

Buloke Planning Scheme Review Report

Buloke Shire Council

September 2023



Unofficial



Department
of Transport
and Planning

Planning and Environment Act 1987 (PE Act)

Planning Scheme Review pursuant to Section 12B of the PE Act

Buloke Planning Scheme

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Acronyms

Abbreviation	Meaning
ABS	Australian Bureau of Statistics
BSC	Buloke Shire Council
DEECA	Department of Energy, Environment and Climate Action
DoH	Department of Health
DTP	Department of Transport and Planning
GWMWC	Grampians Wimmera Mallee Water Corporation
MDFC	Ministerial Direction on the form and content of planning schemes
MPS	Municipal Planning Strategy
NCCMA	North Central Catchment Management Authority
PE Act	Planning and Environment Act 1987
PPV	Planning Panels Victoria
PPARS	Planning Permit Activity and Report System
PG	Practitioner's Guide to Victoria's Planning Schemes
PPF	Planning Policy Framework
RPH	Regional Planning Hub
RPP	Regional Planning Partnerships
VCAT	Victorian Civil and Administrative Tribunal
VIF	Victoria in Future



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1. Executive summary

1.1. Why is the planning scheme being reviewed?

The Buloke Planning Scheme Review Report 2023 (the planning scheme review) has been prepared in partnership with the Buloke Shire Council (the council) and the Regional Planning Partnerships (RPP) team at the Department of Transport and Planning (DTP), at the request of the council.

The RPP Regional Planning Hub program was established to support rural and regional councils with peak workloads, build land use planning capacity and capability, and assist councils with key strategic planning projects.

The council, as the planning authority for the Buloke Planning Scheme (the scheme), is required to review its scheme every four years under section 12(B) of the Planning and Environment Act 1987 (PE Act).

The council last undertook a review of the scheme in 2018. Between 2018 – 2022 the scheme has been progressively updated to reflect the recommendations of the 2018 review, including the correction of zoning and mapping errors and removal of redundant provisions.

Once adopted by the council, the planning scheme review will be forwarded to the Minister for Planning as required under section 12(B) of the PE Act.

A planning scheme amendment or amendments to implement the findings of the planning scheme review will be required. The marked-up ordinance to support two amendment pathways forms Appendix Two of this report.

1.2. Health check and findings

Overall, the scheme is operating effectively.

In 2021 the scheme was restructured to insert a new Municipal Planning Strategy (MPS), reformat local planning policies to replace the former Local Policy Planning Framework (LPPF), and update local schedules. These changes were policy neutral and did not result in the introduction of new content.

The MPS contains high level strategic directions to guide settlement, environmental risks and values, natural resource management, built environment and heritage, economic development, transport, and infrastructure across the municipality.

However, there is limited local policy in the Planning Policy Framework (PPF) to give the MPS strategy effect. For example, the PPF lacks local content to guide settlement planning and contains limited content to support council's aspirations for tourism, industrial diversification, climate change adaptation, and the protection of environmental values.

This review has identified a number of opportunities to update and improve the local content of the scheme to ensure council's vision for land use and development, as expressed in the Council Plan, is reflected by the policy and planning controls of the scheme.

It is recommended that the council focus on developing policy and implementing updates to the scheme that will bring the most community benefit, such as settlement planning and the reviewing of planning controls to reduce administrative burden on the planning unit and applicants.



These matters are further addressed in the following sections.

1.3. Top priorities for Buloke Shire Council

- Has

1.4. Consolidated recommendations

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

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

1.4.1. Planning scheme amendment

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

The review has identified a small number of policy neutral changes that should be made to the scheme to bring it into alignment with the Ministerial Direction on the Form and Content of Planning Schemes (MDFC).

These are administrative matters, such as corrections to ABS data, and do not change the policy intent of the scheme.

It is also recommended that the MPS refer to the Traditional Owners of the land in which Buloke Shire sits – the people and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk, and Dja Dja Wurrung.

The planning permit activity data audit (Appendix One) and consultation with council staff and referral agencies identified that local overlay and zone schedules should be reviewed and updated to remove or reduce permit requirements for minor works.

Updates to permit requirements would reduce the number of permits processed by the council and enable the redirection of resources to other planning priorities, such as strategic work.

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

These recommended changes are marked up on the supporting draft Ordinance (Appendix Two). The council should liaise with DTP Loddon Mallee Regional Planning Services team to determine the appropriate amendment pathway to progress the findings of this report.



Recommendations:

To implement the findings of the Buloke Planning Scheme Review Report 2023 it is recommended that the council:

1. **Prepare a planning scheme amendment or amendments using the marked-up ordinance at Appendix Two to:**
 - a) **Incorporate the policy neutral changes identified in Chapter 5 to align the ordinance with the Ministerial Direction on the Form and Content of Planning Schemes.**
 - b) **Amend the Municipal Planning Strategy at Clause 02.01 Context to include appropriate reference to Traditional Owners and Country.**
 - c) **Include new policy to implement the:**
 - *Buloke Council Plan 2021 – 2025, including the Municipal Health and Wellbeing Plan (Buloke Shire Council, 2021)*
 - *Buloke Shire Council Inclusiveness Plan (Buloke Shire, 2018)*
 - *Interim Economic Development and Tourism Strategy 2022-2023 (Buloke Shire, 2022)*
 - d) **Update existing Clause 74.02 Further Strategic Work to include the prioritised strategic work program.**

1.4.2. Further strategic work

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.

The highest priority tasks for the council to undertake over the next four years are listed below. The list represents a work program that, if implemented, will deliver a positive impact for the community and efficiencies for the council's planning function and users of the scheme.

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

Recommendations:

2. **Finalise strategic work that is in progress to implement the Rural Land Use and Settlement Strategy.**
3. **Progress the proposed anomalies and corrections planning scheme amendment.**
4. **Prepare township settlement plans for Donald, Birchip, Charlton, Sea Lake, and Wycheproof.**
5. **Undertake a permit trigger review.**
6. **Prepare and implement a review of the application and intent of the Environmental Significance Overlay and Vegetation Protection Overlay.**



7. Review and update heritage policy and controls in the scheme to meet Planning Practice Note 01: Applying the Heritage Overlay requirements.
8. Prepare policy for insertion into the scheme to guide the siting of rural dependant enterprises in the Farming Zone.
9. Develop and implement local policy for climate change adaptation in urban and rural areas.
10. Develop and implement local policy for walking, cycling and open space networks.
11. Prepare policy for insertion into the scheme at Clause 02-03-3 Amenity and a schedule to Clause 52.28 Gaming to guide assessment of gaming machines to ensure compatibility with the amenity of the local area and provide a net community benefit.

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

Only the work that can be completed in the next four years should be listed in Clause 74.02 of the planning scheme. A recommended Clause 74.02 is included in the marked-up ordinance at Appendix Two that contains six items from the above list.

1.4.3. Process improvements

Process improvement recommendations are drawn from analysis of the planning scheme, permit activity data, consultation with council staff and referral authorities.

Recommendations:

It is recommended that the council:

- 12. Use the DTP Better Planning Approval templates to develop a suite of resource material to support planning scheme users and streamline planning processes. Publish on Greenlight platform on the council's webpage and in hardcopy at Buloke Shire Council customer service centres.**

1.4.4. Minister for Planning

The council, with assistance from the RPP team at DTP, has prepared a planning scheme review as required by section 12B(1) of the PE Act.

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

In accordance with section 12B(4) of the PE Act, the review evaluates the 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.

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Recommendation:

13. That the Buloke Shire Council accept this planning scheme review and forward to the Minister for Planning as evidence the Buloke Shire Council, as the planning authority for the Buloke Planning Scheme, has met its obligations in accordance with Section 12B of the Planning and Environment Act 1987 to review the planning scheme every four years.



2. Introduction

2.1. Purpose

The council, as the planning authority for the scheme, is required to review its scheme every four years under Section 12(B) of the PE Act.

The scope of a planning scheme review is established under Section 12(B) of the PE Act and 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 (MDFC).
- 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 the council's broader 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.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the PE Act once complete. A planning scheme amendment or amendments to implement the findings of the review is recommended.

2.2. Methodology

The planning scheme review has been prepared in partnership with the council and the RPP team at DTP, at the request of the council.

The RPP Regional Planning Hub (RPH) program was established to support rural and regional councils with peak workloads, build land use planning capacity and capability, and assist councils with key strategic planning projects.

Many rural and regional councils have requested assistance under the RPH program to prepare planning scheme reviews.

To support this, the RPP team partnered with Redink Planning to develop a five-stage methodology to guide the preparation of planning scheme reviews, as shown in Figure 1 below.

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

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Figure 1: Planning scheme review methodology

1 Initiate	2 Analyse	3 Engage	4 Report	5 Consult & implement
Establish timelines	Audit the planning scheme	Statutory and strategic planners	Planning scheme review report	Test findings with community
Collate materials	Review strategic documents and new policy	Internal referrals	Further strategic work plan	Test further strategic work with community
Survey planners and key staff	VCAT decisions	External referrals	Marked – up ordinance	Develop a shortlist of priority further strategic work
Contact referral authorities	Planning panel recommendations	Registered Aboriginal Parties		Planning scheme review to Minister for Planning
Inform DTP	Previous planning scheme review	Other identified stakeholders		Planning Scheme Amendment
	Planning permit activity			Budgeting for further strategic work
	Survey results			Process improvements & advocacy

The planning scheme review followed this five-step methodology with the following timeline:

Stage	Timing
Initiate	February 2023
Analyse	March – May 2023
Engage	June 2023
Report	August 2023
Implement (Consult – TBC)	TBD by council

This review has also been prepared in accordance with the following directions and guidance provided by DTP:

Ministerial directions:

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

Planning practice notes and advice:

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



3. What's driving change

3.1. Population, growth, and economy

The Australian Bureau of Statistics (ABS) Estimated Resident Population for the Buloke Shire LGA estimates that in 2021 6,134 people resided in the municipality, which decreased to 6,114 in 2022.

Victoria in Future (VIF), the official State government projection of population and households, predicts a further loss in population, estimating that by 2036 the population will reduce by approximately 1,170 persons to 5,020.

In 2021, VIF estimated that the Buloke Shire LGA comprised 2,765 individual households, with approximately 910 households occupied by a 'couple without children' and 964 occupied by a lone person. Comparatively, only 588 households were occupied by a 'couple with children' or 194 as a 'one parent family'. The dwelling structure in 2021 was recorded as 2,399 separate houses, 80 semi-detached houses, 44 flats or apartments, and 27 other dwellings.

The median age of residents in the Shire is increasing, from 45 years old in 2006 to 52 years old in 2021. The average household size remained the same between the 2011 and 2021 Census periods at 2.2 people per household (ABS, 2021 Census). The high proportion of lone or child-free households is not unique to Buloke, with nearby rural shires recording similar household occupancy and demographic trends.

The *Buloke Shire Interim Tourism and Economic Strategy* (2022 – 2023) identifies that changing population and development patterns may disrupt assumptions about ongoing population decline and points to 'progress towards population stability over the next 15 years', in contrast to the 1.1 percent decrease rate per annum predicted by VIF data.

Although Buloke Shire has recorded higher than predicted population retention and some inward migration since the last census, demographic projections are unlikely to change and the need to plan for an ageing population remains a priority.

From a land use planning perspective, the challenge for Buloke Shire is ensuring its ageing population and key workers can access suitable housing options, including compact housing. In 2021, 52 percent of all dwellings in the Shire comprised three bedrooms.

The Council Plan and Tourism and Economic Strategy includes objectives to increase housing diversity, including social and affordable housing, key worker housing, higher densities in established urban areas, and increasing the supply of rural residential lots.

At present, the scheme lacks settlement frameworks that direct where new housing development should occur to achieve the diversity of residential land use and development sought by the council.

Donald is the Shire's primary population centre, accommodating 1,472 residents in 2021. A network of small centres including Charlton, Wycheproof, Sea Lake, and Birchip accommodate smaller urban populations.

Agriculture is the key economic driver for the municipality. Broadacre cropping is the predominant land use, with lamb and wool production and some extractive and rural industries. Most industrial land is located in and around the five main urban centres.



In Buloke Shire agriculture is the largest employer, followed by health care and social assistance, local government administration, and education (ABS, 2021 Census). Buloke Shire has an annual economic output of approximately \$705 million.

Tourism is a growing sector and the municipality's significant landscapes, lakes, trails, and heritage attractions draw regional and inter-state visitors for recreation and cultural tourism.

3.2. Climate change and other environmental risks

Buloke Shire is situated in the Murray-Mallee region of Victoria and its geographic and environmental values are characterised by highly modified agricultural plains, Mallee dunes, sedimentary hills (in the south of the municipality), and the Avoca and Avon Richardson River systems.

It is predicted that Buloke Shire will be subject to increased and extreme temperatures, reduced annual rainfall, and an increase in heavy rainfall events from the effects of climate change.

The Shire is subject to major flood events, impacting Charlton, Donald, Wycheproof and Culgoa, and rural areas. Other natural disasters and environmental hazards such as heatwaves, bushfires, and storms are likely to become more severe.

The *Council Plan 2021 – 2025* includes several objectives that seek to address climate impacts through the implementation of the Buloke Shire Climate Change Adaptation Plan (2020).

From a land use planning perspective, the plan includes the following relevant actions:

- Investigate preparing and implementing *Environmentally Sustainable Design* (ESD) and *Council Alliance for a Sustainable Built Environment* (CASBE) Environmentally Sustainable Development policy into the scheme.
- Identify and protect significant native vegetation.
- Strengthen planning policy and requirements for stormwater capture, potable water supply protection, ground water impacts, soil erosion and salinity, and protection of agricultural land from inappropriate uses and unsustainable practices.

For a small rural council with limited residential subdivision activity, the preparation of local Environmentally Sustainable Development policy may be costly to achieve without support from the Victorian government or a regional partnership approach.

Findings:

- A. Develop local policy to guide climate change adaptation in urban and rural areas to capture the strategies in the Buloke Climate Change Adaption and Mitigation Strategy 2023 – 2030 (Ndevr Environmental Pty Ltd, 2020).**

3.3. Victorian government amendments and advice

The Victoria Planning Provisions are constantly being reviewed and updated at a State level with numerous VC and GC amendments occurring each year. The State also provides advice to planners in the form of updates to the Practitioner's Guide to Victoria's Planning Schemes (the PG) and new



planning practice notes. The full list of amendments to the Victoria Planning Provisions that have been gazetted and practice notes that have been released since the last review form Appendix Four.

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

Applying the Buffer Area Overlay

Amendment VC175 introduced the Buffer Area Overlay (BAO). The BAO is a new amenity buffer that is designed to ensure sensitive land uses like schools, hospitals, and residences, are not affected by off-site impacts such as noise, dust, odour, and hazardous air pollutants from industries operating nearby.

This control may be suitable for application to a range of infrastructure assets located on public land including declared water storages, water supply and treatment infrastructure, transfer stations, landfill sites.

It is recommended that the council investigates the application of the BAO over council owned assets and those operated by relevant agencies (such as the water authority) within proximity to sensitive uses, in the first instance.

Reduced permit requirements in the Rural Living, Farming and Rural Activity Zones

Amendment VC231 amended planning permit exemption thresholds for dwelling extensions, out-buildings, and buildings used for agriculture in the Rural Living Zone (RLZ), Farming Zone (FZ) and Rural Activity Zone (RAZ). It did so by increasing the floor area for which a planning permit was not required for the following building and work categories; alterations or extensions to existing dwellings, out-buildings associated with a dwelling and alterations or extensions to an existing building used for agriculture. It also introduced the ability to vary the distance by which a planning permit is required for buildings within a setback of a waterway, wetland or designated floodplain through a schedule to a zone.

The new exemption thresholds are designed to reduce unnecessary planning permit triggers, delays, and workloads at rural and regional councils, to make it easier for rural and regional households to make extensions to their households, and to make it easier for farmers to construct low impact buildings that contribute to agricultural productivity.

While the council does not currently utilise schedules to the RLZ, FZ or RAZ to specify localised permit exemptions for dwelling extensions, out-buildings or buildings used for agriculture, it is recommended that permit activity continue to be monitored and opportunities for a reduction in permit requirements for low impact buildings in rural areas be explored where possible.

Flood mapping assistance for local government

On 30 May 2023, the Victorian government announced a \$22.2 million funding package to support councils to accelerate flood mapping data studies.

This assistance will support councils to update their planning schemes to identify suitable locations for new development outside of high flood-risk areas.

The Minister has appointed a Flood-related Amendments Standing Advisory Committee to provide advice on the implementation of flood studies and associated proposed planning scheme amendments.



It is recommended that the council take advantage of any opportunity to secure funding and resource support to update its flood mapping in partnership with the relevant catchment management authority.

4. Previous planning scheme review

4.1. Buloke Planning Scheme Review 2018

The planning scheme was last reviewed in 2018. This review was carried out as an internal desktop assessment by the planning unit.

The review contained 11 primary recommendations for improvements to the scheme, including:

- Review and update the content and structure of the Municipal Strategic Statement (MSS).
- Review and update the content and structure of LPPF, specifically:
 - Clause 22.01 Discretionary use in Township Zone.
 - Clause 22.02 Rural Land and Sustainable Agriculture.
 - Clause 22.03 Intensive animal husbandry.
 - Clause 22.04 Heritage conservation.
- Rezone publicly owned land at Tchum Lakes, Watchem Lake, and Wooroonook Lakes from FZ to Public Park and Recreation Zone (PPRZ) or Public Conservation and Resource Zone (PCRZ).
- Remove Schedule 2 to Environmental Significance Overlay (ESO2).
- Prepare a Rural Land Use Strategy to identify opportunities to introduce the Rural Living Zone to Farming Zone land adjacent to township boundaries.
- Prepare township settlement plans for Donald, Charlton, Wycheproof, Sea Lake, and Birchip.
- Implement the recommendations of the *Loddon Mallee Waste & Resource Recovery Implementation Plan – Land Use Planning Project Report* (Centrum Town Planning, 2017).
- Review the *Economic Development Strategy (Buloke Shire Council, 2018)* to incorporate a planning response to:
 - Diversify agriculture that capitalises on water supply and intensive animal husbandry.
 - Intensify tourism opportunities.
- Review Incorporated Documents contained in Clause 72.04 for relevance.
- Publish permit applications on public notice on the council's webpage.
- Participate in professional development training to learn about permit assessment under provisions for Clause 52.17 Native Vegetation, Clause 52.29 Land Adjacent to a Road Zone, and 52.31 Broiler Farms.



4.2. Progress since last review

Since the 2018 review, the council has completed the following further strategic work and scheme amendments:

- C43 to introduce a MPS to replace the former Municipal Strategic Statement and local Planning Policies and Amendment C39 to correct local schedules as part of the Smart Planning Local Schedules.
- C42 to delete the Environmental Significance Overlay, Schedule 2 (ESO2 - Channel and Reservoir Protection) from land throughout the Shire of Buloke and amend the MSS to delete references to the ESO2.
- C36 to rezone publicly owned land at Tchum Lakes, Watchem Lake and Wooroonook Lakes from FZ to Public Park and Recreation Zone (PPRZ) or Public Conservation and Resource Zone (PCRZ).
- C027 to apply the Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) to land in the townships and surrounds of Charlton and Donald and update the schedules to the FO and LSIO.
- C037 to facilitate the 'Bringing Water back to Green Lake Project' including rezoning land from Public Conservation and Resource Zone to Public Park and Recreation Zone and introducing an incorporated document.

The most significant change to the scheme was via Amendments C43 and C39. This work addressed the 2018 review recommendations to update local policies for heritage, rural land and sustainable agriculture, intensive animal husbandry, township zone, and review of Incorporated Documents for relevance.

In 2021 the scheme was restructured to insert a new MPS and local planning policies to replace the former Local Policy Planning Framework. A second project updated local schedules as part of the Smart Planning Local Schedules Update. This was done by planning scheme amendments C43blok and C39blok as policy neutral amendments led by the Victorian government.

The former Clause 52.31 Broiler Farms provision has been replaced with a new Clause 53.09 Poultry Farm provision and with it the *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (June 2018) were introduced which addresses permits associated with free range poultry farms. The Clause 36.04 Road Zone categories 1 and 2 and Clause 36.01 Public Use Zone 4 were also replaced with a new Clause 36.04 Transport Zone, which had subsequent administrative changes to Clause 52.29 Land Adjacent to the Principal Road Network (Transport Zone 2).

The Victorian government has also introduced training programs, online mapping and offsetting tools, and guideline documents for assessing permit applications under the new Clause 52.17 Native Vegetation provisions.

4.3. Projects underway

The 2018 further strategic work items that relate to the commissioning of new strategies and studies remain priorities for the council today. In particular, Section 9 provides a discussion on the implementation of the Buloke Shire Rural Land Use and Settlement Strategy: Planning Report (2019) and a proposed amendment to correct zoning, mapping, and schedule anomalies.



The council has also prepared an Interim Economic Development and Tourism Strategy (2022 – 2023) and will commence an Integrated Community Planning Framework comprising community plans for ten townships in mid to late 2023.

5. Audit and assessment of current scheme

5.1. Methodology

An audit of each local provision (policies and schedules) in the planning scheme has been undertaken. This audit has compared the drafting and application of each local provision against the MDFC, the PG (Version 1.5, April 2022) and relevant planning practice notes.

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

5.2. Municipal Planning Strategy

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

Clause no and name	Compliance or changes required	Action
		PSR complies
		PSR further strategic work
		PSR policy neutral amendment
		PSR full amendment
Word count (5000 or less)	Yes	Complies
02.01 Context	Make minor amendments to include important factual contextual information, appropriate First Nations recognition, and updated economic and population data.	Policy neutral amendment
02.02 Vision	Update to reflect 2021 - 2025 Council Plan vision	Policy neutral amendment
02.03-1 Settlement and housing	Amend wording for clarity.	Policy neutral amendment
	<p>Delete dot point six and insert new direction to reflect new Council Plan and Inclusion Plan strategic directions for housing diversity.</p> <p>Further strategic work required to:</p> <ul style="list-style-type: none"> Identify locations to achieve housing diversity within urban 	Further strategic work

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	<p>centres. This work should also include a policy statement and strategies that could be inserted at CI02.03-6 Housing.</p> <ul style="list-style-type: none"> Expand settlement directions relating to the key urban centres of Birchip, Charlton, Donald, Sea Lake, and Wycheproof following the preparation of small township settlement plans. 	
02.03-2 Environmental values and landscapes	<p>No change.</p> <p>Further strategic work required to review extent of the Environmental Significance Overlay and Vegetation Protection Overlay to identify and protect Wooroonook Lakes, Green Lake, Tchum Lakes, and Watchem Lake to give effect to the strategic directions of Clause 02.03-2, based on advice from relevant agencies including GWMWC, DEECA, and NCCMA.</p>	<p>Complies</p> <p>Further strategic work</p>
02.03-3 Environmental risks and amenity	<p>Amend wording for clarity.</p> <p>Further strategic work required to prepare policy directions that clarify how council will mitigate climate change risks based on the adopted Climate Change Adaptation Plan.</p> <p>Further strategic work required to prepare policy directions for Clause 02-03-3 Amenity and a schedule to Clause 52.28 Gaming to guide assessment of gaming machines to ensure compatibility with the amenity of the local area and provide a net community benefit.</p>	<p>Policy neutral amendment</p> <p>Further strategic work</p> <p>Further strategic work</p>
02.03-4 Natural resource management	<p>Amend wording for clarity, update land use terms and remove duplication.</p>	<p>Policy neutral amendment</p>
02.05 Built environment and heritage	<p>Correct error.</p>	<p>Policy neutral amendment</p>
02.03-6 Economic development	<p>Amend wording for clarity.</p> <p>Introduce new strategic direction to implement and give effect to Council Plan and Tourism and Economic Development Strategy regarding agriculture based tourism.</p>	<p>Policy neutral amendment</p> <p>Policy neutral amendment</p>

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	Further strategic work required to provide direction for tourist infrastructure operations in urban centres as part of proposed settlement planning.	Further strategic work
02.03-7 Transport	No change.	Complies
02.03-8 Infrastructure	Amend wording improve clarity and readability. Introduce new strategic direction to implement and give effect to Council Plan and Inclusion Plan direction on active transport.	Policy neutral amendment Policy neutral amendment
Buloke Shire Settlement Structure Plan	Existing map complies but contains limited strategic direction. Following the preparation of settlement plans for Birchip, Donald, Wycheproof, Charlton, and Sea Lake, there is opportunity to enhance the map with further short term and long term settlement strategies for key towns.	Complies Further strategic work

5.3. Planning Policy Framework

All the Local PPF policies that are included in the scheme are included in the table below. Changes may be required to align with the MDFC, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no and name	Compliance or changes required	Action
		PSR complies PSR further strategic work PSR policy neutral amendment PSR full amendment
Settlement No local policies	Following the preparation of small town settlement plans insert relevant strategies for: Birchip, Donald, Wycheproof, Charlton, and Sea Lake and include individual framework maps and insert at Clause 11.03-6L Local Places	Further strategic work
12.01-2L Native Vegetation	Amend wording for clarity and remove duplication of directions. Update name of policy document.	Policy neutral amendment
12.03-1L Waterways and wetlands	Clause 12.03-1L identifies (ESO1) as applying to Woornook Lakes,	Further strategic work

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	however the ESO1 map does not reflect this. Further strategic work is required to identify the extent of land required to protect the values and amenity of all significant lakes and wetlands and to determine if a new schedule is required or the extended mapping of ESO1.	
Clause 13.03-1L Floodplain Management	Amend strategy wording for clarity.	Policy neutral amendment
13.04-2L Land Degradation	Amend strategy wording for clarity.	Policy neutral amendment
13.07-1L-01 Amenity protection - General	Amend strategy wording for clarity and remove two items due to duplication.	Policy neutral amendment
13.07-1L-02 Township amenity protection Amenity protection - Townships	Amend heading for consistency with C13.07-1L-01. Amend strategy wording for clarity.	Policy neutral amendment
14.01-1L-01 Protection of agricultural land	Amend strategy wording for clarity and remove 1 item due to duplication.	Policy neutral amendment
14.01-1L-02 Rural dependant enterprises	Amend wording for clarity.	Policy neutral amendment
14.01-1L-03 small lot subdivision	Amend wording for clarity. Further strategic work is required to increase the maximum excision size from 2 hectares to a larger curtilage, such as 5 or 6 hectares.	Policy neutral amendment Further strategic work
14.01-2L Sustainable agriculture and rural industry	Amend wording for clarity.	Policy neutral amendment
14.03-1L Extractive industry	Update wording to provide more clarity for meeting application requirement.	Full amendment
15.01-2L-02 Industrial building design	Amend wording for clarity. Suggested change to clarify wording to ensure all hard surface areas are designed to reduce visual impact, not just for spaces with a capacity of 10 cars or more.	Policy neutral amendment Full amendment
15.03-1L Heritage	Complies, no changes required.	Complies
16.01-1L Housing diversity in Buloke	Amend strategy to clarify wording and reflect adopted council policy. Following the preparation of small town settlement plans insert	Full amendment Further strategic work

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	relevant strategies that identify housing types and densities to be promoted and achieved across different towns e.g. worker housing, infill development, social housing and compact housing.	
17.03-1L Industry	Update to remove duplication of strategies.	Policy neutral amendment
18.01-1L Integrated transport	Amend wording for clarity.	Policy neutral amendment
19.01-2L Renewable energy in Buloke	No change.	Complies
19.03-2L Development infrastructure	Update to remove duplication of strategies with State policy and local policy. The Infrastructure Design Manual (Local Government Infrastructure Design Association, 2020) to be inserted at Clause 72.08 as it is referenced in scheme but not included in schedule.	Policy neutral amendment

5.4. Zones

All the zone schedules that are included in the scheme are in the table below, alongside a notation about whether they comply or require changing due to recommendations of this review. Changes may be required to align with the MDFC, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no and name	Compliance or changes required	Action
		PSR complies
		PSR further strategic work
		PSR policy neutral amendment
		PSR full amendment
32.05 Township Zone Schedule	No change required, no content.	Complies
33.03 Industrial 3 Zone Schedule	No change required, no content.	Complies
34.01 Commercial 1 Zone Schedule	No change required, no content.	Complies
35.07 Farming Zone Schedule	Update to correct change of policy name and Clause number following PPF translation.	Policy neutral amendment
36.01 Public Use Zone Schedule	Complies, no change required.	Complies
36.02 Public Park & Recreation Zone	Update Clause 3.0 to include existing Incorporated Document applying to land in PPRZ as per MDFC.	Policy neutral amendment
36.03 Public Conservation and Resource Zone	Complies, no change required.	Complies
37.03 Urban Floodway Zone	Complies, no change required.	Complies



5.5. Overlays

All the overlay schedules that are included in the scheme are in the table below, alongside a notation about whether they comply or require changing due to recommendations of this review. Changes may be required to align with the MDFC or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no and name	Compliance or changes required	Action
		PSR complies
		PSR further strategic work
		PSR policy neutral amendment
		PSR full amendment
42.01s1 Environmental Significance Overlay – Waterway Protection	Update to clarify wording and meet MDFC. Remove policy document and move to Clause 12.01-2L.	Policy neutral amendment
	Update Clause 5.0 to ESO1 to remove reference to <i>Remnant Vegetation Survey and Botanical Inventory of part of the Shire of Buloke</i> (Department of Natural Resources and Environment. 1996).	
	Further strategic work is required to: Update clause 1.0 statement of environmental significance to meet MDFC. Update clause 2.0 to meet MDFC and reduce the 11 objectives listed to a single objective as is allowed under the MD.	Further strategic work
	Further strategic work is required to introduce further permit exemptions and update existing permit requirements under clause 3 to reflect the recommendations of DEECA and in consultation with the relevant water authority.	Further strategic work
	Investigate applying the Environmental Significance Overlay on and around the Wooroonook Lakes, Green Lake, Tchum Lakes, and Watchem Lake to give effect to the strategic directions of Clause 02.03-2 Environmental and Landscape Values, based on advice from relevant	Further strategic work

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	agencies including GMMWC, DEECA, and NCCMA.	
42.02s2 Vegetation Protection Overlay – Roadside and Corridor Protection Area	<p>Update to clarify wording and meet MDFC.</p> <p>Further strategic work is required to update sub clause 2.0 to meet MDFC to combine two objectives to create a single objective.</p> <p>Review the application and intent of the Vegetation Protection Overlay – Schedule 1 (VPO1), based on advice from relevant agencies including DEECA.</p>	<p>Policy neutral amendment</p> <p>Further strategic work</p>
43.01 Heritage Overlay Schedule	<p>Review and update the content and format of the ten precinct <i>Heritage Design Guidelines, Buloke Shire Council, May 2021</i>, listed at Clause 43.01 Application requirements & in the Schedule to the HO.</p>	<p>Further strategic work</p>
43.02s1 Design & Development Overlay – Hospital emergency medical services helicopter flight path protection (inner area)	<p>Update decision guidelines to correct naming convention and update format to meet MDFC.</p> <p>Further work is required to update sub clause 2.0 of DDO1 which can be addressed as part of the proposed permit trigger review.</p>	<p>Policy neutral amendment</p> <p>Further strategic work</p>
43.02s2 Design & Development Overlay – Hospital emergency medical services helicopter flight path protection (outer area)	<p>Update decision guidelines to correct naming convention and update format to meet MDFC.</p> <p>Further work is required to update sub clause 2.0 of DDO2 which can be addressed as part of the proposed permit trigger review.</p>	<p>Policy neutral amendment</p> <p>Further strategic work</p>
44.03 Floodway Overlay Schedule	<p>Insert schedule name.</p> <p>Update wording clarity to meet MDFC.</p> <p>Strategic work required to review FO in collaboration with CMA to determine if permit exemptions can be introduced for minor works.</p>	<p>Policy neutral amendment</p> <p>Further strategic work</p>
44.04 Land Subject to Inundation Overlay Schedule	<p>Insert schedule name.</p> <p>Update wording clarity to meet MDFC.</p> <p>Further strategic work required to review LSIO in collaboration with CMA to determine if permit exemptions can be introduced for minor works.</p>	<p>Policy neutral amendment</p> <p>Further strategic work</p>

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45.12 Specific Controls Overlay Schedule	Complies, no change required.	Complies
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5.6. Particular provisions

All the particular provision schedules that are available to be applied in the planning scheme are included in the table below, alongside a notation about whether they comply or require changing due to recommendations of this review. Changes may be required to align with the MDFC, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
51.01s Specific sites and inclusions	Complies, no change required.	Complies
52.02s Easements, restrictions, and reserves	Complies, no change required.	Complies
52.05s Signs	Complies, no change required.	Complies
52.16s Native vegetation precinct plan	Complies, no change required.	Complies
52.17s Native vegetation	Complies, no change required.	Complies
52.27s Licenced premises	Complies, no change required.	Complies
52.28s Gaming	Complies, no change required. Further strategic work required to prepare policy directions for Clause 02-03-3 Amenity and a schedule to Clause 52.28 Gaming to guide assessment of gaming machines to ensure compatibility with the amenity of the local area and provide a net community benefit.	Complies Further strategic work
52.32s Wind energy facility	Complies, no change required.	Complies
52.33 Post boxes and drystone walls	Complies, no change required.	Complies
53.01s Public open space contributions and subdivision.	Complies, no change required.	Complies
53.06s Live music entertainment venues	Complies, no change required.	Complies
53.15s Statement of underlying provisions	Complies, no change required.	Complies
59.15s Local VicSmart applications	Complies, no change required.	Complies

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Clause no. and name	Is it applied? Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
Schedule 1 to Clause 59.16 Information requirements and decision guidelines for local VicSmart applications	Complies, no change required.	Complies

5.7. General provisions

There are two general provisions that have a schedule available. They are included in the table below with a notation about whether they comply or require changing due to recommendations of this review. Changes may be required to align with the MDFC, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
66.04s Referral of permit applications under local provisions	Update to reflect correct name of determining authority, based on consultation advice.	Policy neutral amendment
66.06s Notice of permit applications under local provisions	Complies, no change required.	Complies

5.8. Operational provisions

All the operational provision schedules that are available to be applied in the planning scheme are included in the table below, alongside a notation about whether they comply or require changing due to recommendations of this review. Changes may be required to align with the MDFC or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause	Name	Considerations	Recommendations Complies PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
72.01s	Schedule to Responsible Authority for this Planning Scheme	Complies, no change required.	Complies
72.02s	Schedule to What Area is Covered by this Planning Scheme?	Complies, no change required.	Complies

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Clause	Name	Considerations	Recommendations
			Complies PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
72.03s	Schedule to What Does this Scheme Consist of?	Complies, no change required.	Complies
72.04s	Schedule to Documents Incorporated in this Planning Scheme	Correct error from Amendment C43blok resulting in the omission of the ten precinct <i>Heritage Design Guidelines, Buloke Shire Council, May 2021</i> , from the Schedule to Clause 72.04 Incorporated Documents.	Policy neutral amendment
72.08s	Schedule to Background Documents	Update to insert missing background documents: <i>Infrastructure Design Manual</i> (Local Government Infrastructure Design Association, 2020).	Policy neutral amendment
74.01s	Schedule to Application of Zones, Overlays and Provisions	Update to insert missing provisions.	Policy neutral amendment
74.02s	Schedule to further strategic work	Update to insert new further strategic work list.	Policy neutral amendment

Findings

The review of local provisions has identified minor updates to ensure the schemes consistency with the MDFC, the PG (Version 1.5, April 2022) and relevant planning practice notes.

The main areas of focus for further strategic work include the preparation of new policy and the review of overlay schedules.

The review of overlay schedules is required to clarify what the controls are seeking to achieve, the extent of land to which the schedule applies, and to amend the list of objectives or strategies in order to remove repetition or to conform to the MDFC number limit. For schedules to the Floodway Overlay, Land Subject to Inundation Overlay and Design and Development Overlay there is also opportunity to investigate permit exemptions for minor works.

A range of further strategic work items are also recommended, including the preparation of township framework plans, infill housing policy, rural zone policy and environmental management strategies.

- B. Findings: Amend the MPS, local PPF policies and schedules to include changes identified in the audit of the planning scheme review and shown on the marked up ordinance at Appendix Two.**



6. Planning scheme performance

This section contains an analysis of planning permit activity for the review period between the 2017/2018 financial year and the 2021/2022 financial year.

It draws on publicly available Planning Permit Activity and Reporting System (PPARs) data and feedback received from the planning unit.

6.1. Planning permit activity

6.1.1. Number of permits assessed

Evidence

Table 1 below indicates the number of permit applications received between the 2017/2018 financial year and the 2021/2022 financial year.

284 permit applications were lodged, comprising 281 new permit applications and 3 amended permit applications.

Table 1: PPARs report for permits issued between the 2018/2019 financial year and the 2021/2022 financial years.

Permits refusals)	(including 2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Received	40	57	63	65	59
Processed	38	56	64	65	50
Issued	33	55	64	62	47
Refused	1	1	0	1	0
No permit issued	0	0	1	0	2
Withdrawn, lapsed, not required	2	0	0	2	3

Discussion

Permit activity has been largely consistent across the review period. The highest number of permits processed was in the 2020 – 2021 financial year, which is likely to reflect the general trend across the State of increased development activity in regional areas, attributed to the COVID-19 pandemic.

Of the 273 permits processed, 3 permits were refused, and 10 permits were recorded as withdrawn, lapsed or no permit issued.

It is recommended that the planning department continue to monitor the number of applications that are withdrawn, lapsed, or lodged but don't require a permit.

Planning staff have indicated an interest in developing a suite of application resource material to provide greater certainty to applicants regarding planning controls and application requirements.

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Making this material publicly available on the new Greenlight platform on the council's webpage or in hardcopy at its customer service centre may also enhance customer service.

6.1.2. Service performance

Discussion

The data shows that the planning unit has consistently decided planning permit applications within the required statutory timeframes for standard permit applications.

PPARs data supports this and over the review period the average processing days to determine a permit was 41.26 days, with 92 percent of 'VicSmart' and 82 percent of 'standard' permit applications meeting the statutory assessment timeframe of 10 and 60 days respectively.

Although the time taken to determine a permit has increased from 41 to 60 days, this is still below requisite timeframes set out in the *PE Act*. These figures represent excellent results given the increase in permit activity and the staffing arrangements of the planning unit during this period.

Table 2: Comparison of service performance against comparable councils. **Source:** www.knowyourdata.vic.gov.au

Measure description	Council	2018-2019	2019-2020	2020- 2021	2021 - 22
Time taken to decide planning applications	Buloke	30 days	38 days	41 days	60 days
	Ararat	57 days	33 days	31 days	41 days
	Northern Grampians	79 days	66 days	89 days	109 days
	Yarriambiack	16 days	18 days	18 days	49 days
Cost of statutory planning service per planning application	Buloke	\$1886	\$2308	\$3025	\$3554
	Ararat	\$2976	\$2056	\$1685	\$2340
	Northern Grampians	\$6503	\$4543	\$3606	\$3370
	Yarriambiack	\$1731	\$2423	\$4725	\$4206
Council planning decisions upheld at VCAT	Buloke	N/A	100%	N/A	N/A
	Ararat	N/A	N/A	N/A	100%
	Northern Grampians	N/A	N/A	N/A	N/A
	Yarriambiack	N/A	N/A	N/A	N/A

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



6.1.3. Most common permit triggers

Discussion

Between 2018/2019 and 2021/2022, the category of permits generating the highest activity has been 'one or more new buildings'.

PPARs and council supplied data indicates that these permits are typically for:

- Agricultural sheds and outbuildings in the rural zones (45).
- Domestic outbuildings located in the township zone (27).

Council officers have confirmed that overlay controls such as the Land Subject to Inundation Overlay (LSIO), Flood Overlay (FO), Heritage Overlay (HO), and Design Development Overlay (DDO) trigger a high number of permits in township areas.

It was also noted that the number of residential subdivision and single dwelling approvals grew during the review period.

	2018/2019	2019/2020	2020/2021	2021/2022
Application type				
Change or extension of use	4	7	9	8
Demolition	2	1	1	1
Extension to an existing dwelling or structure associated with a dwelling	2	1	1	4
Extension to an existing building or structure (other than a dwelling)	2	4	1	2
Liquor licence	3		1	2
Multi-dwelling		1	4	2
Native vegetation removal	1	5	2	1
Other	3			1
One or more new buildings	24	31	33	17
Other buildings and works (including septic tanks, dams, earthworks)	8	13	6	4
Signage	2	2	5	5
Single dwelling	1	3	5	4
Subdivision (realignment of boundary)	4	4	3	3
Subdivision of land	5	3	2	8
Telecommunications facility	1	2	1	

6.1.4. VCAT matters

Two (2) permit applications were subject to a review by the Victorian Civil and Administrative Tribunal (VCAT) in the 2018 – 2022 review period.

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As the council received approximately 284 planning permit applications in the last 5 years, it is positive that only two of these have been challenged through VCAT (see Table 4).

Table 4 – VCAT Outcome from 2018-2021 calendar years

Affirmed	Varied	Set aside	Withdrawn
1	1		

Source: Council supplied data

6.1.5. Geographic spread of applications

Planning permit activity is not distributed evenly across the municipality. Table 5 shows that permit applications are concentrated within the townships of Charlton, Donald, Wycheproof, Sea Lake, and Birchip. This is not unexpected as these townships represent Buloke Shire's primary urban centres, providing a focus for residential, commercial, retail, and industrial opportunities.

Whilst the MPS acknowledges the importance of these townships, the scheme lacks up-to-date policy to assist council to achieve its strategic goals for sustainable growth, housing diversity, economic development, and infrastructure and community service provision targeted to the unique attributes of each town.

While population data does not reflect the need to increase residential land supply in the Shire, the council's 2012 - 2025 Council Plan and other key strategic documents identify a desire to increase the diversity of housing and accommodation options, providing a quality urban environment for residents to 'age in place' and support the growth of the tourism sector. As referenced in Section 10, it is recommended that the council prepare a small town structure plan for Charlton, Donald, Birchip, Wycheproof, and Sea Lake to ensure the planning scheme aligns with the councils broader policy position.

Table 5 – Key permit action areas from 2018 – 2022 calendar years

Location	Number of applications	% of total
Charlton	52	18.5%
Donald	50	17.8%
Wycheproof	34	12.1%
Sea Lake	26	9.2%
Birchip	20	7.1%
Berriwillock	7	2.5%
Culgoa	6	2.1%

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Yeungroon East	6	2.1%
Gil Gil	5	1.8%

Other areas such as Berriwillock, Culgoa, Gil Gil, and Yeungroon East represent the next most active areas for permit activity, with between five and seven applications per place. Many of these smaller areas are agricultural areas and are well supported by agricultural policy within the PPF and appropriate zoning (Farming Zone).

Findings:

- C. Use the DTP Better Planning Approval templates to develop a suite of resource material to support planning scheme users and streamline planning processes. Publish on Greenlight platform on the council's webpage and in hardcopy at Buloke Shire Council customer service centres.

6.2. Planning Panels Victoria

6.2.1. Summary of planning scheme amendments

The council has undertaken six planning scheme amendments since the 2018 planning scheme review, including:

- C43 - Replaced the LPPF of the Buloke Planning Scheme with a new MPS at Clause 02, local policies within the Planning Policy Framework at Clauses 12 to 19 and selected local schedules to an overlay and operational provisions.
- C42 - Deleted the Environmental Significance Overlay, Schedule 2 (ESO2 - Channel and Reservoir Protection).
- C39 - Corrections amendment that removed inconsistencies in local schedules with the Victorian Planning Provisions as part of the Smart Planning Local Schedules Update.
- C036 - Rezoned various parcels of publicly owned land at Tchum Lakes, Watchem Lake, and Wooroonook Lakes from Farming Zone to Public Park and Recreation Zone or Public Conservation and Resource Zone
- C037 - Facilitated the 'Bringing Water back to Green Lake Project' to rezone land from Public Conservation and Resource Zone to Public Park and Recreation Zone, with an incorporated document to specify relevant land use, land management, and environmental requirements for the Green Lake recreational precinct.
- C027 - Applied the Land Subject to Inundation Overlay and Floodway Overlay to land in the townships and surrounds of Charlton and Donald, amends the Schedule to Clause 44.03 and Schedule to Clause 44.04) to update the permit exemptions for buildings and works.

The only amendment from the list above that was subject to a Planning Panel hearing was for Amendment C027, prepared by the council and North Central Catchment Management Authority to



implement the findings of the Charlton Flood and Drainage Management Plan, 2013 and the Donald Flood and Drainage Management Plan.

Twenty-two (22) submissions were received to the exhibition of the amendment, all relating to the proposed flood controls affecting the township of Charlton.

The panel report did not raise any further strategic work that was required in relation to flood controls and environmental risk and report recommended that the amendment *'be adopted as exhibited, subject to amending Map 40LSIO-FO (Charlton) to apply the flood mapping revised to take into account recent road works on Charlton-St Arnaud Road'*.

6.3. Victorian Civil and Administrative Tribunal

6.3.1. VCAT cases reviewed

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

- LH Perry & Sons Freehold Properties Pty Ltd v Buloke SC [2022] VCAT
- Total Outdoor Media Pty Ltd v Buloke SC [2019] VCAT 1766
- Buloke SC v Bell & MAMF Functions Pty Ltd [2016] VCAT 797
- Buloke SC v Bell [2016] VCAT 335
- MAMF v Buloke SC [2016] VCAT 289 (Red Dot)

6.3.2. Policy issues raised at VCAT

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

- Major Promotion Signage locations at township entrances.
- Visual amenity in township areas.
- Clause 71.02-3 Integrated decision making.
- Land owner consent (including from Crown Land manager consent) is required prior to commencement of works and use of land.
- Commencement of works and use without planning approval.
- Place of Assembly is a relevant trigger for the requirement of a Cultural Heritage Management Plan.

6.3.3. Major Promotion Sign and gateway amenity

Summary



In *Total Outdoor Media Pty Ltd v Buloke SC* [2019] VCAT 1766, the council issued a refusal to grant a permit for the proposed installation and display of a two-sided major promotion sign at the entrance to Charlton. The council refused the application on the grounds that:

- *The proposed sign is excessive in scale and inappropriate at this entry point into the Charlton township.*
- *The proposed sign is incompatible with the amenity and visual appearance of the area.*
- *The proposed sign does not complement or enhance the character of the area.*

The tribunal supported the council's decision, stating that: "*whilst State policy recognises that signs can add vitality and colour to business areas, I am not persuaded that this sign is acceptable when assessed against the whole suite of State and local policy and controls dealing with advertising signs, particularly having regard to the specific site context... When assessed on that basis, I am not persuaded that the net community benefit test contained at Clause 71.02-3 of the Planning Scheme has been satisfied*".

This case demonstrates that the council would benefit from the preparation of policy to guide township entrance treatments and urban design in township areas. There is opportunity to prepare policy as part of the proposed township framework settlement plans for insertion into Clause 15.01-1L Urban Design that provides specific gateway signage policy to clarify acceptable signage outcomes.

7. Stakeholder engagement

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

7.1. Planners' feedback

Council planning officers were asked to respond to a survey about the use and performance of the Buloke Planning Scheme. Survey questions ranged from queries about common permit triggers and timelines for assessing applications, to the role and relevance of policy, controls and the identification of policy gaps.

Survey feedback provided the basis for a workshop with council planners held on 28 April 2023. The workshop expanded on the issues raised in the planners' survey and analysed planning scheme performance more broadly.

Key issues discussed at the meeting included:

Residential Development and the township zone

- Township Zone (TZ) is the primary residential zone in the municipality. There is no Rural Living (RLZ) or Low Density Residential Zones (LDRZ) to provide greater diversity for housing options / larger land parcels.



- It was identified that there is a low uptake of vacant land in the TZ to construct new residential development, infill development, or higher density development such as units or town houses.
- Shortage of quality housing stock, but refurbishment of aged housing stock and retrofitting to improve environmental conditions / sustainability is impacted by poor return-on-investment for capital improvements.
- Low property value equates to low return-on-investment for new dwellings or multi-dwelling development.
- Transport 2 Zone (TR2Z) applies on major routes within township boundaries (including high streets) and results in high number of permits for new vehicle crossovers and access that must be referred to Regional Roads Victoria.

Agricultural Zones

- Lack of local policy to guide decision making on appropriate locations for siting renewable energy projects, such as solar farms.
- Small lot subdivision in FZ - strategic work required to increase minimum lot size for dwelling excision from 2 ha to 5 ha to allow for effective amenity buffer and wastewater management.
- Sheds & outbuildings in the FZ identified as generating highest permit application activity. Optimistic that updates to permit requirements introduced via VC231 (gazetted 3/4/2023) should reduce permit numbers for agricultural sheds, domestic outbuildings, and dwelling extensions in FZ.

Signage

- Signage policy or application guidelines would benefit decision making for new advertising signage in heritage streetscapes and promotional signage at townships gateway areas.

Policy gaps

- No local policy in scheme regarding climate change mitigation in urban and rural areas.
- No local policy in scheme regarding the siting of gaming machines and how to assess applications against matters such as amenity, cumulative impact, and community net benefit.

Heritage

- Heritage Overlay mapping requires updating to correct anomalies.
- Heritage precinct guidelines are listed in the Schedule to Clause 43.01 but due to an administrative error were omitted from the Schedule to Clause 74.02 at the gazettal phase of Amendment C43blok.
- A review and update of heritage policy and controls in the scheme (including supporting documents such as the heritage guidelines and permit exemption documents) is required to meet Planning Practice Note 01: Applying the Heritage Overlay (PPN01).
- A review of the Buloke Heritage Study Stage 1 & 2 is required to assess and protect places of local heritage significance identified by the study.



Overlays

- Some local schedules to overlays require review and drafting to remove permit requirements for minor or inconsequential works, clarification of application requirements, improvements to wording, and potential expansion or reduction of mapping.

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

7.2. Councillors and executive team

The Executive team and councillors participated in a workshop on 7 June 2023. The workshop introduced the planning scheme review, discussed the objectives of planning in Victoria, and included a summary of analysis findings to date.

The councillors raised several matters, including:

- Implementation of the Rural Land Use and Settlement Strategy via the rezoning of FZ parcels to create RLZ is a priority.
- Desire to increase housing diversity options and supply of lifestyle lots to increase housing choice and attract new residents.
- In small towns affected by the TZ, permit requirements for non-residential uses (such as those associated with retail, liquor licencing, signage, etc) are creating uncertainty for applicants due to potential amenity impacts.

7.3. Referral and notice agencies

Input to the planning scheme review process was sought from the referral authorities that are listed under the Schedule to Clause 66.04 to ensure that any necessary changes to the local policy setting for the Buloke Planning Scheme are identified.

Other referral authorities with statutory referral responsibilities were also contacted.

The substantive issues raised by agency or authorities are summarised below:

North Central Catchment Management Authority (NCCMA)

- Reduce flood controls from sites in Donald due to recent flood mitigation works, as per Flood Plain Management Strategy (2018).

Department of Transport and Planning (DTP)

- Identifies policy gaps or opportunities to include policy to encourage the design and construction of cycling and pedestrian networks in townships, infrastructure for ageing populations and heavy vehicle through-traffic.

Department of Energy, Environment and Climate Action (DEECA)

- Proposed changes to Schedule 1 to Environmental Significance Overlay (ESO1) to update wording, reduce permit requirements, and remove redundant policy.

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- Update Clause 5.0 to ESO1 to remove reference to *Remnant Vegetation Survey and Botanical Inventory of part of the Shire of Buloke* (Department of Natural Resources and Environment. 1996).

Department of Health (DoH)

- Update Clause 1.0 to schedule to Clause 66.04 and Clauses 6.0 of schedule 1 to Clause 43.02 (DDO1) and schedule 2 to Clause 43.02 (DDO2) to change “Department of Health and Human Services” to reflect the Department’s correct name “Department of Health”.

Country Fire Authority (CFA)

- Ensure future settlement planning for small townships include clearly defined separation or hard edges / buffers that restrict the passage of wildfire from surrounding agricultural land uses.

Refer to Appendix Three for a copy of Referral Agency feedback.

7.3.1. Summary of issues raised through engagement

Issue	Planners	Crs and Executive	Referral Agencies
Drafting, permit requirements and intent of local schedules	✓		✓
Flood controls and mapping	✓		✓
Clarify policy for house excision and small lot development in the Farming Zone	✓		
Housing diversity	✓	✓	
Implementation of Rural Land Use and Settlement Strategy	✓	✓	
Settlement planning for key townships to address land compatibility, zoning and define future township boundaries	✓	✓	✓
Permit triggers for access to Transport 2 Zone	✓		
Climate change adaptation	✓		
Signage policy and township gateway precincts	✓		
Gaming policy to guide amenity and community net benefit	✓		



Issue	Planners	Crs and Executive	Referral Agencies
Heritage controls, mapping, supporting documents and a further stage of the Buloke Heritage Study.	●		

Findings

- D. Prepare policy for insertion into the scheme at Clause 02-03-3 Amenity and a schedule to Clause 52.28 Gaming to guide assessment of gaming machines to ensure compatibility with the amenity of the local area and provide a net community benefit.**

8. New strategic work

New strategic work that has been adopted by the council and prepared for the Loddon Mallee Region was reviewed to identify whether any new policy may be incorporated into the scheme.

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

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

Regional documents, such as Catchment Management Plans, are also reviewed, to identify if there are any land use planning proposals that should be reflected in the scheme (for example, the construction of a new wetland).

8.1. Council projects and documents

The council provided seven documents that have been prepared and adopted by the council since the last planning scheme review. A detailed assessment is included in Appendix One.

There is strategic justification for the objectives and policies outlined in the Council Plan to be translated and inserted in the scheme.

Further strategic work is required to prepare the strategic justification to implement the strategic directions contained in the Rural Land Use & Settlement Strategy or draft applicable local policy to introduce new policy based on actions in the Buloke Climate Change Mitigation and Adaption Plan, Inclusiveness Plan and Asset Plan.



8.1.1. Documents reviewed

- *Buloke Shire Council Plan 2021 – 2025 including the Municipal Health and Wellbeing Strategy (Buloke Shire Council, 2021)*
- *Buloke Shire Council Inclusiveness Plan (Buloke Shire, 2018)*
- *Buloke Asset Plan (Buloke Shire, 2022)*
- *Draft Transport Asset Management Plan (Buloke Shire, 2022)*
- *Rural Land Use & Settlement Strategy (PLN Planning, 2019)*
- *Buloke Climate Change Mitigation and Adaption Plan (Ndevr Environmental, 2020)*
- *Interim Economic Development and Tourism Strategy 2022-2023 (Buloke Shire, 2022)*
- *Buloke Shire Council Advocacy Strategy (Buloke Shire, 2023).*

8.2. Regional projects and documents

- *Mallee Regional Catchment Management Strategy 2022-2028*
- *North Central Regional Catchment Management Strategy 2021-2027*
- *Dja Dja Wurrung Country Plan 2014-2034 (Dja Dja Wurrung Clans Aboriginal Corporation, 2014)*
- *Growing what is Good Country Plan (Barengi Gajin Land Council, 2017).*

A detailed assessment of the above strategies is included in Appendix One.

It is recommended that the scheme should be amendment to acknowledge First Nations people in 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 Buloke Shire.

8.2.1. Findings

E. Prepare a planning scheme amendment or amendments using the marked-up ordinance at Appendix Two to:

- e) Amend the Context (02.01) to include appropriate reference to Traditional Owners and Country.**
- f) Amend the Vision (02.02) to reflect the current Council Plan (2021 – 2025).**
- g) Include new policy to implement the:**
 - *Buloke Council Plan 2021 – 2025, including the Municipal Health and Wellbeing Plan (Buloke Shire Council, 2021).*
 - *Buloke Shire Council Inclusiveness Plan (Buloke Shire, 2018).*
 - *Interim Economic Development and Tourism Strategy 2022-2023 (Buloke Shire, 2022).*



9. Work underway

9.1. Implementation of Buloke Rural Land Use and Settlement Strategy

The *Buloke Shire Rural Land Use and Settlement Strategy (PLN Planning, 2019)* was adopted by the council in August 2019.

The strategy comprises two parts. Part 1 'Rural Land Use' establishes directions to support existing industries such as agriculture and intensive animal industries and emerging opportunities in rural tourism, extractive industries, and renewable energy.

Part 2 'Settlements' establishes directions for the future planning of the Shire's key urban centres. The strategy found limited demand to justify an expansion to the TZ and identified opportunity to create a greater mix of residential development options through the intensification of subdivision development in existing township boundaries with proximity to community services and facilities.

It also recommended that TZ land at the edge of township boundaries should be investigated for use as larger lifestyle lots. The study identified the lack of Rural Living Zone (RLZ) lots in the municipality and recommended further work to identify suitable FZ land that may be rezoned.

The council has commenced work to investigate opportunities to increase rural living opportunities, including the introduction of RLZ lots and investigation of existing vacant land in the Township Zone.

An Issues and Opportunities Paper has been prepared and community consultation is underway.

9.1.1. Findings:

- F. Finalise strategic work that is in progress to implement the Rural Land Use and Settlement Strategy, including the investigation of rural living opportunities.**
- G. Review the minimum excision size in Clause 14.01-1L on land in the Farming Zone to provide adequate curtilage to contain wastewater and amenity buffer for proposed rural dwelling excisions as part of the implementation of the Rural Land Use Strategy.**

9.2. Corrections amendment

The 2018 planning scheme review identified land zoning and mapping errors to be corrected via a planning scheme amendment. The planning unit has continued to add this list and is in the process of preparing a planning scheme amendment to correct the identified errors.

A review of the MPS and PFF has identified further updates that council may wish to include in the corrections amendment.

Findings:

- H. Progress the proposed anomalies and corrections planning scheme amendment to:**



- a. Insert heritage precinct guidelines for the ten precincts listed in Clause 43.01 to the Heritage Overlay as Incorporated Documents in the Schedule to Clause 72.04.
- b. Correct Heritage Overlay mapping errors and anomalies.
- c. Correct land zoning and mapping errors identified in the anomalies register maintained by the planning unit.
- d. Correct land zoning for landfill sites and transfer stations identified in the *Loddon Mallee Waste & Resource Recovery (LMWRR) Implementation Plan – Land Use Planning Project Report* (Centrum Town Planning, 2017).
- e. Apply the Environmental Overlay Schedule to Wooroonook Lakes to give effect to Clause 12.03-1L of the Planning Policy Framework.

10. Key issues

This section expands on the key issues and strategic themes that have emerged through the review:

10.1. Settlement planning

The planning scheme MPS recognises the role of Donald, Birchip, Charlton, Sea Lake, and Wycheproof as the Shire's main focus for residential, commercial, industrial, and public land uses.

The five urban centres comprise a mixture of interspersed land uses, which follow historic settlement patterns along major transport routes and linear waterways.

Clause 02.03-1 encourages a '*flexible approach to land use and development*' within township boundaries and the MPS and PPF includes policy directions to promote adaptation, such as:

- Adaptive re-use of vacant housing for non-residential land uses in town centres (Clause 13.07-1L-02 and 15.01-2L-01).
- Consolidation of land and construction of higher density housing types in township boundaries (Clause 16.01-1L).
- Locating new developments on land connect to existing infrastructure services and transport networks (19.03-2L) over out-of-town greenfield sites.

Clause 02.03-1 also directs that '*flexibility should not prejudice the amenity of the towns, the efficient use of infrastructure or the continuation of agriculture on the fringe of the townships*'.

The preparation of settlement plans (or small-town structure plans) will assist council to coordinate development in appropriate locations, guide existing and future industrial land uses (including appropriate setbacks or buffers) to minimise potential land use conflicts and to guide amenity and built form outcomes for new development.

The plans should also implement the recommendation from the *Buloke Shire Rural Land Use and Settlement Strategy (2019)* to identify appropriate locations to achieve a greater mix of housing types,



especially opportunities for infill development and the use of vacant TZ zone land for larger lifestyle lots.

It is recommended that settlement plans for Donald, Birchip, Charlton, Sea Lake, and Wycheproof address the following matters:

- **Land Use** - identify locations where urban development or change may occur, considering flood risk, physical infrastructure, community services, and facilities, including appropriate controls to minimise potential land use conflicts between sensitive land uses. Strengthen policy in Clause 13.07-1L-02.
- **Housing** – support the intensification and/or diversification of residential development in appropriate locations, including infill development opportunities identified in the Buloke Shire Rural Land Use & Settlement Strategy (2019).
- **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.
- **Streetscapes and urban design** – identify opportunities to increase streetscape amenity and safety, reinforce heritage character, provide age-friendly environments, and enhance gateways and town entrances.

Due to the resourcing and time commitment for settlement planning it is recommended that the council consider a staged approach and prepare 2 plans in this review cycle and 3 plans in the next cycle. Findings:

- I. **Prepare township settlement plans for Donald, Birchip, Charlton, Sea Lake, and Wycheproof.**

10.2. Permit trigger review

A review of planning permit activity data for the 2019 – 2022 period shows that the ‘one or more new buildings’ and ‘other buildings and works’ categories receive the highest number of permit applications.

Permit data and council feedback indicates that these permits are typically for:

- Outbuildings and agricultural sheds in the rural zones.
- Minor structures and outbuilding associated with existing buildings on land affected by the Land Subject to Inundation Overlay, Flood Overlay and Design and Development Overlay.
- Building and works on land affected by the HO.
- New vehicle access for subdivision of land adjacent to the Transport Zone 2

Flood overlays



A large portion of the permits processed from the above categories are 'low risk', meaning that the proposed development will have little planning consequence due to the minor nature of the work and compatibility with the existing use of the land. For example, these include permits for carports, garages, and decking. High numbers of low risk building and works permits can place administrative burdens on planning units, as they are time consuming to assess and if notice or referral to an external agency is required, the issuing of permits can be delayed.

Feedback received from DEECA has identified opportunities to introduce permit exemptions for low risk *'building and works scenarios associated with existing structures or dwellings, particularly in Township zone areas such as Donald or Charlton where residential or commercial allotments are affected by ESO1'*. This recommendation is consistent with planning unit feedback that identified the need to streamline permit requirements for this class of permit application. This is discussed further in Section 10.3 below.

There is also an opportunity to consult with the NCCMA to review the LSIO and FO to determine if a local VicSmart application requirement or permit exemptions can be introduced for minor works.

The NCCCAM has also highlighted the opportunity to reduce flood controls from sites in Donald due to recent flood mitigation works, as per NCCCAM *Flood Plain Management Strategy* (2018).

Design and Development Overlays

Council's planning unit has identified the need to review overlay schedules, including the Design and Development Overlay - schedule 1 & 2 (DDO1/DDO2) to update the wording at Clause 2.0 from:

'A permit is not required to construct or carry out buildings and works in relation to an existing dwelling that exceeds the heights specified in Table 1'

to: *'A permit is not required to construct or carry out buildings and works in relation to an existing building that exceeds the heights specified in Table 1'.*

This proposed change would introduce an exemption for a greater range of buildings, provided the building height does not exceed the limits specified in the table to Clause 2.0. Any change to DDO1 & 2 ordinance would be subject to consultation with the Department of Health.

New vehicle access

The high number of permits triggered under Clause 52.29 for applications to create or alter vehicle access or subdivide land adjacent to a TR22 road was also raised. Permit applications triggered by Clause 52.29 are required to be referred to Regional Roads Victoria (Vic Roads).

A review of land subject to the TR22 in the scheme indicates that all township 'main streets' or 'high streets' are zoned TR22. Rather than back zoning this land to reflect the relevant land use – ie. TZ or C1Z, it is recommended engage with the local DTP Regional Road Victoria Loddon Mallee branch to discuss the design of a local VicSmart schedule with targeted application requirements and agreed design standards for permit applications. An example can be found in Corangamite Planning Scheme which has introduced schedule 2 to Clause 59.16 for applications affecting land adjacent to the Principal Road Network.

Findings:

J. Undertake a permit trigger review to:



- Review Land Subject to Inundation Overlay and Flood Overlay in collaboration with the relevant CMAs to determine if local VicSmart application requirements or permit exemptions can be introduced for minor works. Update mapping to remove controls from sites in Donald due to recent flood mitigation works, as per NCCCAM *Flood Plain Management Strategy* (2018).
- Assess Schedules 1 & 2 to the Design and Development Overlay to investigate reducing permit requirements under subclause 2.0 buildings and works.
- Engage with DTP Regional Road Victoria Loddon Mallee branch to discuss the design of a local VicSmart schedule with targeted application requirements and agreed design standards for permit applications to create standard vehicle access on land adjacent to the principal road network within township areas.

10.3. Environmental values

The Environmental Significance Overlay and the Vegetation Protection Overlay identify and protect landscape and biodiversity values specific to a municipal area.

Schedule 1 to the ESO and Schedule 1 to the VPO were introduced into the scheme as part of the new format planning scheme in 1999. The content and application of the controls remain relatively untouched, including the use of: *‘Remnant Vegetation Survey and Botanical Inventory of part of the Shire of Buloke’* (Department of Natural Resources and Environment, 1996) as the key policy document.

Environmental Significance Overlay

ESO1 applies to public and private land along the shire’s key rivers and creeks, including a buffer area of approximately 250 metres of river frontage that captures native vegetation. It also applies to significant waterbodies including Lake Buloke, Lake Cope Cope, Lake Tyrrell, and Lake Wahpool.

Clause 12.03-1L states that the objective of ESO1 is to *‘conserve the environmental values of waterways and wetlands’* by preventing *‘vegetation removal, waste water disposal and earthworks that detrimentally affect waterways and wetlands’*.

A review of the mapping and content of the schedule has identified opportunities for improvement, including:

- Investigate the expansion of ESO1 or the application of a new schedule (ESO2 / ESO3) to identify and protect Green Lake, Tchum Lakes, and Watchem Lake.
- Update clauses 1.0 and 2.0 to meet Ministerial Direction on the Form and Content of Planning Schemes requirements, clarify wording and amend according to feedback from DEECA.
- Investigate expanding ESO1 mapping over significant waterbodies to provide an adequate curtilage to ensure new development and infrastructure has regard for landscape amenity, native vegetation retention, effluent and stormwater treatment, and to minimise earthworks that may impact on environmental values.
- Work with DEECA to determine if an up-to-date biodiversity mapping or a species survey document that can replace *‘Remnant Vegetation Survey and Botanical Inventory of part of the Shire of Buloke’* (Department of Natural Resources and Environment, 1996)



Vegetation Protection Overlay

VPO1 applies to native vegetation on roadsides managed by the Buloke Shire Council and on private land that supports vegetation corridors adjacent to road reserves.

Although the scheme includes a VPP provision a Clause 52.17 that triggers a permit for the removal, destruction and lopping of native vegetation, this particular provision but does not target specific species or values particular to Buloke Shire. Therefore, it is proposed that the VPO be retained as it offers stronger vegetation protection controls than Clause 52.17, which includes some permit exemptions for roadside vegetation management.

The Buloke Shire Climate Change Adaptation Strategy identifies the need to retain remnant vegetation to improve soil and ground water quality, mitigate erosion, and support habitat corridors.

A review of the mapping and content of the schedule is required to determine if the VPO should be expanded to include local road reserves in the south and north of the municipal area, in collaboration with agencies such as DEECA and NCCMA.

Findings:

- K. Assess the Schedule 1 to the Environmental Significance Overlay for relevance and clarity, update wording, and consider introducing permit exemptions of minor works based on advice from relevant agencies.**
- L. Investigate applying the Environmental Significance Overlay to Green Lake, Tchum Lakes and Watchem Lake to give effect to the strategic directions of Clause 02.03-2 Environmental and landscape values, based on advice from relevant agencies.**
- M. Review the spatial application of Schedule 1 to the Vegetation Protection Overlay and consider expanding, based on advice from relevant agencies.**

10.4. Heritage

The Buloke Shire Heritage Study Stages 1 and 2 (Jacobs, Taylor, Rowe, Johnson and Ballinger, 2011) was undertaken between 2001 – 2011 and implemented into the planning scheme via Amendment C025 in 2016.

Amendment C025 inserted 205 individual and nine precincts of local heritage significance to the Schedule to the Heritage Overlay, local heritage policy and an Incorporated Document: *Buloke Shire Heritage Precincts Incorporated Plan 2012*.

In 2021, Amendment C43 updated the Schedule to the HO and intended to insert ten heritage design guideline documents into the scheme as Incorporated Documents. However due to an administrative error at the gazettal stage, the guideline documents were omitted from Clause 72.04.

Council's planning unit has identified the need to review the heritage planning framework in the scheme to ensure it meets the requirements of Planning Practice Note 01: Applying the Heritage Overlay.



In consultation with the planning unit, this review has identified an opportunity to:

- Examine the places included in the Schedule to the Heritage Overlay to confirm accuracy of mapping, address details, status and controls.
- Insert the statements of significance for the current precincts of local heritage significance into the scheme as Incorporated Documents, including an updated table that identifies the grading of properties (according to significant, contributory and non-contributory).
- Update the existing Buloke Shire Heritage Precincts Incorporated Document to remove the precinct statements of significance to avoid confusion and clarify the permit exemptions that apply to non-contributory places located within precincts.
- Update the ten Heritage Design Guidelines to include guidance on a broader range of topics such as alterations and additions, conservation of historic shopfronts, new buildings, demolition, subdivision, sustainability and services, signage, paint colours and significant trees.
- Prepare a planning scheme amendment to correct the errors and anomalies to the HO schedule and HO maps captured in the list maintained by the planning unit.
- Review the findings of the *Buloke Shire Heritage Study Stages 2 (Jacobs, Taylor, Rowe, Johnson and Ballinger, 2011)* and prepare further heritage assessment work in the broader municipal area.

Findings:

- N. **Prepare and implement a review of heritage policy and controls in the scheme to meet Planning Practice Note 01: Applying the Heritage Overlay requirements, including:**
- **Update the content and format of the ten precinct *Heritage Design Guidelines*, *Buloke Shire Council, May 2021***
 - **Update the content and format of the *Buloke Planning Scheme Heritage Controls, Incorporated Plan*, *Buloke Shire Council, 2012***
 - **Review the list of places included in the Schedule to the Heritage Overlay and the accuracy of HO mapping.**
 - **Review the *Buloke Shire Heritage Study Stages 1 and 2 (Jacobs, Taylor, Rowe, Johnson and Ballinger, 2011)* study findings and advance the identification and assessment of further significant local heritage places across the municipal area.**

10.5. Dwelling excision in the Farming Zone

The council has indicated a preference to increase the maximum lot size to be provided around an existing dwelling to subdivide the dwelling from a larger rural property.



Clause 14.01-1L-03 Small lot subdivision sets out council's policy to guide the excision of rural dwellings located in the Farming Zone. The policy includes a provision that rural dwellings must be contained on a maximum lot size of 2 hectares, that the excised dwelling is to be in a habitable condition, and that the planting of buffer vegetation is encouraged.

The council has indicated that the 2ha maximum lot size may not be large enough to accommodate the services required for a dwelling in a rural area (such as shedding, wastewater effluent disposal field, access, bore water buffers) and to enable the planting of an adequate windbreak and vegetation buffer. A lot size of 5 – 6 hectares has been proposed.

It is recommended that the planning unit consult with council's Environmental Health Officer, the Agriculture Victoria statutory referral service and review relevant Environmental Protection Authority (EPA) guidance documents regarding wastewater treatment regulations. The preparation of updated Clause 14.01-1L-03 policy is also recommended.

There is also opportunity to prepare an application checklist - refer to examples from Colac Otway Shire and Horsham Rural City Council.

Findings:

- O. Review the minimum excision size in Clause 14.01-1L on land in the Farming Zone to provide adequate curtilage to contain wastewater and amenity buffer for proposed rural dwelling excisions as part of the implementation of the Rural Land Use Strategy.**

11. Further strategic work

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

- Council planning strategies that have been recently adopted.
- The previous planning scheme review in 2018.
- Further work already listed within the planning scheme.
- The audit of the planning scheme outlined in Section 5 of this report and included in Appendix One.
- Key stakeholder engagement.

Through the review process, the highest priority tasks for the council to undertake over the next four years to improve the planning scheme has been identified and is included in the recommendations below.

Only work that can be completed in the next four years should be included in Clause 72.04 of the planning scheme. A recommended Clause 72.04 is included in the marked-up ordinance at Appendix Two.

It is recommended that the council use the following list of tasks to prioritise a further strategic work over the next four years:



1. Finalise strategic work that is in progress to implement the Rural Land Use and Settlement Strategy:
 - Review the minimum excision size in Clause 14.01-1L on land in the Farming Zone to provide adequate curtilage to contain wastewater and amenity buffer for proposed rural dwelling excisions.
2. Progress the proposed anomalies and corrections planning scheme amendment to:
 - Insert heritage precinct guidelines for the ten precincts listed in Clause 43.01 to the Heritage Overlay as Incorporated Documents in the Schedule to Clause 72.04.
 - Correct Heritage Overlay mapping errors and anomalies.
 - Correct land zone and mapping errors identified in the anomalies register maintained by the planning unit.
 - Correct land zoning landfill sites and transfer stations identified in the *Loddon Mallee Waste & Resource Recovery (LMWRR) Implementation Plan – Land Use Planning Project Report* (Centrum Town Planning, 2017).
 - Apply an Environmental Overlay Schedule to the Wooroonook Lakes to give effect to Clause 12.03-1L of the Planning Policy Framework.
3. Prepare township settlement plans for Donald, Birchip, Charlton, Sea Lake, and Wycheproof.
4. Undertake a permit trigger review to:
 - Assess the Design and Development Overlay - Schedule 1 & 2 (DDO1/DDO2) and investigate reducing permit requirements under subclause 2.0 buildings and works.
 - Review the Land Subject to Inundation Overlay and Flood Overlay in collaboration to discuss the design of a local VicSmart schedule with targeted application requirements and agreed design standards for minor works.
 - Update mapping to remove controls from sites in Donald due to recent flood mitigation works, as per the *Flood Plain Management Strategy* (2018).
 - Engage with DTP Regional Roads Victoria (Loddon Mallee) to discuss the design of a local VicSmart schedule with targeted application requirements and agreed design standards for permit applications to create new access on land adjoining TR22 within the Shire's main urban centres.
5. Prepare and implement a review of the application and intent of the Environmental Significance Overlay and Vegetation Protection Overlay to:
 - Assess the Schedule 1 to the Environmental Significance Overlay for relevance and clarity, update wording, and consider introducing permit exemptions of minor works based on advice from relevant agencies.
 - Investigate applying the Environmental Significance Overlay to Green Lake, Tchum Lakes and Watchem Lake to give effect to the strategic directions of



Clause 02.03-2 Environmental and landscape values, based on advice from relevant agencies.

- Review the spatial application of Schedule 1 to the Vegetation Protection Overlay and consider expanding, based on advice from relevant agencies.
6. Review and update heritage policy and controls in the scheme to meet Planning Practice Note 01: Applying the Heritage Overlay requirements, including:
- Update the content and format of the ten precinct *Heritage Design Guidelines*, *Buloke Shire Council, May 2021*
 - Update the content and format of the *Buloke Planning Scheme Heritage Controls, Incorporated Plan*, *Buloke Shire Council, 2012*
 - Review the individual places and precincts of local significance in the Schedule to the Heritage Overlay and the accuracy place information and HO mapping.
 - Review the *Buloke Shire Heritage Study Stages 1 and 2* (Jacobs, Taylor, Rowe, Johnson and Ballinger, 2011) study findings and advance the identification and assessment of further significant local heritage places across the municipal area.
7. Prepare policy for insertion into the scheme to guide the siting of rural dependant enterprises in the Farming Zone.
8. Develop and implement local policy for climate change adaptation in urban and rural areas to capture the strategies in the Buloke Climate Change Adaption and Mitigation Strategy (Ndevr Environmental Pty Ltd, 2020).
9. Develop and implement local policy for walking, cycling and open space networks to capture the strategies in both the Council Plan (Buloke Shire Council, 2021-2025) and Inclusiveness Plan (Buloke Shire Council, 2021).
10. Prepare policy for insertion into the scheme at Clause 02-03-3 Amenity and a schedule to Clause 52.28 Gaming to guide assessment of gaming machines to ensure compatibility with the amenity of the local area and provide a net community benefit.



Appendix One



Appendix Two

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



Appendix Three

Comprehensive list of further strategic work

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

The highest priorities have been identified (in bold text) and included in Chapter 9 and 10 of the report. The remaining projects on this list need to be prioritised by council.

Refer to project documents **R3: Further Strategic Work Prioritisation** and the '**A Good Practice Guide to Planning Scheme Reviews, March 2023**' for instructions for preparing a prioritised further strategic work list for Clause 74.02 Further Strategic Work schedule.

Project Name		Project Source
1	Finalise strategic work that is in progress to implement the Rural Land Use and Settlement Strategy. <ul style="list-style-type: none"> Review the minimum excision size in Clause 14.01-1L on land in the Farming Zone to provide adequate curtilage to contain wastewater and amenity buffer for proposed rural dwelling excisions. 	RLUSS 2018 PSR 2023 PSR
2	Progress the proposed anomalies and corrections planning scheme amendment to: <ul style="list-style-type: none"> Insert heritage precinct guidelines for the ten precincts listed in Clause 43.01 to the Heritage Overlay as Incorporated Documents in the Schedule to Clause 72.04. Correct Heritage Overlay mapping errors and anomalies. Correct land zone and mapping errors identified in the anomalies register maintained by the planning unit. Correct land zoning landfill sites and transfer stations identified in the <i>Loddon Mallee Waste & Resource Recovery (LMWRR) Implementation Plan – Land Use Planning Project Report</i> (Centrum Town Planning, 2017). Apply an Environmental Overlay Schedule to the Wooroonook Lakes to give effect to Clause 12.03-1L of the Planning Policy Framework. 	2018 PSR 2023 PSR Clause 74.02
3	Prepare township settlement plans for Donald, Birchip, Charlton, Sea Lake, and Wycheproof (staged over current and next review cycle)	2018 PSR 2023 PSR Clause 74.02
4	Undertake a permit trigger review to:	2018 PSR



	<ul style="list-style-type: none"> – Assess the Design and Development Overlay - Schedule 1 & 2 (DDO1/DDO2) and investigate reducing permit requirements under subclause 2.0 buildings and works. – Review the Land Subject to Inundation Overlay and Flood Overlay in collaboration to discuss the design of a local VicSmart schedule with targeted application requirements and agreed design standards for minor works. – Update mapping to remove controls from sites in Donald due to recent flood mitigation works, as per the <i>Flood Plain Management Strategy (2018)</i>. – Engage with DTP Regional Roads Victoria (Loddon Mallee) to discuss the design of a local VicSmart schedule with targeted application requirements and agreed design standards for permit applications to create new access on land adjoining TR22 within the Shire's main urban centres. 	<p>2023 PSR</p> <p>Stakeholder engagement</p>
5	<p>Prepare and implement a review of the application and intent of the Environmental Significance Overlay and Vegetation Protection Overlay to:</p> <ul style="list-style-type: none"> – Assess the Schedule 1 to the Environmental Significance Overlay for relevance and clarity, update wording, and consider introducing permit exemptions of minor works based on advice from relevant agencies. – Investigate applying the Environmental Significance Overlay to Green Lake, Tchum Lakes and Watchem Lake to give effect to the strategic directions of Clause 02.03-2 Environmental and landscape values, based on advice from relevant agencies. – Review the spatial application of Schedule 1 to the Vegetation Protection Overlay and consider expanding, based on advice from relevant agencies. 	<p>2023 PSR</p> <p>Stakeholder engagement</p>
6	<p>Review and update heritage policy and controls in the scheme to meet Planning Practice Note 01: Applying the Heritage Overlay requirements, including:</p> <ul style="list-style-type: none"> – Update the content and format of the ten precinct <i>Heritage Design Guidelines, Buloke Shire Council, May 2021</i> – Update the content and format of the <i>Buloke Planning Scheme Heritage Controls, Incorporated Plan, Buloke Shire Council, 2012</i> – Review the individual places and precincts of local significance in the Schedule to the Heritage Overlay and the accuracy place information and HO mapping. – Review the <i>Buloke Shire Heritage Study Stages 1 and 2</i> (Jacobs, Taylor, Rowe, Johnson and Ballinger, 2011) study findings and advance the identification and assessment of further significant local heritage places across the municipal area. 	<p>2023 PSR</p> <p>Stakeholder engagement</p>

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7	Prepare policy for insertion into the scheme to guide the siting of rural dependant enterprises in the Farming Zone.	2018 PSR 2023 PSR
8	Develop and implement local policy for climate change adaptation in urban and rural areas to capture the strategies in the Buloke Climate Change Adaption and Mitigation Strategy (Ndevr Environmental Pty Ltd, 2020).	2023 PSR Stakeholder engagement
9	Develop and implement local policy for walking, cycling and open space networks to capture the strategies in both the Council Plan (Buloke Shire Council, 2021-2025) and Inclusiveness Plan (Buloke Shire Council, 2021).	2023 PSR Stakeholder engagement
10	Prepare policy for insertion into the scheme at Clause 02-03-3 Amenity and a schedule to Clause 52.28 Gaming to guide assessment of gaming machines to ensure compatibility with the amenity of the local area and provide a net community benefit.	2023 PSR Stakeholder engagement



Appendix Four

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

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

Since the last planning scheme review in 2010, several VC and GC amendments have introduced new policy into the Buloke Planning Scheme and are directly relevant to this review:

VC083: Introduced a raft of changes to bushfire policy and provisions to implement the recommendations of the 2009 Victorian Bushfires Royal Commission.
VC103: Introduced the reformed rural zones.
VC105: Implemented reforms to Victoria's native vegetation and biodiversity provisions.
VC134: Introduced the Municipal Planning Strategy (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.
VC144: Introduced VicSmart provisions.
VC147: Enabled the online publishing of planning schemes through the DTP Amendment Tracking System (ATS).
VC148: Planning Policy Framework introduction
VC150: Implemented actions outlined in the Victorian Government's Planning for Sustainable Animal Industries Report.
VC154: Implemented of the integrated water management reforms.
VC169: Updated State policy to direct balanced outcomes for housing growth and built form, while also clarifying and consolidating housing policy.
VC175: Buffer Area Overlay introduction
VC200, VC 204 and VC205: Transport planning reforms
VC203: Introduced the new environment protection framework into the Victoria Planning Provisions
VC216: Changed the Planning Policy Framework (PPF) to support Environmentally Sustainable Development (ESD).
VC231: Reduced permit requirements in the Rural Living, Farming and Rural Activity Zones in rural and regional municipalities.

11.1.1. New Planning Practice Notes

Since the last planning scheme review in 2010, Several Planning Practice Notes (PPNs) have been introduced which may impact on the future development of the Buloke Planning Scheme.

PPN03 - Applying the Special Use Zone
PPN23 - Applying the Incorporate Plan and Development Plan Overlays
PPN24 - Shipping Container Storage
PPN30 - Potentially Contaminated Land
PPN58 - Structure Planning for Activity Centres
PPN59 - The Role of Mandatory Provisions in Planning Schemes
PPN60 - Height and Setback Controls for Activity Centres
PPN61 - Licensed Premises – Assessing Cumulative Impact
PPN63 - Applying for a Planning Permit to Farm Chickens
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 for Domestic Rooftop Solar Energy Systems
PPN89 - Extractive Industry and Resources
PPN90 - Planning for Housing

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PPN91 - Using the Residential Zones
PPN92 - Managing Buffers and Land Use Compatibility
PPN94 - Land Use and Transport Integration
PPN95 - Local Heritage Provisions
PPN96- Glint and reflectivity



Appendix Five

Responses from referral authorities and other stakeholders