

# Community Consultation

MOORABOOL PLANNING SCHEME REVIEW JUNE 2020





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# Community Consultation

<b>01</b>	<b>What is the Moorabool Planning Scheme Review?</b>	<b>1</b>
<b>02</b>	<b>Where Are We Now?</b>	<b>4</b>
<b>03</b>	<b>What have we Identified to Date?</b>	<b>7</b>
<b>04</b>	<b>Emerging Themes</b>	<b>8</b>



Disconnect between  
Council Policies and  
the Planning Scheme



Planning for  
Rural Areas



Development  
Contributions



Significant  
Landscapes



Economic Development  
and Tourism



Waste and Earth  
Resources Industries



Water Supply Catchments  
and Waterway Protection



Other Policy Gaps

<b>05</b>	<b>Next Steps</b>	<b>25</b>
	What We Want To Hear Now	25
	Future Opportunities for Consultation	26



# What is the Moorabool Planning Scheme Review?

**Moorabool Shire Council has identified that the Planning Scheme is in need of a comprehensive review. The last substantial review was undertaken in 2006, while a further administrative review was undertaken in 2014.**

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This full review of the Planning Scheme is being undertaken to meet Council's legislative requirements, and also to:

## **Bring**

Bring the planning scheme in line with State Government direction on the form and content of planning schemes.

## **Align**

Align the planning scheme with other Moorabool strategic projects.

## **Reflect**

Reflect the major and emerging strategic issues facing Moorabool Shire.

## **Remove**

Remove errors and out of date parts of the scheme.

**The goal is an amended Planning Scheme that meets the following three drivers.**

## WHAT IS THE MOORABOOL PLANNING SCHEME REVIEW?



### Timelines

Planning scheme reviews are required to be undertaken every four years. The last comprehensive review was more than four years ago, so a review of the planning scheme is considered timely.

Under the Planning and Environment Act 1987, Council is both a 'Planning Authority' and 'Responsible Authority'.



### Identifying Gaps

The planning scheme review process allows gaps to be identified, assisting in mapping out a future strategic work program for the municipality.



### The Need to Modernise

The State Government is currently undertaking broad reform of the planning system in Victoria. As part of these reforms, Planning Schemes will be reformatted to be more streamlined, user-friendly and offer greater certainty and assistance in decision-making.

## PLANNING AUTHORITY VS RESPONSIBLE AUTHORITY

Section 12B of the Planning and Environment Act 1987 states that a planning authority which is a municipal council must review its planning scheme no later than one year after it is required to approve a Council Plan under the Local Government Act 1989. The Local Government Act 1989 requires Council Plans be prepared and approved every four years, thus the same applies to the Planning Scheme.

**1. Council has an obligation to set policy through its role as Planning Authority.**

**2. Council then has a second role: Responsible Authority. Responsible Authorities have the role of implementation and decision-making in accordance with the policy set by the Planning Authority.**

## WHAT IS THE MOORABOOL PLANNING SCHEME REVIEW?

Moorabool Shire Council has an ongoing strategic work program.  
Recent strategic work has been focussed upon the Shire's urban areas and larger townships.

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The work completed as part of the planning scheme review to date has identified a key direction for the next tranche of strategic work to be focussed upon rural areas and smaller settlements.

### Council's current strategic projects:

- 1. Maddingley Planning Study** Has commenced, with anticipated completion of the draft study by late 2020.
- 2. Bacchus Marsh Irrigation District Planning Study** Has commenced.
- 3. Car Parking Study and Car Parking Policy for Bacchus Marsh and Ballan**  
This has commenced, with anticipated completion of the draft study by late 2020.
- 4. Bungaree and Wallace structure plans** Has commenced.
- 5. Rural Land Use Strategy** Not yet commenced – Project scope currently being prepared.
- 6. Preparation of DCPs** for Merrimu, Parwan Station and Parwan Employment Precincts; and
- 7. Investigation of infrastructure funding** options for Ballan and Bacchus Marsh.

# Where are we now?

Stage 1 of the project has been completed. Stage 1 involved a thorough review of the Moorabool Planning Scheme, supported by engagement with Council officers, agencies and government departments.

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## Stakeholder Engagement

A series of workshops were conducted with stakeholders who interact with the planning scheme on a regular basis.

These workshops helped to identify what is working well in the planning scheme and what requires review and/or amendment as part of this project.

## Literature Review

A comprehensive review of the Moorabool planning scheme was undertaken simultaneously with the stakeholder engagement.

This 'literature review', was not only a top to bottom review of the Moorabool Planning Scheme, but also included a review of the following:

- The Moorabool Council Plan
- Other Council Policies
- State / Regional Strategies and Policies
- Recent Amendments to the Moorabool Planning Scheme
- Previous Moorabool Planning Scheme Reviews
- Victorian Civil and Administrative Tribunal (VCAT) Decisions

As the findings of Stage 1 were considered, certain themes emerged. These themes are areas of the Moorabool planning scheme which should be protected, enhanced, removed, amended and/or require further strategic work.

Each theme will be used to define the strategic directions for the next stages of the project.

**WHERE ARE WE NOW?**

Now is the chance for you, the community, to provide your feedback. As noted above, the literature review revealed a number of themes which will guide the next phase of the project; the Strategic Directions Report.

Open from

16 June - 14 July

2020

**Community Engagement**

The community's views and feedback is sought on the identified themes to help shape the Strategic Directions Report.

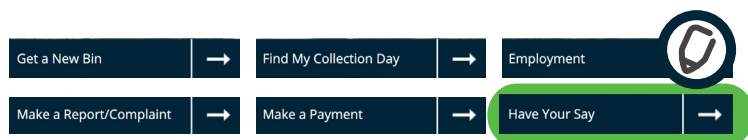
**A submission can be made in the following ways:**

**1. By completing the survey via the website:**

[www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au) .

Click on '**Have Your Say**' and follow the links to the

Moorabool planning scheme review.



Alternatively, you can click on the button below to go directly to the website's '**Have Your Say**' page.

[CLICK HERE TO VISIT WEBSITE](#)

**2. By responding to the survey questions raised in this brochure either: via email to**

[info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)  
(Attention: Strategic Planning  
- Planning Scheme Review);

[CLICK HERE TO EMAIL US](#)

**or via post to**

Moorabool Shire Council,  
PO Box 18, BALLAN VIC 3342  
(Attention: Strategic Planning  
- Planning Scheme Review).

**The engagement will be open from 16 June to 14 July 2020.**

The community will have further opportunity to engage with this project once it has proceeded to the 'Planning Scheme Amendment' phase. A Planning Scheme Amendment is the process by which local policies are incorporated into the Planning Scheme, giving them statutory weight.



# 02

## WHERE ARE WE NOW?



\* The Strategic Directions component will explore the required amendments to the Planning Scheme, how planning priorities and principles will be balanced and how to make effective and timely decisions by utilising the most appropriate and effective implementation tools. The Action Plan component will provide direction to Council on how to approach the required Planning Scheme Amendments in tranches and the package of amendments that should be contained in each tranche.

# What have we identified to date?

Through the preparation of the Literature Review Report and early Stakeholder Engagement a number of themes were identified.

As the Stage 1 findings were considered (referred to as 'the findings' throughout this document), themes emerged and have been categorised as identified to the right. The emerging theme categories will be used to define the strategic directions in the next stage of the project and future stages beyond that.

The categorisation of the Stage 1 findings into emerging themes has helped identify areas of the Planning Scheme that should be protected, enhanced, removed, amended and/or require further strategic work.

Importantly, there is an opportunity to better align the Planning Scheme with the objectives and strategies of the Moorabool Shire Council 'Council Plan 2017-2021 (revised 2019)'.

## THE THEMES IDENTIFIED



**Disconnect between Council Policies and the Planning Scheme**



**Planning for Rural Areas**



**Economic Development and Tourism**



**Waste and Earth Resources Industries**



**Development Contributions**



**Significant Landscapes**



**Water Supply Catchments and Waterway Protection**



**Other Policy Gaps**

# Emerging themes

This section discusses why each theme has been identified as an issue, the current strategic work being undertaken to address the issue, what changes might be required and the extra work required to address the issue.

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## 4.1 Disconnect Between Council Policies and the Planning Scheme

### Issue

**Council policies are important documents for guiding the development and land use in the municipality.**

However, Council policies only have weight in the Planning Scheme once they have been incorporated via a formal Planning Scheme Amendment. They must demonstrate appropriate strategic justification to be incorporated into the Planning Scheme as an 'Incorporated Document' or as clauses of the Scheme. Incorporated Documents are the key tools for implementing a Council policy and realising its success.

The findings revealed that a number of Council strategies/policies are not represented in the Planning Scheme, most notably: *The Moorabool Shire Council Plan 2017-2021*.

**The Moorabool Shire Council Plan 2017-2021 includes four Strategic Objectives:**

- 1. Providing Good Governance and Leadership**  
(*'our assets and infrastructure', 'our people' and 'our business and systems'*)
- 2. Minimising Environmental Impact**  
(*'built environment' and 'natural environment'*)
- 3. Stimulating Economic Development**  
(*'land use planning' and 'investment and employment'*)
- 4. Improving Social Outcomes**  
(*'health and wellbeing', 'community connectedness and capacity'*)

In one way or another, these Strategic Objectives can all be addressed in the Planning Scheme. The findings identified Strategic Objectives 2 ('natural environment') and 3 ('investment and employment') as the most underrepresented in the Planning Scheme. That is, there are opportunities to proactively update policies and strategies relating to the natural environment and economic development and incorporate them into the Planning Scheme. This is the case for areas such as agri-business, local tourism, regional tourism and the protection of significant landscapes.

It's important to note the Planning Scheme is not solely responsible for solving all environmental and economic issues. However it does play a part in complementing current Council policies such as the Moorabool Retail Strategy (2016), the Bacchus Marsh Bulky Goods Assessment and the Moorabool Industrial Areas Strategy (2015), and future strategic work.

Within the Planning Scheme, the current Clause 21.02 Natural Environment and Clause 21.04 Economic Development and Employment are prime examples of opportunities to complement the existing and future strategic work undertaken by Council.

### WHAT ARE INCORPORATED DOCUMENTS?

Incorporated documents are documents which have been incorporated into the planning scheme via a formal Planning Scheme Amendment.

These incorporated documents must be considered by responsible authorities (usually Council) in decision making and can only be amended via a formal planning scheme amendment.



## 4.1 Disconnect Between Council Policies and the Planning Scheme

### Strategic Work

**The following strategies have been completed by Moorabool Shire Council:**

- > Bacchus Marsh Urban Growth Framework 2018 - implemented in the Planning Scheme via Amendment C81.
- > Moorabool Economic Development Strategy 2015.
- > Bacchus Marsh Integrated Transport Strategy 2015.
- > Moorabool Industrial Areas Strategy 2015 – partially implemented in the Planning Scheme via Amendment C81
- > Moorabool Retail Strategy 2016 - implemented in the Planning Scheme via Amendment C81
- > The Bacchus Marsh Bulky Goods Assessment was updated in 2018 to direct future bulky goods retail and economic development. Should the document be adopted by Council, the Planning Scheme will need to be updated.
- > Bacchus Marsh and Ballan Open Space Framework 2019.
- > Ballan Strategic Directions 2018 - implemented in the Planning Scheme via Amendment C88.

**The following strategic projects are currently being undertaken by Council:**

- > Maddingley Planning Study - Has commenced, with anticipated completion of the draft study by late 2020.
- > Bacchus Marsh Irrigation District Planning Study - Has commenced.
- > Car Parking Study and Car Parking Policy for Bacchus Marsh and Ballan - This has commenced, with anticipated completion of the draft study by late 2020.
- > Bungaree and Wallace structure plans.

### Extra Work Required

In addition to the current strategic work identified in the emerging themes section 4, there is a need for further strategic work, as identified in sections 4.2, 4.3, 4.4, 4.5, 4.6, 4.7 and 4.8.

There is also a need for the Planning Scheme to be amended, to support the Council Plan Strategic Objectives and where appropriate, to implement these Strategic Objectives.

### What Changes Can You Expect

Upon completion of the strategic work identified in Section 4.1 and throughout this brochure, you can expect the Strategic Objectives of the Council Plan to be supported by the Planning Scheme.



The question we'd like the community to answer as part of the survey is:

» **How do you think the planning scheme can better support the Council Plan Strategic objectives?**





## 4.2 Planning for Rural Areas

### Issue

The findings of Stage 1 revealed a need for direction on rural land use in Moorabool Shire. Specifically, it revealed there a number of issues associated with rural land use that are interconnected and require a holistic response.

These issues include, but are not limited to:

1. *An increasing demand for rural living opportunities;*
2. *The long term viability of farming land should be protected;*
3. *Conflicts between restrictions on dwellings in rural areas and desire for people to age in place or facilitate family succession of farm ownership;*
4. *Conflict between vegetation protection and bushfire management;*
5. *Opportunities to capitalise on rural tourism opportunities;*
6. *Lack of certainty in decision making owing to ambiguous policy and lack of policy direction;*
7. *Pressure for dwellings in the Bacchus Marsh irrigation district.*

Exactly how these issues interact with the Planning Scheme can be complex.

The findings from Stage 1 identified the need for a Planning Scheme that protects the long term viability of farming land, responds to demand for different living opportunities in rural areas, provides for tourism opportunities, addresses the conflict between environmental protection and bushfire management and removes ambiguity in policy and decision-making.

A 'Rural Land Use Strategy' can holistically address these issues and will be a key piece of strategic work undertaken by Council. Upon completion, such a strategy can be implemented in the Planning Scheme via the Planning Scheme Amendment process.

### Specific Planning Scheme Examples

- > Ambiguity of the Rural Conservation Zone, raising questions of whether the zone is appropriately applied and what uses should occur on this land.
- > The Rural Living Zone at a State Level requires a minimum subdivision lot area of 2 hectares, however the Moorabool Planning Scheme Schedule requires a minimum subdivision lot area of 6 hectares. Certain water authorities prefer 6 hectares in water catchments, as a 2 hectare minimum would result in subdivision applications which could compromise water catchments. The Vegetation Protection Overlay prioritises the protection of biodiversity which conflicts with the Bushfire Management Overlay priority to protect human life.
- > The Farming Zone:
  - » Is not always applied to good quality agricultural land, and another zone and/or use may be more appropriate;
  - » Can be assessed inconsistently by different agencies e.g. one dwelling per 40 hectares requirement applied inconsistently; and
  - » Can restrict the ability for farmers to live on land they are farming and restrict family succession of farm ownership.

## 4.2 Planning for Rural Areas



## Strategic Work

Moorabool Shire Council's strategic work program has been extensive. It has also been focussed on urban areas and larger townships. Now is the time for the next tranche of strategic work to be focussed upon rural areas and smaller settlements.

**The following strategic projects relating to rural areas are currently being undertaken by Moorabool Shire Council:**

- > Bacchus Marsh Irrigation District Planning Study - Have commenced.
- > Rural Land Use Strategy – Not yet commenced
  - Project scope currently being prepared.
- > Bungaree and Wallace structure plans - Have commenced.

## Extra Work Required

Rural land use planning is identified as one of the key priority issues to be addressed as an outcome of the Planning Scheme Review.

A Rural Land Use Strategy, the Bacchus Marsh Irrigation District Planning Study and the Bungaree and Wallace structure plans will address these issues.

The scope of the Rural Land Use Strategy will be informed by the findings of the Planning Scheme Review project, including the community's feedback.

## What Changes Can You Expect

Upon completion of the strategic work identified in Section 4.2, you can expect Moorabool Shire Council to be well placed to progress with a holistic Rural Land Use Strategy, that will guide potential changes to the rural zones and Council's policy in relation to rural issues.



The question we'd like the community to answer as part of the survey is:

» **What do you think are the priority issues to be addressed through a Rural Land Use Strategy?**

### 4.3 Economic Development and Tourism



Economic Development  
and Tourism

#### Issue

**The need for enhanced opportunities for local economic development and tourism emerged as a consistent theme in the Stage 1 review. It is recognised in some instances that the planning process could better support economic development.**

Despite a *Moorabool Economic Development Strategy* being prepared in 2015, the Planning Scheme is largely silent on tourism, and economic development guidance is only briefly addressed. There is a definite opportunity to strengthen economic development and tourism in the Planning Scheme to bolster the local economy.

The Moorabool Retail Strategy 2016 was implemented in the Planning Scheme via Amendment C81 which relates to Bacchus Marsh, Darley and Maddingley. However, it has since emerged that retail and economic development direction in the rural areas is lacking. Also, the Moorabool Retail Strategy 2016 needs to be updated in line with the recent growth planning for Bacchus Marsh and Ballan.

Opportunities to enhance the Planning Scheme include reviewing zones and overlays that have the potential to prohibit innovative economic development and tourism opportunities, in particular agri-business opportunities on rural land (where the full suite of rural zones have not been utilised in the Shire) and instances where the Farming Zone currently applies to rural land that may not be viable as agricultural land.

More specifically, there exists an opportunity to capitalise on the Shire's environmental assets and resources to improve environmental outcomes and support economic development. Exploring the link and opportunities between environmental outcomes, resources and enhancing economic growth is critical in meeting State government directions (and Council's) while also ensuring the Shire remains sustainable in the long term.

A further component of economic development addressed by Planning Schemes is wind farms. The Minister for Planning is the Responsible Authority (the role of implementation and decision-making as explained in Section 1) for wind farms with a capacity of 1 megawatt or greater. While the Minister is the Responsible Authority, Council can use the Planning Scheme to provide buffers to wind farms where appropriate.

In an urban context, there is potential for the Planning Scheme to provide additional local policy direction in relation to the development of activity centres, controlling non-residential uses in residential areas, the use of advertising signs and the use of gaming venues.

While the Planning Scheme plays a key role in the local economy by facilitating land use and development that stimulates activity, economic development is not simply the product of a Planning Scheme that attracts business and employment generating land uses. Rather, economic development requires a holistic approach, of which the Planning Scheme is only one part.

The Planning Scheme can help address barriers to economic development and tourism such as the perceived lack of accommodation, car parking issues and the perception that Moorabool is a 'day-trip destination', not an 'overnight stay' destination.

### 4.3 Economic Development and Tourism



Economic Development  
and Tourism

#### Strategic Work

**The following strategic projects relating to economic development and tourism are currently being undertaken by Moorabool Shire Council:**

- > Car Parking Study and Car Parking Policy for Bacchus Marsh and Ballan - This has commenced, with anticipated completion of the draft study by late 2020.
- > The Bacchus Marsh Bulky Goods Assessment was updated in 2018 to direct future bulky goods retail and economic development. Should the document be adopted by Council, the Planning Scheme will need to be updated.
- > Maddingley Planning Study (Maddingley Waste and Resource Recovery Hub and surrounds) - Has commenced, with completion of the draft study anticipated by late 2020.
- > Bacchus Marsh Irrigation District Planning Study - Has commenced.

#### Extra Work Required

There is a need for focus on economic development and tourism in the Planning Scheme, particularly in rural areas. The findings from Stage 1 revealed an opportunity to strengthen the guidance and direction on tourism in rural areas, particularly opportunities relating to agribusiness and environmental assets, the provision of accommodation and support for innovation.

This work may take the form of a new Economic Development Strategy, or a revision to the existing Strategy, with a renewed focus on rural areas.

Economic Development will be front of mind in the preparation of other local policies focussed on land use and development.

Further strategic work may include an update to the 2016 Moorabool Retail Strategy (to provide policy direction in the rural areas and to align with the recent growth planning for Bacchus Marsh and Ballan), development of an advertising sign policy, a gaming venues policy and a policy on activity centre development.

Council can explore the introduction of buffers to wind farms as a schedule to Clause 52.32 (Wind Energy Facility).

#### What Changes Can You Expect

Upon completion of the strategic work identified in Section 4.3, you can expect Moorabool Shire Council to be well set up for investment and economic development. The Planning Scheme will be amended to introduce clear direction and focus on Moorabool's local economy.



**The question we'd like the community to answer as part of the survey is:**

» **Do you consider there are currently barriers to successful tourism and economic development in the Moorabool planning scheme?**

» **If so, what are they?**

#### 4.4 Waste and Earth Resources Industries



Waste and Earth  
Resources Industries

##### Issue

##### **The Stage 1 process identified a lack of guidance on waste and earth resources industries and identification of earth resources in the Planning Scheme.**

Moorabool is home to natural resources and industries which are of State significance. The State Government (Department of Jobs, Precincts and Regions (DJPR)) are responsible for 'pre-endorsement' of work plans for mining or extractive industry proposals before planning permit applications are submitted to Council.

This raises questions of Council's role in the process, and how the community are engaged.

The Planning Scheme tool currently used to guide and control earth resources in Moorabool is the Special Use Zone (SUZ). SUZ Schedule 1 (SUZ 1) applies to Coal Mining in the Shire, while SUZ Schedule 2 (SUZ2) applies to the Earth and Energy Resources Industry.

Both SUZ1 and SUZ2 do not always match the on-ground extent and reality of coal mining or earth and energy resources, an example being the Maddingley Waste and Resource Recovery (WRR) Hub which is zoned SUZ1 (Coal Mining).

There is an opportunity to review the application of the SUZ1 and SUZ2, noting its current application does not always reflect the actual land uses. The content of the SUZ1 itself requires review as the application requirements have not been amended since they were introduced in 2006.

Local planning policy recognises the Maddingley WRR Hub as a state-significant hub, however, there is an opportunity to improve local policy direction in relation to waste and resource recovery type land uses.



## 4.4 Waste and Earth Resources Industries



Waste and Earth  
Resources Industries

## Strategic Work

**The following strategic projects are being undertaken by Moorabool Shire Council:**

- > Maddingley Planning Study (Maddingley Waste and Resource Recovery Hub and surrounds) - Has commenced, with completion of the draft study anticipated by late 2020.

## Extra Work Required

There is a need for a review of earth resources industry assets within the Shire and their classification in the Planning Scheme.

Recognising the State's role in the earth resource process, there is an opportunity to explore whether to apply State Resource Overlay to state significant earth resources within the Shire.

Exploration of the State Resource Overlay potential would assist in ensuring these resources are available to support the State's future needs in line with State Government directions.

A review of SUZ content and application in the municipality will help identify the appropriate zones for the waste and earth resources industry.

Finally, there is an opportunity to improve local policy direction in relation to waste and resource recovery type land uses.

## What Changes Can You Expect

Upon completion of the strategic work identified in this section, you can expect an update Planning Scheme that will guide the waste and earth resources industries by clearly defining the objectives and strategies for each industry, and appropriately recognising their role and function.

The Planning Scheme will accurately reflect the on-ground reality of the waste and earth resources land uses to help guide their use and the contribution they make to Moorabool's economy.



The question we'd like the community to answer as part of the survey is:

» **What aspects of the waste and earth resources Industries should an amended Planning Scheme address?**

## 4.5 Development Contributions

### Issue

**The collection of Development Contributions is an important aspect of delivering much needed development and community infrastructure. Currently the Moorabool Planning Scheme includes no requirement for development contributions to be collected.**

The lack of appropriate development contributions collection in the Shire was an emerging theme from the Stage 1 process.

The method used in the Shire for collection of contributions from developers is called a 'Section 173 Agreement'. These agreements are legally binding voluntary agreements made between Council and developers. The content of the agreements can vary, but typically identifies new infrastructure or improvements to existing infrastructure that Council or developers will deliver as part of new development. These agreements have worked well in the past, but, as an ad hoc response, are becoming increasingly cumbersome to manage and enforce.

A more strategic and holistic response may be more appropriate. For areas of development with fragmented land ownership, a more formalised approach to the collection of development contributions is required. Council have been taking steps to undertake formal development contribution collection. They are working with the Victorian Planning Authority (VPA) to prepare Development Contribution Plans (DCP) for the Merrimu, Parwan Station and Parwan Employment Precincts.

Further study is being conducted by Council to determine the funding options available in Bacchus Marsh and Ballan. The 2014 audit highlighted the need for Council to form a policy position on development contributions.



Development  
contributions

### WHAT ARE DEVELOPMENT CONTRIBUTIONS?

Development Contributions are payments or in-kind works, facilities or services provided by developers towards the supply of infrastructure required to meet the existing and future needs of the community.

For example they may be the construction of a new intersection, or upgrades to an existing community facility.

Formal development contribution arrangements, such as a DCP, require a high level of strategic justification that allow them to be incorporated into Planning Schemes.

The Planning Scheme tool available to incorporate a Development Contributions Plan is the Development Contributions Plan Overlay (DCPO).

The 2014 audit highlighted the need for Council to form a policy position on development contributions.

Clause 21.05-4 includes a strategy requiring new development to make development contributions via DCPs or Infrastructure Contributions Plans. There is opportunity to implement this via the DCPO.

## 4.5 Development Contributions



Development  
contributions

## Strategic Work

**The following strategic projects are being undertaken by Moorabool Shire Council:**

- > Preparation of DCPs for Merrimu, Parwan Station and Parwan Employment Precincts; and
- > Investigation of funding options for Ballan and Bacchus Marsh.

## Extra Work Required

Council is currently undertaking a wealth of strategic work to ensure appropriate development contributions are collected from new development.

To do so, each DCP or similar funding arrangement must be strategically justified prior to incorporation of development contributions into the Planning Scheme.

## What Changes Can You Expect

The preparation of DCPs and their incorporation in the Planning Scheme will ensure the timely and equitable delivery of development and community infrastructure required to support both new development and the existing community.

Such infrastructure will form part of Council's Capital Works Program.



The question we'd like the community to answer as part of the survey is:

» **Do you think it is important for Council to take a strategic approach to working with developers to fund infrastructure?**

## 4.6 Significant Landscapes



Significant  
Landscapes

### Issue

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**Moorabool is home to some impressive significant landscapes. The Planning Scheme allows for their identification and protection through the Significant Landscape Overlay (SLO) and Environmental Significance Overlay (ESO).**

These overlays identify environmental objectives for relevant landscapes and planning permit requirements for buildings, works and subdivision.

An emerging theme from the Stage 1 finding was that significant landscapes are largely unrecognised in the Moorabool Planning Scheme.

Only two significant landscapes are formally recognised through application of the SLO in the Scheme;

1. 'Scenic Hilltops and Ridge Line Areas' and
2. 'Gordon Town Centre, Township and Surrounds'.

Further, there are conflicting views on how the Planning Scheme is operating from different stakeholders. Some stakeholders feel that the Planning Scheme is triggering too many permits for minor applications in the two areas where significant landscapes are currently recognised, requiring a more targeted approach. Other stakeholders feel the Scheme is operating successfully.

The ESO covers other environmentally significant areas such as proclaimed water catchments, Long Forest and Werribee Gorge, wetlands, grasslands and River Red Gums. Some ESO schedules are currently applied to land or features that do not reflect the objective and intent of the overlay.

There is a clear need to review whether the significant landscapes in Moorabool are being adequately protected and preserved by the Planning Scheme.

## 4.6 Significant Landscapes



Significant  
Landscapes

## Strategic Work

**There is currently no strategic work, other than this Planning Scheme review, being undertaken on this matter.**

## Extra Work Required

A holistic review of significant landscapes is required to understand what landscapes are currently protected by the Planning Scheme, what landscapes are not covered by the Planning Scheme, whether they should or shouldn't be protected and only then seek to amend the Planning Scheme to recognise, protect and preserve all of Moorabool's significant landscapes.

## What Changes Can You Expect

Upon completion of a review of significant landscapes in Moorabool, you can expect all significant landscapes in Moorabool to be supported by a Planning Scheme that prioritises their protection and preservation.



The question we'd like the community to answer as part of the survey is:

» **What significant landscapes would you like to see recognised, protected and preserved by the Planning Scheme?**



## 4.7 Water Supply Catchments and Waterway Protection



Water Supply Catchments  
and Waterway Protection

### Issue

**Water supply catchments and waterways are an important component of planning and development in Moorabool, with a large number of water authorities operating within Moorabool's borders.**

The 2014 audit and review of the Moorabool Planning Scheme recommended a review of relevant sections of the Planning Scheme relating to Special Water Catchments to include the Memorandum of Understanding between Barwon Water, Central Highlands Water, and Southern Rural Water, Western Water and Moorabool Shire Council made on 23 December 2013.

This Memorandum of Understanding determines when planning permit applications are referred to water authorities. This remains a relevant consideration for the current Planning Scheme review to consider and respond to.

The Environmental Significance Overlay Schedule 1 (ESO1) 'Proclaimed Water Catchments' is the Planning Scheme mechanism which requires applications be referred to water authorities. Under this overlay, water authorities are a 'Determining Authority'. This means their say on an application is final, if they object then Council must refuse to grant a permit.

The Stakeholder Engagement revealed conflicting views on the application of ESO1 in Moorabool, with some indication that it may be applied too broadly with too many planning permit triggers.

There is an opportunity to review what types of planning permit applications under ESO1 should trigger referral to water authorities, and the extent of where the overlay applies. Currently, all applications under ESO1 are referred to a water authority.

The Environmental Significance Overlay Schedule 2 (ESO2) 'Waterway Protection' is the Planning Scheme tool to protect waterways which provide water to urban and rural development in the municipality. The Stage 1 process revealed major opportunities to improve the application of ESO2 mapping in the municipality, some of which has been completed by Melbourne Water. There is also an opportunity to review what types of planning permit applications under ESO2 should trigger referral to Melbourne Water.

## 4.7 Water Supply Catchments and Waterway Protection



Water Supply Catchments  
and Waterway Protection

## Strategic Work

**There is currently no strategic work, other than this Planning Scheme review, being undertaken on this matter.**

## Extra Work Required

A holistic review of ESO1 is required to understand exactly what applications are triggering referrals to water authorities and whether these applications warrant referral.

A review of relevant sections of the Planning Scheme relating to Special Water Catchments should be undertaken to include the Memorandum of Understanding between Barwon Water, Central Highlands Water, and Southern Rural Water, Western Water and Moorabool Shire Council made on 23 December 2013.

Further, a review of the ESO2 mapping and referral triggers should be undertaken to improve its accuracy and to accommodate the work already completed by Melbourne Water.

## What Changes Can You Expect

A review of ESO1 will reveal exactly where the overlay should be applied, in what circumstances permit applications should be triggered and what types of applications should trigger referral to water authorities. Currently all applications trigger a referral.

A review of ESO2 will reveal exactly where the overlay is applied and what types of applications should trigger referral to water authorities.

Upon completion of the review, the Planning Scheme will clearly identify what types of applications should be referred to water authorities.



The question we'd like the community to answer as part of the survey is:

» **Are water supply catchments and waterways adequately recognised and protected by the Planning Scheme?**

## 4.8 Other Policy Gaps



## Other Policy Gaps

## Issue

**The Stage 1 Report revealed there are a number of opportunities to provide more strategic direction and guidance to decision making in relation to the following areas:**

- > Location of State infrastructure, such as large pipelines;
- > Building on steep land;
- > Environmentally sustainable design; and
- > Development of dependant persons units.

There is an opportunity to program the preparation of local policies to respond to the identified gaps and incorporate them into the Planning Scheme.

The location of State infrastructure, such as pipelines, is a process typically led by State Government. A local policy regarding the location of State infrastructure can complement State policy with guidance relevant to the local community, such as appropriate buffers to residences and environmental management.

A local policy or guideline for building on steep land can help development appropriately respond to the characteristics and environmental conditions of steep land in the municipality, ensuring it takes into account the potential for erosion and other environmental impacts.

A local policy for environmentally sustainable design can help embed sustainable principles in new design and development. Doing so can ensure development responds to the needs of the present and future community.

In the majority of cases, a permit is not triggered by the Planning Scheme for 'dependent persons units'. Thus Council has a limited capacity to control their development. A local policy or guideline for dependent persons units may be prepared to provide direction to the community on how to determine if a permit is required, and the type of information required to support their development.

## 4.8 Other Policy Gaps



## Other Policy Gaps

## Strategic Work

There is currently no strategic work being undertaken on the policy gaps identified in this section, other than this Planning Scheme review.

## Extra Work Required

Additional strategic work is required to address the policy gaps identified in this section, including:

- > Location of State infrastructure, such as large pipelines;
- > Building on steep land;
- > Environmentally sustainable design; and
- > Development of dependant persons units.

## What Changes Can You Expect

As local policies are prepared and incorporated into the Planning Scheme you can expect a more robust Planning Scheme with clear guidance and direction on the identified key issues.



The question we'd like the community to answer as part of the survey is:

» Which key issues identified here do you think should be a priority for Council and why?

» Are there any other policy gaps that should be included and why?

» Do you have any other comments?

# Next Steps

Open from

16 June - 14 July

2020

We want to hear the community's views on the themes that emerged from the literature review and stakeholder engagement.

The community's views and feedback is sought on the identified themes to help shape the Strategic Directions Report.

## THE THEMES IDENTIFIED



Disconnect between  
Council Policies and  
the Planning Scheme



Planning for  
Rural Areas



Economic  
Development  
and Tourism



Waste and  
Earth Resources  
Industries



Development  
Contributions



Significant  
Landscapes



Water Supply  
Catchments  
and Waterway  
Protection



Other Policy Gaps

## FEEDBACK CAN BE GIVEN IN THE FOLLOWING WAYS

### 1. By completing the survey via the website:

[www.moorabool.vic.gov.au](http://www.moorabool.vic.gov.au)

Click on '**Have Your Say**' and  
follow the links to the Moorabool  
Planning Scheme Review.

[CLICK HERE TO VISIT WEBSITE](#)

### 2. By responding to the survey questions raised in this brochure either:

#### via email to

[info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)  
(Attention: Strategic Planning  
- Planning Scheme Review);

[CLICK HERE TO EMAIL US](#)

#### or via post to

Moorabool Shire Council,  
PO Box 18, BALLAN VIC 3342  
(Attention: Strategic Planning  
- Planning Scheme Review).



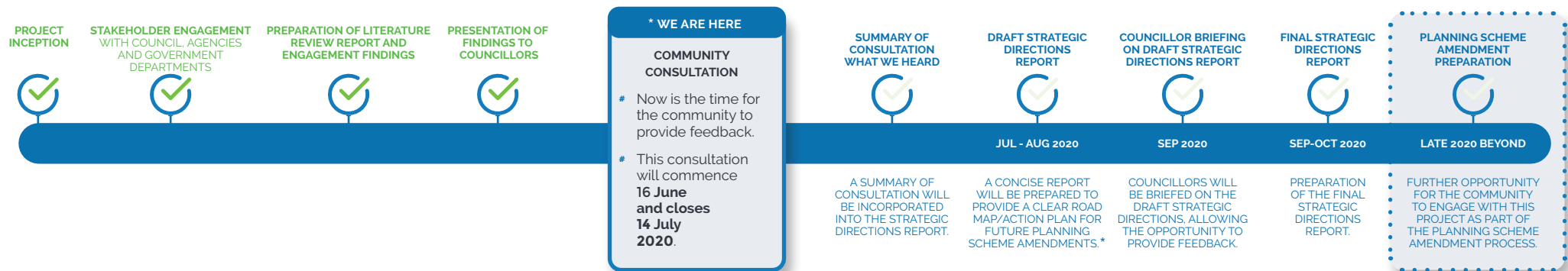
## FUTURE OPPORTUNITIES FOR CONSULTATION

There will be a further opportunity for the community to engage with this project as part of the future Planning Scheme Amendment process.

The engagement will be open from 16 June to 14 July 2020.

There will be a further opportunity for the community to engage with this project as part of the future Planning Scheme Amendment process. A Planning Scheme Amendment is the process by which local policies are incorporated into the Planning Scheme, giving them statutory weight.

Details of this process, including timing, will be available on completion of the Planning Scheme Review project.



\* The Strategic Directions component will explore the required amendments to the Planning Scheme, how planning priorities and principles will be balanced and how to make effective and timely decisions by utilising the most appropriate and effective implementation tools. The Action Plan component will provide direction to Council on how to approach the required Planning Scheme Amendments in tranches and the package of amendments that should be contained in each tranche.



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Community Consultation  
**MOORABOOL PLANNING SCHEME REVIEW JUNE 2020**