

MURRINDINDI PLANNING SCHEME

AMENDMENT C65muri

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

Land affected by the Amendment

The Amendment applies to all land within the Murrindindi Shire.

What the amendment does

The amendment is generally policy neutral and replaces the Municipal Strategic Statement (MSS) at Clause 21 of the Murrindindi Planning Scheme with a Municipal Planning Strategy, local policies within the Planning Policy Framework and a selected number of local schedules to particular provisions, general provisions and operational provisions, consistent with:

- the *Victoria Planning Provisions* as a result of Amendment VC148, and
- the *Ministerial Direction – Form and Content of Planning Schemes*.

The amendment makes the following changes to the content of Clause 21 of the Murrindindi Planning Scheme:

- Relocates the content to the appropriate headings in the Municipal Planning Strategy, Planning Policy Framework and local schedules of the Murrindindi Planning Scheme where the intended effect of that clause or any other clause is not changed.
- Clarifies and improves the style, format, language or grammatical form in accordance with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes*, October 2018 where the intended effect of that clause or any other clause is not changed.
- Updates clause references, department names, legislation names, document references, terminology and statistical data.
- Deletes or adjusts incompatible content that conflicts with State planning policy of the Victoria Planning Provisions.
- Removes repetitive content.
- Removes or updates outdated content.

Specifically, the amendment makes changes to the following local sections of the scheme:

Purpose and Vision

1. Introduces a new Municipal Planning Strategy (MPS) at Clause 02 based on content from Clause 21 of the Local Planning Policy Framework.

Planning Policy Framework

1. Introduces revised local policy content into the Planning Policy Framework (PPF) at Clauses 11 (Settlement), 13 (Environmental Risks and Amenity), 14 (Natural Resource Management), 15 (Built Environment and Heritage), 16 (Housing), 17 (Economic Development) and 19 (Infrastructure) based on content from Clause 21 of the Local Planning Policy Framework.
2. Introduces a 'sunset provision' at Clause 17.03-2L (Yea Saleyards Precinct).

Overlays

3. Replaces the Schedule to Clause 43.01 (Heritage Overlay) with a new schedule that includes application requirements previously contained at Clause 21.05-4 (Heritage) of the Local Planning Policy Framework.

Particular Provisions

4. Replaces the Schedule to Clause 52.28 (Gaming) with a new schedule that includes content previously contained at Clause 21.06-4 (Community Development) of the Local Planning Policy Framework.

General Provisions

5. Replaces the Schedule to Clause 66.06 (Notice of Permit Applications under Local Provisions) with a new schedule that includes content previously contained at Clause 21.05-2 (Environmental risks) of the Local Planning Policy Framework.

Operational Provisions

6. Introduces a new Schedule to Clause 72.08 (Background Documents) that consolidates and updates all background documents from Clause 21 of the Local Planning Policy Framework.
7. Introduces a new Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to provide an explanation of the relationship between the municipal objectives, strategies and controls on the use and development of land in the planning scheme. The schedule consolidates all planning scheme implementation actions from Clause 21 of the Local Planning Policy Framework.
8. Introduces a new Schedule to Clause 74.02 (Further Strategic Work) that consolidates all further strategic work actions from Clause 21 of the Local Planning Policy Framework.

Strategic assessment of the Amendment

Why is the Amendment required?

Amendment C65muri forms part of Stage 3 of the Smart Planning Rules and Policy Program to reform Victoria's planning system and change the Victoria Planning Provisions (VPP) to make planning schemes more efficient, accessible and transparent.

In 2018 Amendment VC148 introduced widespread changes to the Victoria Planning Provisions as part of Stage 2 of the Smart Planning Program. More specifically, Amendment VC148:

- introduced a new Planning Policy Framework (PPF)
- enabled the future introduction of a Municipal Planning Strategy (MPS)
- introduced a new state, regional and local integrated policy structure
- modified the schedules to some existing zones, overlays and provisions to accommodate additional local content
- created new operational provisions.

A key focus for Stage 3 of the Smart Planning Program is to ensure better alignment of local planning policy with state and regional policy by integrating local policy content into the new MPS and PPF.

Local policy content has been generally drafted in a policy neutral manner, in accordance with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes* to ensure policy content is:

- within the scope of the *Planning and Environment Act 1987* and strategically justified
- clear in its application, proportional to the intended planning outcome and consistent with relevant parent provisions, practice notes, advisory notes and ministerial directions issued by the Minister for Planning, and
- drafted to be clear and unambiguous.

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

By restructuring local policy content into the Municipal Planning Strategy, Planning Policy Framework and local schedules, the amendment will clarify, condense and modernise the Murrindindi Planning Scheme, implementing the following objectives of planning in Victoria set out in section 4(1) of the *Planning and Environment Act 1987*:

- a) *To provide for the fair, orderly, economic and suitable use, and development of the land.*

c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

f) To facilitate development in accordance with the objectives of planning in Victoria.

The amendment provides certainty to users of the Scheme and provides clear strategic direction that will inform decision making regarding use and development in the municipality consistent with these objectives.

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

While the changes to the Murrindindi Planning Scheme are generally administrative and policy neutral, the amendment is expected to have positive environmental, social and economic effects for Victorian businesses, industry and the community by:

- improving the clarity of local policy content in the MPS, PPF and proposed local schedules which results in greater certainty for users of the system
- reducing unnecessary costs to applicants and councils as a result of unclear planning requirements
- improving planning outcomes by removing errors, inconsistencies and incompatibility in local policy content in the MPS, PPF and proposed local schedules.

The application of updated and improved local policy content in the MPS, PPF and proposed local schedules will provide certainty to the users of the planning system by ensuring land use and development outcomes are consistent with environmental, social and economic land use objectives of planning in Murrindindi and Victoria.

Does the Amendment address relevant bushfire risk?

The amendment is not expected to result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire. Rather, it proposes to meet the objective and give effect to the strategies to address Bushfire risk in the Planning Policy Framework by:

- Addressing Bushfire risk in the Municipal Planning Strategy as a key land use theme in the municipality and providing a brief overview and strategic directions in this regard, based on content previously contained in the Local Planning Policy Framework at Clause 21.
- Introducing revised local policy content relating to the re-building of communities affected by the 2009 bushfires at Clause 11.01-1L (Settlement - Murrindindi), from content previously contained in the Local Planning Policy Framework at Clause 21.05-2 (Environmental risks).
- Introducing revised local policy content relating to bushfire planning and land use compatibility at Clause 13.02-1L (Bushfire planning), from content previously contained in the Local Planning Policy Framework at Clauses 21.03-1 (Business and Industry), 21.05-2 (Environmental risks) and 21.06-2 (Infrastructure).
- Replacing the Schedule to Clause 66.06 (Notice of Permit Applications under Local Provisions) with a new schedule that includes content relating to an application to use or develop land affected by the Bushfire Management Overlay or located in a designated bushfire prone area, from content previously contained in the Local Planning Policy Framework at Clause 21.05-2 (Environmental risks).

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

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

The amendment has been prepared in accordance with the strategic considerations set out in *Ministerial Direction No. 11 Strategic Assessment of Amendment* made under Section 12 of the *Planning and Environment Act 1987*.

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

The amendment principally introduces a new Municipal Planning Strategy at Clause 02 and local planning policies included at Clauses 11, 13, 14, 15, 16, 17 and 19 of the Planning Policy Framework. The new structure is summarised below:

New Clauses	Content and Proposed Change in Amendment C65muri
11 (Settlement)	Introduces local policy relating to the re-building of communities affected by the 2009 bushfires, from content previously contained in the Local Planning Policy Framework at Clause 21.05-2 (Environmental risks).
13 (Environmental Risks and Amenity)	Introduces local policies relating to bushfire planning and land use compatibility, from content previously contained in the Local Planning Policy Framework at Clauses 21.03-1 (Business and Industry), 21.05-2 (Environmental risks) and 21.06-2 (Infrastructure).
14 (Natural Resource Management)	Introduces local policy relating to dwelling excisions in rural areas, from content previously contained in the Local Planning Policy Framework at Clause 21.03-2 (Agriculture).
15 (Built Environment and Heritage)	Introduces local policy relating to heritage conservation, from content previously contained in the Local Planning Policy Framework at Clause 21.05-4 (Heritage).
16 (Housing)	Introduces local policies relating to residential development in serviced and non-services towns, from content previously contained in the Local Planning Policy Framework at Clauses 21.04-2 (Services townships) and 21.04-3 (Other townships and settlements).
17 (Economic Development)	Introduces local policy relating to industrial development siting, from content previously contained in the Local Planning Policy Framework at Clause 21.03-1 (Business and Industry). Introduces a 'sunset provision' to Clause 17.03-2L (Yea Saleyards Precinct) to allow for further work to be undertaken and clarify the extent to which the clause applies (or further adjust its content) in accordance with the principles set out in <i>A Practitioner's Guide to Victorian Planning Schemes</i> .
19 (Infrastructure)	Introduces local policy relating to infrastructure design and provision, from content previously contained in the Local Planning Policy Framework at Clause 21.06-1 (Transport).

How does the amendment support or implement the Municipal Planning Strategy?

The amendment introduces a new Municipal Planning Strategy at Clause 02 of the Murrindindi Planning Scheme. The new content is summarised below:

New Clauses	Content and Proposed Change in Amendment C193moon
02.01 (Context)	Provides a general overview of the municipality and updates demographic data.
02.02 (Vision)	Provides the vision for the municipality based on content previously contained in the Local Planning Policy Framework at Clauses 21.02-1 (Vision) and 21.06-4 (Community Development).
02.03 (Strategic Directions)	Addresses the key land use themes based on the PPF and provides a brief overview and strategic directions for each theme, based on

	content previously contained in the Local Planning Policy Framework at Clause 21.
02.04 (Strategic Framework Plans)	Provides the following policy plans, some of which have been updated: <ul style="list-style-type: none"> • Murrindindi Strategic Framework Plan • Alexandra Framework Plan • Eildon Framework Plan • Kinglake Framework Plan • Kinglake West – Pheasant Creek Framework Plan • Marysville Framework Plan • Yea Framework Plan

The policy content of the MPS outlines the strategic directions for the municipality and underpins the policy content in the PPF.

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

The amendment introduces local policy and associated local policy content consistent with Amendment VC148 and the *Ministerial Direction - The Form and Content of Planning Schemes*.

Where appropriate, local policy content has been relocated to local schedules. For example, the relevant local policy content relating to gaming (currently at Clause 21.06-4) has been placed in the Schedule to Clause 52.28 Gaming and the relevant local policy content relating to heritage (currently at Clause 21.05-4) has been placed in the Schedule to Clause 43.01 Heritage Overlay.

Where local schedules have been amended, the form of the schedule has been modified to accord with the current *Ministerial Direction - The Form and Content of Planning Schemes*.

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

Amendment C65muri makes administrative changes to the Murrindindi Planning Scheme following approval of Amendment VC148. Various government agencies and other entities were involved in the identification or preparation of particular changes as part of the wider Smart Planning consultation.

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

Amendment C65muri will not have a significant impact on the transport system as defined by the *Transport Integration Act 2010*.

Resource and administrative costs

Amendment C65muri is not expected to impose additional resource or administrative costs on the responsible authority. Introducing revised local policy content in the form of the MPS and PPF is expected to create a clearer more navigable policy framework where state and local policy build on each other to allow policy to achieve its intended outcome. After an initial familiarisation phase this should have the effect of reducing the burden on the responsible authority of creating and administering local policy content in the scheme. Ultimately Amendment C65muri will provide a clear set of guidelines that deliver a greater level of certainty to the community and other stakeholders within the municipality.

Where you may inspect this Amendment

Amendment C65muri is available for public inspection, free of charge, during office hours at the following places:

Murrindindi Shire Council
28 Perkins Street
Alexandra VIC 3714

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