is not required by Council, explain why not.
	o <i>Economic Development Strategy (2006)</i>					
19	Include reference to First Nations people and land relevant to municipal area at Clause 02.01	Yarriambiack Council Plan 2021 – 2025	No		Yes	
20	Implement the Yarriambiack Economic Development and Tourism Strategy (2022-23) (not yet adopted by YSC)	Yarriambiack Council Plan 2021 – 2025		Yes	Yes	
21	Implement the Yarriambiack Sports and Recreation Strategy (2022-23) (not yet adopted by YSC)	Yarriambiack Council Plan 2021 – 2025		Yes	Yes	
22	Prepare and implement a Yarriambiack Shire Housing Strategy that investigates a range of housing options including worker housing, social housing, affordable housing and residential aged care / independent living accommodation	Yarriambiack Council Plan 2021 – 2025	No		Yes	Structure Plans for Warracknabeal, Murtoa and Hopetoun should address accommodation diversity – as future growth to be directed to these towns to achieve Council’s threshold population targets.  Wimmera Development



FSW project no.	FSW Project Name	FSW project source	Has the FSW project been completed	Has the FSW project been commenced	Is the FSW project required by Council	If the FSW project is not required by Council, explain why not.
						Association (WDA) Wimmera Housing Supply Assessment Study (2022) is underway.
23	Prepare and implement a Yarriambiack Environmental Strategy	Yarriambiack Council Plan 2021 – 2025	No		Yes	
24	Update the existing Yarriambiack Tree Management Policy and Tree Register in consultation with a suitably qualified arborist and insert relevant local policy at Clause 15.01-1L	Yarriambiack Council Plan 2021 – 2025	Yes	Yarriambiack Tree Management Policy updated. Unclear if Tree Register has been updated.	Inclusion of Clause 15.01-1L policy required. Address tree controls and policy via implementation of Heritage Study Stage 2	
25	Implement the Yarriambiack Heritage Study Stage 2 into the scheme via a planning scheme amendment	Yarriambiack Shire Heritage Study, Stage 2 (2014)	No		Yes	
26	Protect trees of local heritage significance including those listed in the Tree Register in the schedule to the Heritage Overlay	Yarriambiack Tree Management	No		Yes	



FSW project no.	FSW Project Name	FSW project source	Has the FSW project been completed	Has the FSW project been commenced	Is the FSW project required by Council	If the FSW project is not required by Council, explain why not.
		Policy (2022)				
27	Implement proposed C24yari to update the existing schedule to the Land Subject to Inundation and introduce a new LSIO schedule, schedule to the Flood Overlay and local flood policy to address flood plain management.	Current PS audit and officer feedback		Yes	Yes	Progress C24yari
28	Prepare structure plans for Warracknabeal, Hopetoun and Murtoa, insert policy and framework plans, and update zones and overlays in the scheme to guide settlement planning.	Current PS audit			Yes	
29	<p>Undertake a permit trigger review to:</p> <p>a) Assess the relevance of ESO1 and ESO2 controls for relevance and clarity to ensure the environmental objective to be achieved can be met due to duplication with Clauses 52.17 and 52.29 and determine whether further strategic work is required to prepare a VPO and or ESO to protect target species.</p> <p>b) Remove ESO2 extent mapping from Hopetoun and Brim township areas.</p>					





FSW project no.	FSW Project Name	FSW project source	Has the FSW project been completed	Has the FSW project been commenced	Is the FSW project required by Council	If the FSW project is not required by Council, explain why not.
	c) Review the DDO1 control for relevance and clarity and investigate if any permit exemptions can be introduced or performance measures included (i.e building heights) can be introduced to reduce the resource burden on the council planners and remove unnecessary red tape for applicants.					
	d) Investigate applying a further DDO to cover an appropriate curtilage to the Hopetoun aerodrome OLS.					
	e) Review the SUZ controls and prepare site masterplans to ensure the table of uses support the existing and intended use and development for tourist accommodation and cultural events.					
	f) Investigate the introduction of local schedules to the FZ and RLZ to reduce setback triggers to roads and waterways and streamline permit triggers for sheds and outbuildings.					
	g) Review the schedule to the FZ and the minimum subdivision area of 0.5 that allows a 'specific use other than accommodation, which needs to be located in the Farming Zone' provision.					



FSW project no.	FSW Project Name	FSW project source	Has the FSW project been completed	Has the FSW project been commenced	Is the FSW project required by Council	If the FSW project is not required by Council, explain why not.
30	<p>Consult with GWM Water to determine if the land affected by PAO1 has been purchased and if the overlay is still required or the mapped extent appropriate.</p> <p>This work should also include consideration of the rezoning of the parcels containing the existing waste water infrastructure from FZ to PUZ.</p>	Current PS & permit activity audit			Yes	
31	<p>Prepare a Rural Land Use Strategy to guide the appropriate siting, curtilage and built form outcomes for rural industry in the rural zone, and land zoned for industry in urban areas</p> <p>Review the schedule to Framing Zone that allows a 0.5 hectare minimum subdivision area for 'specific use other than accommodation, which needs to be located in the Farming Zone' provision.</p> <p>Prepare settlement plans for small townships Minyip, Rupanyup, Beulah and Woomelang.</p>	Current PS & permit activity audit			Yes	
32	<p>Review the Yarriambiack Heritage Study Stage 2 (2014) and implement the findings into the scheme in accordance with the requirements of <i>PPN1: Applying the Heritage Overlay</i>.</p>	Current PS audit			Yes	



FSW project no.	FSW Project Name	FSW project source	Has the FSW project been completed	Has the FSW project been commenced	Is the FSW project required by Council	If the FSW project is not required by Council, explain why not.
	Correct heritage overlay mapping errors identified in the 2004 Planning Scheme Review Report.					
33	<p>Council to adopt the latest version of the <i>Infrastructure Design Manual</i> (Local Government Infrastructure Design Association, 2022) and include it in the schedule to the Clause 72.08. Insert Policy Document subheading and include as policy document.</p> <p>Insert a new Clause and Strategies at Clause 19.03-2L Infrastructure design and provision to give effect to the strategic directions relating to stormwater and infrastructure provision.</p>	Current PS audit & Council feedback.			Yes	
35	Implement the land use planning findings of the Tourism Strategy, Open Space and Recreation Strategy, Access and Inclusion Strategy (currently under preparation) via the translation of policy into the scheme.	Current PS audit & planner survey			Yes	
36	Undertake a 'visioning process' to review and update the Municipal Planning Strategy as part of the 2026-2030 Council Plan process	Current PS audit & Council feedback			Yes	