

Hindmarsh Planning Scheme Review

Version 1.2

August 23, 2024

Final

Planning and Environment Act 1987

Planning scheme review pursuant to Section 12B of the P&E Act

Hindmarsh Planning Scheme

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1.1 – Second draft for Council	MM	4 June 2024
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Acronyms

Abbreviation	Meaning
ABS	Australian Bureau of Statistics
DEECA	Department of Energy, Environment and Climate Action
DTP	Department of Transport and Planning
HPS	Hindmarsh Planning Scheme
FO	Flood Overlay
LSIO	Land Subject to Inundation Overlay
LWFS	Lower Wimmera Flood Study
MDFC	Ministerial Direction on the Form and Content of Planning Schemes
MPS	Municipal Planning Strategy
P&E 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
RAS	Recognition and Settlement Agreement
RPH	Regional Planning Hub
RPP	Regional Planning Partnerships
VCAT	Victorian Civil and Administrative Tribunal
VIF	Victoria in Future
VPPs	Victoria Planning Provisions

WJJWJ

Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk People of
the Wotjobaluk Nations

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1. Executive summary

1.1 Why is the planning scheme being reviewed?

Council as the planning authority for the Hindmarsh Planning Scheme (HPS) is required to review its planning scheme every four years under Section 12(B) of the *Planning and Environment Act 1987* (P&E Act). Council last undertook a comprehensive review of the planning scheme in 2008. The outcomes of this review were not implemented, however it is noted that:

- Amendment C13 corrected a number of mapping anomalies in Nhill and Dimboola. This Amendment was gazetted in February 2015.
- Amendment C19hind translated the Local Planning Policy Framework (LPPF) into the Planning Policy Framework (PPF), which included the Municipal Planning Strategy (MPS), local policies at clauses 11-19 and a selected number of overlays and operational provisions. This Amendment was gazetted in September 2021.
- Amendment C17hind removed inconsistencies in local schedules to ensure compliance with the Ministerial Direction on the Form and Content of Planning Schemes. This Amendment was also gazetted in September 2021.

These Amendments addressed a number of the issues identified in the 2008 planning scheme review, particularly in relation to the operational nature of the planning scheme.

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

1.2 Scope of review

This review has been undertaken using the draft *A Good Practice Guide to Planning Scheme Reviews* (October 2023) prepared by the Department of Transport and Planning. The review has involved:

- Identifying population and demographic changes occurring in the municipality
- Consideration of the recommendations arising from the previous planning scheme review, which occurred in 2008
- Undertaking an audit and assessment of the current planning scheme
- Assessing the performance of the planning scheme.
- Issues arising from stakeholder engagement.
- Consideration of current and proposed strategic projects.
- Key issues.

1.3 Health check and key findings

The HPS has not been substantially reviewed since the introduction of the new format planning scheme in 2000, nearly a quarter a century ago.

A comprehensive review of the HPS was undertaken in 2008. This identified a number of strategic policy gaps and administrative issues with the operation of the planning scheme.

Many of the administrative issues have been resolved through the translation of the planning scheme into the Planning Policy Framework (PPF) (Amendment C19hind) and the review of the zone and overlay schedules (Amendment C17hind). However, through this review other issues have

been identified, most notably the operation of the Environmental Significance Overlay (particularly schedule 6).

Few of the strategic policy gaps identified in 2008 have been addressed. Major policy gaps identified included protecting the Wimmera River environment; the need for more detailed structure plans and urban design guidelines for the urban settlements, particularly Nhill, Dimboola, Rainbow and Jeparit; and the need for analysis on the supply and demand for industrial land.

Over the past few years, the Council has adopted a number of significant strategies that have implications on the planning scheme in terms of updating the MPS and local policies in the PPF. These projects include:

- Climate Change Adaptation, Hindmarsh Shire Council, July 2012
- Hindmarsh Sport and Recreation Strategy, SED Advisory, 2016
- Dimboola Community Precinct Plan, SED Consulting, September 2016
- Nhill Community Precinct Plan, SED Consulting, September 2016
- Nhill Townscape and Lake Masterplan, 2021
- Nhill Aerodrome Master Plan, 2019, Hindmarsh Shire Council
- Hindmarsh Shire Council Economic Development Strategy 2024-2028

Following feedback from Council staff, its planning consultants, councillors and other stakeholders, key strategic priorities include undertaking:

- A rural land use strategy to address opportunities for the productive use of agricultural land and value-adding industries and discouraging the fragmentation of agricultural land;
- A housing strategy to ensure that Hindmarsh is an attractive place to live and meets different housing needs, including opportunities for rural living and greater housing diversity in townships;
- Detailed structure plans for the four main townships of Nhill, Dimboola, Rainbow and Jeparit to guide the future direction of these settlements and ensure they are highly liveable places;
- An analysis of the supply and demand for industrial land; and
- A post settlement heritage study.

1.4 Consolidated recommendations

The Shire of Hindmarsh, with assistance from the Transect Planning Pty Ltd and with funding from the Regional Partnerships Program, has prepared a planning scheme review as required by section 12B(1) of the P&E Act.

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

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

- Is consistent with Ministerial Direction: 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.

Overall recommendation:

That Hindmarsh Shire Council accept this Planning Scheme Review and forward to the Minister for Planning as evidence the Shire of Hindmarsh, as the planning authority for the Hindmarsh 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.

Detailed recommendations

Audit and assessment of the current planning scheme

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

Performance of the planning scheme

Council monitor the permit activity in the Shire to ensure that adequate resources are allocated to the statutory planning department to process applications, and to identify opportunities for streamlining of planning scheme controls to remove permit applications for minor buildings and works.

Initiate a planning scheme amendment to:

- Implement the Lower Wimmera Flood Study (LWFS) through updated maps to the Flood Overlay (FO) and Land Subject to Inundation overlay (LSIO)
- Review the extent of the FO and LSIO in areas where updated flood modelling indicates no flood risk
- Review the FO and LSIO schedules to increase the number of exemptions from minor buildings and works.

Future strategic work

Upon the election of the new Council in late 2024 that a discussion be held with councillors on the funding, resourcing and prioritisation of the following strategic planning projects between 2025-2029:

- Prepare a rural land use strategy to support established rural industries, promote emerging opportunities and recognise and protect important environmental and landscape values.
- Prepare a housing strategy to identify the future housing needs of the municipality, including opportunities for rural living and housing diversity in townships.
- Prepare detailed structure plans for Nhill, Dimboola, Rainbow and Jeparit to guide the future development of these townships.
- Prepare a planning scheme amendment to implement the Lower Wimmera Flood Study.
- Undertake a Heritage Study to identify places of local heritage significance.
- Undertake an analysis of the supply and demand of industrial land to ensure there is sufficient land to support local industries.

2. Introduction

2.1 Purpose

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

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

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

Planning scheme reviews also provide the opportunity to:

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

Council last undertook a comprehensive review of the planning scheme in 2008, however the findings of this review were not implemented or have been superseded by other planning scheme amendments.

The HPS was restructured as part of the Smart Planning reforms in September 2021. A new Municipal Planning Strategy (MPS) and local planning policies were inserted and replaced the former Municipal Strategic Statement (MSS) and Local Policy Planning Framework (LPPF). This was done via Amendment C19hind and was generally policy neutral.

In addition, Amendment C17hind introduced updated zone and overlay schedules to ensure consistency with:

- the Victoria Planning Provisions as a result of Amendment VC142 and VC148; and
- the Ministerial Direction – Form and Content of Planning Schemes.

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

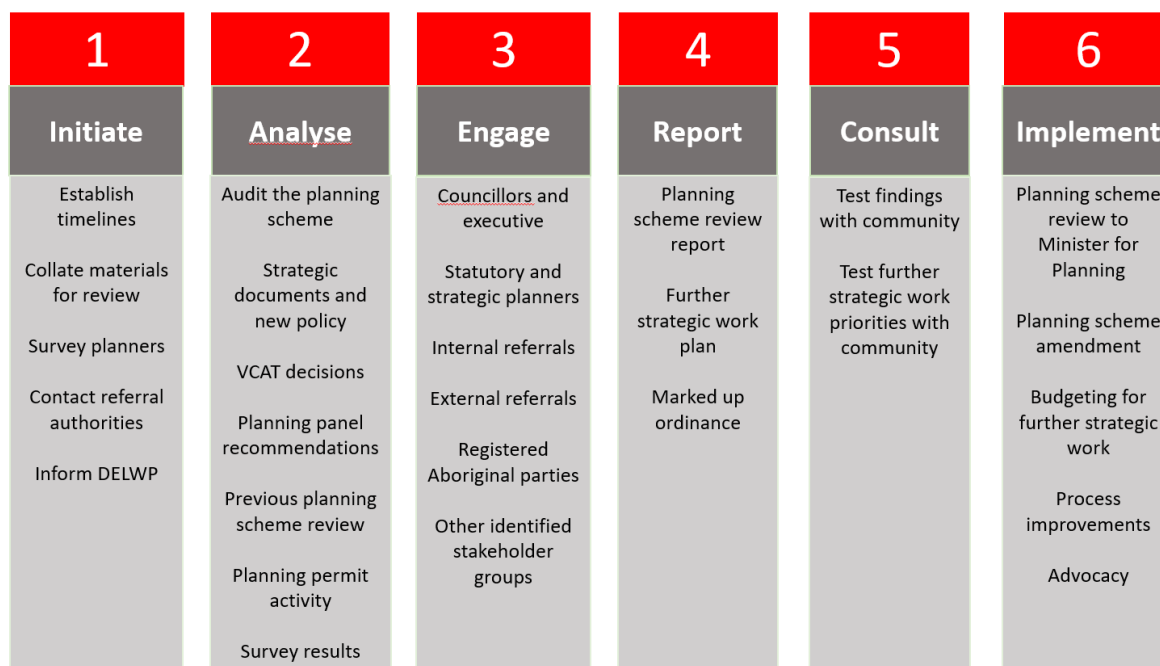
2.2 Methodology

A six-stage methodology prepared by the DTP has been adopted by Transect Planning to undertake the planning scheme review as shown in Figure 1.

The methodology is supported by the *Good Practice Guide to Planning Scheme Reviews* (October 2023) and templates that have been developed to assist with each stage of the process.

Transect Planning has been engaged to conduct stages 1 – 4 for Hindmarsh Shire Council.

Figure 1: Planning scheme review methodology



The timing for the project is:

Stage	Timing
Initiate	February 2024
Analyse	February – April 2024
Engage	February – April 2024
Report	May – June 2024
Consult	Council’s discretion
Implement	Council’s discretion

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

Ministerial directions:

- Ministerial Direction: 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 Victorian Planning Schemes.
- PPN46 Strategic Assessment Guidelines.
- PPN32 – Review of planning schemes.

2.3 Council context

Hindmarsh Shire is located in the Wimmera region in western Victoria and covers an area of 7,527km². Situated on the Western Highway, 375km west of Melbourne and 350km east of Adelaide, it lies on the second-busiest freight corridor in Australia. Hindmarsh Shire has a resident population of 5,698 (2021 Census).

The four major townships in the Shire are:

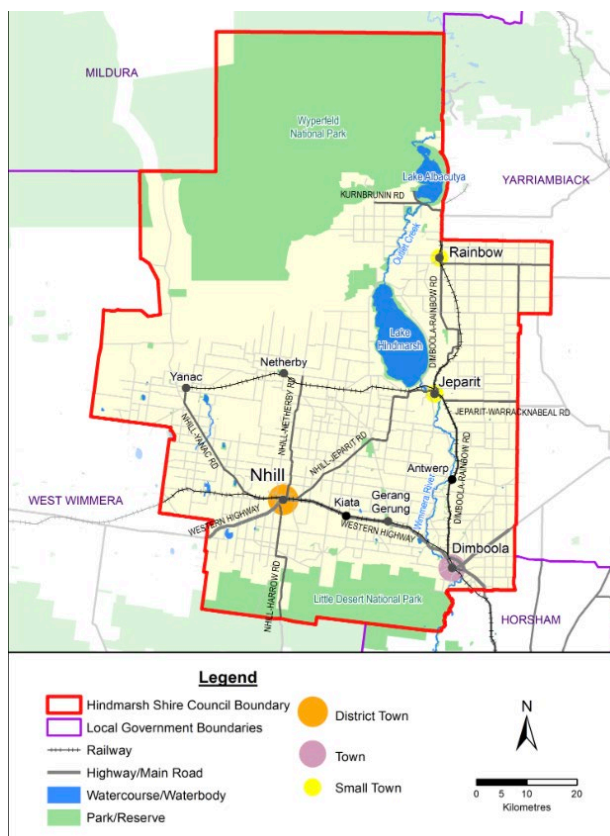
- Nhill
- Dimboola
- Rainbow
- Jeparit

The Shire is bound by two National Parks, the Little Desert in the South and Wyperfeld in the north. Other distinct natural features include the Big Desert Wilderness Area to the west, as well as the Wimmera River and Lakes Hindmarsh and Albacutya. The central part of the Shire is utilised primarily for broad-acre cropping and grazing.

The largest industry in Hindmarsh, both in economic output and employment, is the agriculture sector. However, other established and emerging industries such as manufacturing and tourism are significantly important to the Shire as additional economic support particularly during time of drought.

2.4 Framework plan

The figure below is Hindmarsh’s strategic framework plan included in the MPS:



Council

2.5 Organisational structure

Council’s organisation structure is shown in the figure below:

Organisational Structure



The Manager Regulatory Services has responsibility for all planning functions, both strategic and statutory.

Council currently employs a student planner (who works part time during the academic year) and engages two experienced planning consultants, who currently work approximately one day a week each.

3. What is driving change?

3.1 Population, growth and economy

Hindmarsh's population declined slightly from 5,721 persons in 2016 to 5,688 in 2021 (Victoria in Future (VIF) 2021). Population is projected to decrease to 5,103 persons in 2036 (VIF, 2021). In 2021, Hindmarsh had an estimated 3,649 private dwellings – including unoccupied dwellings (VIF, 2021) and this is forecast to increase to 3,809 dwellings in 2036 – including unoccupied dwellings (VIF, 2036).

There is an average of 2.2 persons per household; the median age is 50 years; and the proportion of people aged over 65 years or over is 27.5%.

Hindmarsh has experienced long-term employment decline and as at 2021 the workforce was 2,233. The largest industry is agriculture (principally grain, sheep, oilseeds and legumes) which accounted for 27.1% of its workers in 2021, and actually increased at a rate of 1.7% per year between 2016 and 2021, the first time in many decades. (Economic Development Strategy 2024-2028)

Other significant industries include health services (which is the second largest employing industry at 18.1% of all jobs, and has been increasing at 0.86% per annum), and employment/training (the third largest employing industry, at 8.1%). Tourism is recognised as an emerging industry and Hindmarsh Shire is part of the Wimmera Mallee Tourism regional grouping. (Economic Development Strategy 2024-2028)

The estimated economic output of the Shire in 2022 was \$721.5 million and 57.3% was contributed by the primary and secondary sectors. (Economic Development Strategy 2024-2028)

Hindmarsh's annual economic output in 2022 was \$805.723 million (Economic Development Strategy 2024-2028)

Unemployment is currently 3.7%. (ABS 2021)

3.2 Climate change and other environmental risks

Hindmarsh developed a Climate Change Adaptation Study in 2012. The Study focused on the assessment of climate change on the Shire's built, economic, social and environmental infrastructure resulting in four plans being established:

- Hindmarsh Climate Change Adaptation Strategy
- Township Climate Change Adaptation Plan
- Integrated Water Management Plan
- Economic Development Position Paper

Generally, Hindmarsh's future climate is expected to be drier and hotter than it is today, with an increased frequency and intensity of extreme events. The number of frosts is expected to decline, while hot days and droughts are expected to increase. Rainfall intensity is expected to increase, however, as total rainfall is expected to decline, runoff captured for consumptive uses is expected to decline.

3.3 Victorian government amendments and advice

The Victoria Planning Provisions (VPPs) are constantly being reviewed and updated at a state level with numerous VC and GC amendments occurring each year. The State also provides advice to

planners in the form of updates to the Practitioner’s Guide and new planning practice notes. The full list of relevant Victorian and Regional amendments that have been gazetted since the last review can be found in Appendix One.

The way in which the HPS should respond at a local level to these changes to the VPPs and how they should be applied has been considered in this review.

4. Previous planning scheme review

4.1 Previous planning scheme review

The HPS was last comprehensively reviewed in 2008. The recommended changes were grouped into three separate categories: 'Administrative Changes', 'Strategic Changes Actionable Now' and 'Strategic Changes Requiring Further Analysis'.

4.2 Progress since last review

Many of the administrative issues affecting the operation of the HPS identified in the 2008 review have been resolved through the translation of the planning scheme into the PPF (Amendment C19hind) and the review of the zone and overlay schedules (Amendment C17hnind).

Major policy gaps identified in the 2008 review included protecting the Wimmera River environment; the need for more detailed structure plans and urban design guidelines for the urban settlements, particularly Nhill, Dimboola, Rainbow and Jeparit; and the need for analysis on the supply and demand for industrial land.

Many of the 'Strategic Changes Actionable Now' and the 'Strategic Changes Requiring Further Analysis' are no longer relevant because of the passage of time or have been superseded by some policy work undertaken by Council. Perhaps the most significant strategic project that has been implemented are the policies and overlays to protect wetlands of high environmental value from the direct and upstream impacts of use and development. This was included in the HPS through Amendment C006, approved in August 2008.

4.3 Outstanding work since last review

Few of the strategic policy gaps identified in 2008 review have been addressed. Specifically, this includes:

- more detailed structure plans and urban design guidelines for the urban settlements, particularly Nhill, Dimboola, Rainbow and Jeparit; and
- analysis on the supply and demand for industrial land.

Outstanding work from the last review would typically be found in Clause 74.02 (Further strategic work). However, the schedule does not contain any projects.

4.4 Obsolete recommendations

As noted above, many of the recommendations from the 2008 review are obsolete because of the passage of time and the schedule to Clause 74.02 does not any contain any future strategic projects.

4.5 Findings

Whilst the 2008 planning scheme review contained many recommendations, few recommendations were implemented.

However, many of the recommendations are no longer relevant because of the passage of time and the emergence of different strategic priorities or because they have been superseded by other

changes to the HPS, particularly Amendment C19hind ,which translated the HPS into the PPF, and Amendment C17hind which reviewed the zone and overlay schedules.

Notwithstanding, it is appropriate that, as part of this planning scheme review:

- The HPS is updated having regard to the adoption of a number of Council documents, notably:
 - Climate Change Adaptation, Hindmarsh Shire Council, July 2012
 - Hindmarsh Sport and Recreation Strategy, SED Advisory, 2016
 - Dimboola Community Precinct Plan, SED Consulting, September 2016
 - Nhill Community Precinct Plan, SED Consulting, September 2016
 - Nhill Townscape and Lake Masterplan, 2021
 - Nhill Aerodrome Master Plan, 2019, Hindmarsh Shire Council
 - Hindmarsh Shire Council Economic Development Strategy 2024-2028.

The strategic work list in Clause 74.02 is updated to provide Council with a clear road map forward on its strategic planning priorities (See Table 2 in Appendix 3).

5. Audit and assessment of current scheme

5.1 Audit Methodology

An audit of each section of the planning scheme has been undertaken. This audit has compared the drafting and application of each provision against the Ministerial Direction: the Form and Content of Planning Schemes, a Practitioner’s Guide to Victorian Planning Schemes (13 December 2023) and relevant planning practice notes.

Each provision has also been assessed with consideration to the work it is doing in achieving the strategic objectives that are set out in the state, regional and local planning provisions.

Findings on improvements that could be made are listed below. These can occur as part of a planning scheme review based on the findings in this report and are included in the marked-up ordinance at Appendix Two.

Action column meanings:

Complies	This means that policy or schedule is correctly constructed and does not require amending as a result of the audit (recommendations in other parts of this review might indicate a change is required).
PSR Policy neutral amendment	This means that a change has been identified to ensure that the policy or schedule complies with the MDFC and good drafting practice. The change is of no policy consequence and can be made through a 20(4) amendment subject to the Minister’s authorisation. A 20(4) amendment does not require public notification or review by a Planning Panel.
PSR Full amendment	This means that a change has been identified to ensure that the policy or schedule complies with the MDFC and good drafting practice. The change may or does have policy consequence and should be made through a full planning scheme amendment process that provides for public notification and review by a Planning Panel.
PSR Further strategic work	This means that a change has been identified to ensure that the policy or schedule complies with the MDFC and good drafting practice. It is beyond the scope of what can be achieved through the planning scheme review, as strategic justification is required to make the change, and Council is yet to do this work OR the change is complex and requires a separate piece of work to understand the ramifications on other parts of the scheme.

5.2 Municipal Planning Strategy

There are some updates required to the Municipal Planning Strategy (MPS), including:

- Replacement of the 2017-2021 Council vision with the Council Plan and Community Vision 2021-2025;
- Inserting Council’s acknowledgment to Traditional Owners; and
- Inserting the updated ABS and Victorian in Future (VIF) data.

The MPS was cross referenced against all the other local provisions in the scheme to ensure that there is a link to all local policies in the MPS.

The table below provides a summary of the recommended changes to the MPS:

Clause no. and name	Change	Action
02.01 Context	Make amendments to include updated population and housing data. Insert acknowledgement to Traditional Owners	PSR Policy neutral amendment
02.02 Vision	Update to implement and give effect to: <i>Hindmarsh Council Plan 2021-2025 and Community Vision 2040</i> (Hindmarsh Shire Council 2021).	PSR Policy neutral amendment
02.03 Strategic directions		
02.03.1 Settlement and housing	Update and give effect to <i>Dimboola Community Precinct Plan 2016</i> Update and give effect to <i>Nhill Community Precinct Plan 2016</i>	PSR Full amendment
02.03-2 Environmental and landscape values		
02.03-3 Environmental risks and amenity	Update and give effect to <i>Climate Change Adaptation Strategy 2012</i>	PSR Full amendment
02.03-4 Natural resource management	Update and give effect to <i>Economic Development Strategy 2024-2028</i>	PSR Full amendment
02.03-5 Built environment and heritage	Update and give effect to <i>Nhill Townscape and Lake Masterplan, 2021</i>	PSR Full amendment
02.03-6 Economic development	Update and give effect to <i>Economic Development Strategy 2024-2028</i>	PSR Full amendment
02.03-7 Transport	Update and give effect to <i>Nhill Aerodrome Master Plan 2019</i>	PSR Full amendment
02.03-8 Infrastructure	Update and give effect to <i>Hindmarsh Sport and Recreation Strategy 2016</i>	PSR Full amendment
02.04 Strategic framework plans		

5.3 Planning Policy Framework

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

Clause no. and name	Changes required (if relevant)	Action
11 Settlement 11.01-1L Settlement - Hindmarsh	Introduce new strategies to give effect to the Nhill and Dimboola Community Precinct Plans 2016 and Nhill Townscape and Lake Masterplan, 2021	PSR Full amendment
13 Environmental risks and amenity	No change	

Clause no. and name	Changes required (if relevant)	Action
13.03-1L Floodplain management - Hindmarsh		

5.4 Zones

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

Clause no	Name and if changes required	Action
32.03s1 Low Density Residential Zone	Outbuilding permit requirements	Complies Note: the provision includes requirements in relation to height although the Ministerial Direction only refers to area dimension.
32.05s1 Township Zone	No local provisions specified.	
32.08s1 General Residential Zone	No local provisions specified.	
33.01s1 Industrial 1 Zone	No local provisions specified.	
34.01s Commercial 1 Zone	No local provisions specified	
35.06-s1 Rural Conservation Zone	Conservation Values Minimum subdivision area Permit requirements for earthworks	Complies
35.03s1 Rural Living Zone	Minimum subdivision area Permit requirements for earthworks	Complies
35.07-s1 Farming Zone	Minimum subdivision area Minimum area for which no permit is required to construct a dwelling Minimum setback from a road (metres) Minimum setback from a boundary (metres) Minimum setback from a dwelling not in the same ownership (metres) Permit requirements for earthworks	Complies
36.01s Public Use Zone	No local provisions specified	
36.02s Public Park and Recreation Zone	No local provisions specified	
36.03s Public Conservation and Resource Zone	No local provisions specified	

5.5 Overlays

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

Clause no.	Name and if changes required	Action
42.01s1 Environmental Significance Overlay – Sewerage Treatment Buffer Area	Decision guidelines not consistent with Ministerial Direction on Form and Content of Planning Schemes	PSR Full amendment
42.01s2 Environmental Significance Overlay – Channel and Reservoir Protection	Schedule includes 4 objectives. Ministerial Direction on Form and Content of Planning Schemes limits the number of objectives to 1	PSR Full amendment
42.01s3 Environmental Significance Overlay – Wimmera River Protection	Schedule includes 6 objectives. Ministerial Direction on Form and Content of Planning Schemes limits the number of objectives to 1	PSR Full amendment
42.01s4 Environmental Significance Overlay – Sun Moth Reserve	Schedule includes 3 objectives. Ministerial Direction on Form and Content of Planning Schemes limits the number of objectives to 1	PSR Full amendment
42.01s5 Environmental Significance Overlay - Wetlands of Conservation Value	Schedule includes 16 objectives. Ministerial Direction on Form and Content of Planning Schemes limits the number of objectives to 1 Contains section on referrals under 66.04 schedule. No section on referrals in Ministerial Direction on Form and Content of Planning Schemes	PSR Full amendment
42.01s6 Environmental Significance Overlay – Catchments of Conservation Value	Schedule includes 16 objectives. Ministerial Direction on Form and Content of Planning Schemes limits the number of objectives to 1 Contains section on referrals under 66.04 schedule. No section on referrals in Ministerial Direction on Form and Content of Planning Schemes	PSR Full amendment
42.02-1 Vegetation Protection Overlay – Roadside Protection and Conservation		Complies
42.02-21 Vegetation Protection Overlay – Biolink Corridor Roadside Protection and Conservation		Complies
43.02s1 Design and Development Overlay - 108-110 Macpherson Street, Nhill		Complies
43.02s2 Design and Development Overlay – Nhill Aerodrome – Obstacle Height Area		Complies
44.03s1 Flood Overlay		Complies
44.04s2 Land Subject to Inundation Overlay		Complies
45.01s1 Public Acquisition Overlay - (Grampians Wimmera Mallee Water)		Complies

5.6 Particular provisions

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

Clause no. and name	Is it applied? Changes required (if relevant)	Action
51.01s Specific sites and inclusions	Not applied	N/A
52.02s Easements, restrictions and reserves	Not applied	N/A
52.05s Signs	Not applied	N/A
52.16s Native vegetation precinct Wimmera Mallee Pipeline Project	Not applied	N/A
52.17s Native vegetation	Not applied	N/A
52.27s Licenced premises	Not applied	N/A
52.28s Gaming	Not applied	N/A
52.32s Wind energy facility	Not applied	N/A
52.33 Post boxes and drystone walls	Not applied	N/A
53.01s Public open space contributions and subdivision	Not applied	N/A
53.06s Live music entertainment venues	Not applied	N/A
53.15s Statement of underlying provisions	Not applied	N/A

5.7 General provisions

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

Clause no. and name	Is it applied? Changes required (if relevant)	Action
66.04s Referral of permit applications under local provisions.	Applied ESO5 and ESO6	N/A
66.06s Notice of permit applications under local provisions	None specified	N/A

5.8 Operational provisions

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

Clause no. and name	Changes required (if relevant)	Action
72.01s Responsible authority for this planning scheme	Applied. No changes required.	Complies
72.01s What area is covered by this planning scheme?	Applied. No changes required.	Complies
72.03s What does this planning scheme consist of?	Applied. No changes required.	Complies
72.04s Documents incorporated into this planning scheme.	Applied. No changes required.	Complies
72.05s When did this planning scheme begin?	Applied. No changes required.	Complies
72.08s Background documents	Applied. Current list includes: <ul style="list-style-type: none"> Dimboola Flood Study (Water Technology, February 2003) Jeparit Flood Study (Water Technology, June 2008) Both these studies have been superseded by Lower Wimmera Flood Study (2017). However, a separate amendment is required before existing studies are deleted and new the study should be included in this section. Update and include strategies that have been adopted by Council that have resulted in changes to the planning scheme	PSR Full amendment
74.01s Application of zones, overlays and provisions	Applied. No changes required.	Complies
74.02s Further strategic work	Not applied. This will require updating as a result of this planning scheme review.	PSR Policy neutral amendment

5.9 Findings

With the adoption of a number of strategies by Council over the past few years, it is appropriate that both the MPS are given effect to and updated as identified in the tables above.

Few changes are required to improve the administration of the planning scheme given that Amendment C17 had implemented a review of all zone and overlay schedules and Amendment C19 had translated the planning scheme into the PPF.

However, this review has revealed that a number of the overlay schedules have a longer list of purposes or objectives than permitted under the Ministerial Direction. For example, schedules 5 and 6 of the Environmental Significance Overlay contains 16 objectives. The maximum of objectives permitted under the Ministerial Direction is 1.

Given the importance of the ESO schedules and the need for discussion to occur between the Wimmera CMA and Council on the final form of the objectives, it is proposed as an interim measure to change the objectives after the first objective into actions to achieve the main objective.

5.10 Recommendation

Amend the MPS, local PPF policies and zone and overlay 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 that has taken place during the last four years. It draws on both publicly available Planning Permit Activity and Reporting System (PPARs) data and data provided by Council.

6.1 Planning permit activity

6.1.1 Number of permits received and assessed

Table 1 shows the number of permit applications received between 2020 and 2023. The numbers indicate that there was a substantial increase of applications in 2021 and 2022 and a substantial decrease in 2023.

Table 1: PPARs report for permits issued between the 2020 and 2023.

Permits (including refusals)	2020	2021	2022	2023
Received	40	67	64	34
Approved with conditions	32	58	47	38
Withdrawn/Lapsed	4	5	3	13
Refusal		1		1
Determined	36	63	50	52

VicSmart applications

VicSmart provides a fast-track permit process. Such applications must be decided within 10 days. Below is a list of the number of VicSmart applications received between 2020 and 2023. These are in addition to the number of applications in Table 1.

Table 2: PPARS VicSmart applications

VicSmart applications	2020	2021	2022	2023
Received	11	3	6	3

Council decisions

Table 3 provides the number of planning applications that were considered by Council rather than by officers under delegated authority.

Table 3: Council decisions

Council decisions	2020	2021	2022	2023
Number	9	20	20	11

Source: Data extracted from Council agendas 2020-2023

Findings

It can be seen from Table 1 that there was a substantial increase of applications in 2020 and 2021. This could reflect a general trend across the state in increased planning permit activity in regional areas during these years, which has been largely attributed to the COVID-19 pandemic and the number of people moving to regional areas. The number of applications has since declined.

There appears to be limited take up of the VicSmart application process, with only a small proportion of applications lodged under this process. More analysis is required to determine whether the small take up is because either applications do not meet the VicSmart criteria or lack of awareness of the process. However, it is noted that information about VicSmart is clearly presented on Council's web site.

Councillors considered a relatively large proportion of applications between 2020 and 2023 compared to other councils. It is understood that there is no instrument of delegation that provides criteria to determine when a matter is referred to Council for decision and that Council's executive team decide when it is appropriate for a matter to be reported to Council for decision.

Further, a relatively large number of applications (aside from the VicSmart applications which must be decided by the CEO) have been decided by the CEO under delegation over the past few years. It is understood that few councils apply this model.

Very few applications are refused. This would appear to demonstrate that applicants are aware of Council's requirements and Council's planners work pro-actively with Applicants to resolve issues and seek approvals rather than have applications refused and contested at VCAT.

6.1.2 Type of applications and timeframes

Findings

Data provided by Council shows that over the last four years the category of permits generating the highest activity have been buildings and works (49), subdivision (48), dwellings (27), removal of vegetation (17) and place of assembly (10).

Many of the buildings and works and removal of vegetation applications are triggered by the overlay controls, particularly Environmental Significance Overlay Schedule 6 (ESO-6 Catchments of Wetlands Conservation Value). Council's planning consultants advised that this schedule is based on the Corrick classification system of wetlands, and was meant to apply only to wetlands of high conservation value. However, it applies to all wetlands. There is an opportunity to review the extent of this overlay to ensure it is meeting its intended purpose and to determine whether more exemptions from minor buildings and works and to less significant vegetation can be introduced.

6.1.3 Comparison with other comparable councils

Findings

Table 4 sets out data against four different indicators for Hindmarsh against other comparable councils.

Table 4: Comparison of service performance against comparable councils

Measure description	Council	2020	2021	2022	2023
Time taken to decide planning applications	Hindmarsh	118 days	77 days	99 days	130 days

Measure description	Council	2020	2021	2022	2023
	Buloke	42 days	49 days	73 days	127 days
	Yarriambiack	45 days	50 days	63 days	82 days
	West Wimmera	97 days	91 days	93 days	117 days
Planning applications decided within required time frames	Hindmarsh	77%	77%	77%	40%
	Buloke	94%	61%	27%	39%
	Yarriambiack	96%	73%	51%	63%
	West Wimmera	78%	88%	66%	84%

Source: Planning Permit Activity in Victoria
<https://public.tableau.com/app/profile/planning.victoria/viz/PlanningPermitActivityReport/Activityoutcomes>
(downloaded 30 April 2024)

Findings

According to the PPARs data, Council has exceeded the average 60 days statutory time frame for making decisions over the four year period 2020-2024.

With few exceptions, the three other comparable councils in Table 4 have also exceeded the average 60 days statutory time frame.

The main challenge for Hindmarsh and the other rural councils is resourcing of the statutory planning function. Rural and regional councils face a significant challenge attracting and retaining qualified and experienced planners. Currently, Hindmarsh employs one student planner (who can only work part time during the academic year) and two consultant planners (both work approximately one day per week).

Even if Council could attract additional planners, funding needs to be found from Council's budget to pay the planners a competitive salary.

Council has prepared a Workforce Plan to address its staffing issues across the organisation. This Plan includes a workforce strategy underpinned by four principles:

- Workforce engagement
- Growing our capabilities
- Having a safe and healthy workforce
- Planning for the future

6.1.4 Decision making

By Council

As noted above, a relatively large number of applications are decided by councillors. Table 5 shows that almost 30% of applications were decided by Council, which would appear to be a relatively large proportion compared to other councils.

Table 5: Decision outcome data from 2020 to 2023

No.	Final Outcome	Percentage
201	Permit issued by Delegate	70.75%
60	Permit decided by Council	29.25%
261		100%

Source: Analysis based on Council supplied data

By VCAT

Hindmarsh has very few applications reviewed by VCAT¹. Between 2020 and 2023, there have only been four cases decided. Two of the cases involved permits associated with the intensive animal industry in Nhill, known as a 'Luv a Duck' and the other application involved a Broiler Farm in Glenlee, with VCAT setting aside Council's decision to approve the application because of concerns with not meeting the requirements of the Broiler Farm Code of Practice. None of the cases have any local policy implications in the HPS.

Source: Council supplied data

By Planning Panels

There have been no Panel hearings involving Hindmarsh over the past four years.

¹ Excluding compulsory conference outcomes.

7. Stakeholder engagement

This section contains an overview and analysis of the stakeholder engagement that has informed the planning scheme review. It includes data collected as part of a briefing with Council's planners, a workshop with Council's Planning team, a briefing with Council and the Executive, responses from referral authorities and agencies and one regular applicant.

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

7.1 Planners' feedback

The *Good Practice Guide to Planning Scheme Reviews* (October 2023) prepared by the DTP suggests that a planners' survey be undertaken to identify key issues associated with the planning scheme. On the basis that the Shire of Hindmarsh has a small planning team it was agreed that a survey would not provide much assistance and that a workshop should be held instead.

7.2 Planners' workshop

The Planners' workshop was held on 26 April, 2024. Attendees included Council's student planner and two planning consultants. A comprehensive list of issues identified during the analyse stage of the review was sent in advance of the workshop to enable a focussed discussion. In summary, the issues raised included:

- There is an opportunity to strengthen the MPS and local policy, particularly in relation to:
 - Protecting agricultural land
 - Identifying areas for rural living
 - Providing more housing diversity in townships
 - Preparing more detailed structure for the larger townships, including Nhill, Dimboola, Rainbow and Jeparit
 - Undertaking an analysis on supply and demand for industrial land
 - Protecting native vegetation
 - Identifying and protecting cultural heritage
 - Engaging a heritage consultant to undertake a Stage 2 heritage study
 - Implementing the Wimmera CMA flood studies.
- There is scope to improve the administration and operation of the planning scheme, particularly in relation to:
 - Reviewing the extent of the Environmental Significance Overlays, especially schedules 3 and 6
 - Identifying more exemptions from buildings and works and vegetation removal that have no implications on the achievement of the schedule purposes
 - Reviewing whether the Wimmera CMA should be referred applications within the ESO where they have no role to play (such as fences)
 - Removing redundant provisions, such as ESO-2 now that the Wimmera Mallee Pipeline is now underground.
- A full time strategic planner position should be created to assist in the preparation of strategies to address the significant policy gaps identified above.

- Two full time statutory planner positions should be created to assess applications for planning permits to provide a more responsive service and which better meets statutory time frames for deciding applications. The statutory planners should have sufficient experience to be able to assess the increasing complexity of planning applications.
- With the appointment of a new manager, it would be an opportune time to review resourcing, internal processes, delegations and digital technology enhancements.

7.3 Councillors and executive team

A briefing was held with councillors and the executive on 8 May 2024. The briefing provided an overview of the statutory requirements of the planning scheme review, the methodology of the review process and an opportunity raise issues in relation to strategic planning priorities and the operation of the HPS. In summary, the main issues raised included:

- Ground floor residential uses along commercial strips in townships, affecting activation of streets.
- High cost of maintaining former commercial and public buildings, such as banks and post offices.
- Impact of state policy on agricultural land which prevents the approval of dwellings in rural areas.
- Appropriateness of whether a major application from 10 or more years ago for residential development in Nhill should have been approved.
- Clarification of rezoning processes and Council's role in considering requests from individual landowners.
- Support for streamlining of planning controls where appropriate so people are not put to unnecessary expense and stress, for example in Jeparit where the flood overlays apply on non-flood prone land.
- Need for more detailed township plans that provide more certainty where growth occurs, identifying the locations where different types of development are appropriate and ensuring good design outcomes.
- Need to provide more industrial land so local trades people and other contractors do not have to use their residential properties for storage etc.
- Support for more townhouses in townships, especially on corner blocks so common property is avoided.
- Whether the State Government is proposing to increase the Minister's planning powers and reduce the role of councils.

Councillors and the executive were informed that a report on the review will be presented to Council and they will be able to prioritise the actions arising from the review.

7.4 Referral and notice agencies

All agencies and authorities listed in Clauses 66.04 and 66.06 were invited to comment upon current arrangements for the referral of permit applications under local provisions. Agencies and authorities were also invited to comment upon any other aspects of the operation of the planning scheme as relevant to their area(s) of responsibility.

Country Fire Authority

The CFA advised that given all of the CFA's relevant referral triggers are associated with state-based planning provisions, the CFA addresses referral requirements with the Department directly as this ensures a consistent approach is applied across all of the country area of Victoria.

Given the wider review that is underway, CFA recommends that any other potential policy changes are prepared through the lens of Clause 13.02-1S.

Environment Protection Authority

The EPA requested whether there was anything specific Council would like to discuss with EPA regarding current or proposed local provisions for referral to EPA.

Victoria Police – Liquor licensing

No response

Department of Transport and Planning (Transport)

Queried whether the review was seeking DTP should be commenting the clauses (a total of 7 for Hindmarsh) in the planning scheme that make DTP a referral authority or it should particularly focus on those two clauses (i.e. Clauses.66.02-11 and 66.02.14) only.

DTP also asked whether there was any preliminary amendment document that it can review and comment on.

In general, DTP advised that it does not wish to make any recommendation to make any changes to the relevant referral-trigger clauses. DTP notes that the referral clauses under the HPS are mostly covered under the VPPs, it does not have referral requirements (to DTP) under the local provisions (Cl.66.04).

Department of Energy, Environment and Climate Action (DEECA)

DEECA made the following comments:

ESO3 - DEECA agrees with the current Statement of Environmental Significance and Environmental objective to be achieved and has no specific feedback or comment in relation to proposed changes. The overlay and current wording seek to protect the environmental values of the river and ensure that the quality and quantity of water, and the value of the river as a significant landscape, is conserved.

Council should consider the views of BGLC in relation to this overlay given the cultural importance of the Wimmera River.

References to the “Department of Environment, Land, Water and Planning” under sub-clauses 3.0 and 5.0 should be updated to the “Department of Energy, Environment and Climate Action”.

ESO4 – DEECA agrees with the current Statement of Environmental Significance and Environmental objective to be achieved under the overlay and does not seek any changes to the current wording nor changes to local referral authorities.

The reference to the “Department of Environment, Land, Water and Planning” in sub-clause 5.0 should be updated to the “Department of Energy, Environment and Climate Action”.

Wimmera Catchment Management Authority

A discussion was held with the WCMA on 8 May 2024. The CMA advised that the Lower Wimmera Flood Study (LWFS) undertaken in 2017 needs to be incorporated into the HPS. The LWFS would result in an expansion of the Flood Overlay (FO) and Land Subject to Inundation Overlay (LSIO) in some areas, but result in the removal of these Overlays in other areas.

The CMA considered there was scope to increase the number of exemptions from minor buildings and works in the existing FO and LSIO as occurred recently with the FOs and LSIOs in the Horsham Planning Scheme (Amendment C81hors).

The CMA also considered that there was scope to increase the number of exemptions from minor buildings and works in ESO-5 and ESO-6, for example for matters such as fences or individual trees. However, they believe the extent of the ESOs are still appropriate.

Agriculture Victoria

AV advised that it has had a small number of referrals from Hindmarsh relating to Poultry farms, Cattle feedlots, and dwellings (with no associated agricultural use).

Any detailed response would be focussed on agricultural land use and the protection of agricultural land.

Dwellings and the protection of agricultural land uses continues to be a common issue across the state.

It is considered that the generic state policies relating to agricultural land use generally benefit from a more prescriptive approach through local policy.

This has the potential to provide decision makers and proponents with clear and concise policy, including objective measures, and appears to be supported in many recent VCAT statements of reasons.

It was indicated that Baw Baw Planning Scheme is a good example of where to start, including Clause 14.01-1L, Dwellings and subdivision in rural areas, with particular reference to the Policy guidelines.

Powercor

No response

GWM Water

No response provided.

7.5 Internal referrals

Feedback from Council staff and/or consultants who provide advice on applications for planning permits was sought. Responses were received from engineering and heritage.

Engineering considered the internal referrals process was generally working well though some applications appear to be missed.

Heritage was also generally satisfied with the referral process but indicated they don't normally receive a response and so don't know if their comments have been taken on board or not.

7.6 Registered Aboriginal Parties

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

Council engages with Wotjobaluk Nations, which comprises the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples.

The Growing What is Good Country Plan prepared by the Wotjobaluk Nations peoples was adopted in 2017. The Plan identifies a number of actions, including re-engaging with Community, creating

strategies to better manage land and water, looking after historical cultural sites, such as Ebenezer and The Ranch, and maintaining cultural practices.

A meeting was held with consultants engaged by the Barengi Gadjin Land Council (BGLC) and a DTP officer on 31 May 2024. There was a wide ranging discussion on how enhanced relationships between the BGLC, Council, government departments/agencies and landowners on cultural heritage issues could improve co-operative management of cultural heritage, noting that this a wider issue than Hindmarsh. Potential planning implications, include, for example, rezoning land from Public Conservation Zone on land where Native Title applies as it is not fit for purpose.

7.7 Applicants

Council provided a list of applicants who frequently lodge applications with Council.

Emails were sent to four frequent applicants with a request to make time available to respond to six questions (included in the email). The questions were:

- Are the Hindmarsh strategic directions appropriate or require review/strengthening?
- Are there any planning policies or planning controls that should be considered by Council for inclusion in the planning scheme? (i.e. strategic gaps)
- Are there unnecessary planning controls or planning controls that are difficult to understand or are unnecessary?
- Are there unnecessary third party notification requirements for particular types of applications?
- What is working well and what could be improved in relation to the planning application process at Hindmarsh?
- Are there any other issues you wish to raise?

Only one response was received from a consultancy firm that largely deals with subdivision applications. In summary, the issues raised were:

- Strategic directions are reasonably clear but the biggest issue is where different planners interpret the planning scheme differently.
- Fragmentation of rural land is not always a significant issue in Hindmarsh and a more nuanced approach should be applied.
- House excision near townships would help improve housing supply.
- Parts of the State policy is very complex and require the engagement of technical experts, such as in native vegetation and bushfire management.
- Most applications for subdivision are advertised which are not always necessary given no material impact of such applications.
- Planning scheme could be improved by reducing the extent of interpretation.
- Each Council use different IT systems, making it difficult to lodge applications – the State Government should develop one IT system for all planning applications.
- Requests for further information is required for most applications, which seems to be a stalling tactic because of statutory time limits – as a result, clients are usually charged more for applications lodged in Hindmarsh.
- Better service would be provided if planning staff were based in Hindmarsh rather than working remotely.
- Having the opportunity for applications to be decided by the elected Council is important when support for applications is not given by the planners.

7.8 Summary of issues raised through engagement

There was a wide range of issues raised through the engagement process. Notwithstanding, common themes to emerge included the following:

- Need to strengthen the local policy framework particularly in relation to agricultural land, housing, planning for the townships, industrial land and heritage.
- Need for increased resourcing in strategic planning to assist in the development of future projects to address strategic gaps and process planning scheme amendments (such as implementing the LWFS) and in statutory planning to assist in the processing of planning applications.
- Opportunities exist to streamline the planning scheme, particularly in relation to the application of some of the ESOs and increasing the number of minor buildings and works applications in the ESO, FO and LSIO schedules.
- More efficient decision making could be achieved with increased delegation of decision making balanced with matters of importance being considered by the elected Council.

8. New strategic work

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

The intention of this part of the review process is to incorporate policy that may have been developed by another part of Council and that is unlikely to be incorporated into the planning scheme through a stand-alone amendment.

The scope of this does not include significant strategic land use planning projects such as structure plans for activity centres or housing strategies, which should go through a separate dedicated planning scheme amendment process.

Regional documents are also reviewed, to identify if there are any Council specific proposals that should be reflected in the planning scheme.

8.1 Council projects and strategies

Council provided a number of strategies that have been developed over the past few years. Each of these strategies are adopted positions of Council and have been through a consultation process. There is strategic justification for the policies outlined in these documents that have a planning relevance to be included in the planning scheme.

Each strategy was reviewed by Transect Planning. It was found that policy outlined in some documents should be bought across to the HPS as they relate to matters that applicants and decision makers should be considering in order to achieve the objectives set out in those strategies.

8.1.1 Strategies reviewed

The strategies below have a direct planning implication that justifies their inclusion into the HPS, either through changes to the MPS or local policies in the PPF:

- Hindmarsh Council Plan 2021-2025 (incorporating Health and Wellbeing Plan) and Community Vision 2040 (Hindmarsh Shire Council)
- Economic Development Strategy 2024-2028 (Street Ryan) 2024
- Climate Change Adaptation Strategy (RMCG) 2012
- Hindmarsh Sport and Recreation Strategy (SED Advisory) 2016
- Dimboola Community Precinct Plan (SED Consulting) 2016
- Nhill Community Precinct Plan (SED Consulting) 2016
- Nhill Aerodrome Master Plan (Hindmarsh Shire Council) 2019
- Nhill Townscape and Lake Masterplan (Thomson Hay Landscape Architects) 2021

The strategies below do not have a direct planning relevance and do not necessitate changes to the HPS. These include:

- Community Action Plan 2024-2028 Dimboola, Jeparit, Nhill & Rainbow
- Wimmera River Waterway Management Plan – Dimboola, October 2021
- Hindmarsh Trail. Section 2 Masterplan, Final Report, March 2016

Council Plan 2021-2025 and Community Vision 2040

The *Local Government Act 2020* requires that Council prepare and adopt a Council Plan and Community Vision. In developing the Vision, Council Plan and Municipal Public Health and Wellbeing

Plan Council has taken into account the needs and aspirations identified by its communities. Council engaged with the community by conducting an online survey and holding in person community conversation sessions

Recommendation

Amend the vision at Clause (02.02) to reflect the updated vision for the Council, to:

Working together to be a connected, inclusive and prosperous community.

We will achieve our vision through our values with transparent and accountable actions and decisions; inclusion and collaboration with residents; showing respect and integrity to all; and, being proactive and responsible by encouraging innovation.

The Community Vision and Council Plan follows four key themes:

- *Our Community*
- *Built & Natural Environment*
- *Competitive & Innovative Economy*
- *Governance & Financial Sustainability*

Public Health and Wellbeing Plan 2021-2025

This PHWBP has been incorporated into the Council Plan. The MPHWP will focus on five key areas:

- Healthy Eating
- Active Living
- Social Connectivity
- Improving Mental Health
- Preventing all forms of violence and injury

Recommendation

There are no direct planning implications that require changes to the HPS.

Economic Development Strategy 2024-2028

The Hindmarsh Shire Council Economic Development Strategy 2024-2028 builds on current economic contexts within the Hindmarsh Shire, to identify strategies and targets to support its people, employment and socio-economic wellbeing, housing, and economic output.

Recommendations

Amend the HPS as follows:

After the sixth strategic direction, insert the following strategic directions in Clause 02-03-1 Settlement and housing

- *Support land and affordable housing development initiatives for key workers and older residents.*
- *Encourage enhanced liveability services including childcare, health and aged care, and skills and training.*
- *Continue the transition of Hindmarsh's town retail areas into revitalized and vibrant town centres.*
- *Develop distinctive themes for Hindmarsh's towns.*

Delete the following strategic direction from Clause 02-03-1 (on the basis it duplicates the second strategic direction above):

- *Provide residential aged care and special care accommodation facilities in Nhill, Dimboola, Rainbow and Jeparit.*

After last sentence in Clause 02.03-6 Economic development, insert:

The Shire is expected to have many emerging economic development opportunities, offset by challenges which could derail the prospects for delivering the opportunities.

Insert the following strategic directions in Clause 02-03-6 Economic development:

- *Attract new investment and reinvestment in innovative and sustainable businesses.*
- *Initiate land use, infrastructure and industrial development projects to reinforce the Shire's competitive strengths in secondary industries.*

Amend the following strategic direction:

- *Promote the tourism industry, including eco-tourism ventures and increased visitation to the townships.*

Insert the following strategic directions in Clause 02-03-8 Infrastructure

- *Deliver infrastructure to support and drive the potential population growth in the Shire.*

Further, the Economic Development Strategy 2024-2028 should be added as a background document in Clause 72.08.

Climate Change Adaptation Strategy [2012]

The Climate Change Adaptation Strategy focuses on the assessment of climate change on the Shire's built, economic, social and environmental infrastructure resulting in four plans being established:

- Hindmarsh Climate Change Adaptation Strategy
- Township Climate Change Adaptation Plan
- Integrated Water Management Plan
- Economic Development Position Paper

Recommendations

Amend the MPS as follows:

Clause 02.03-3 Environmental risks and amenity

In first paragraph, insert 'climate change' as a key environmental issue.

Under first paragraph, add a new paragraph as follows:

The key risks to Hindmarsh posed by climate change include reduced agricultural and industrial productivity; increased frequency of stormwater flooding; lack of continuity of water supply recreation and sporting facilities, parks and gardens; and increased in infrastructure maintenance costs and costs of recovery from extreme events.

Insert the following strategic direction in Clause 02.03-3 Environmental risks and amenity:

- *Implement the key actions identified in the Climate Change Adaptation Strategy [2012]*

Further, the Climate Change Adaptation Strategy 2012 should be added as a background document in Clause 72.08.

Hindmarsh Sport and Recreation Strategy (2016)

The Hindmarsh Shire Sport and Recreation Strategy (HSSR) has been developed to inform and support sustainable sport and recreation provision across the Shire. The HSSR details the role and

nature of sport and recreation activity and seeks to address primary challenges and opportunities associated with community participation, asset planning and governance.

Recommendations

Amend the MPS as follows:

Clause 02.03-8 Infrastructure

After second paragraph, insert new paragraph:

Sport and recreation facilities are critical for community building and health and wellbeing. Council's Sport and Recreation Strategy (2016) seeks to ensure facilities reflect community needs and enable residents of all ages and interests have opportunities to participate in a range of sport, recreation and leisure activities.

Insert the following strategic direction in Clause 02.03-8 Infrastructure:

Support development and enhancement of facilities that promote informal recreation including walking, cycling and gardening etc. within townships and informal use of the region's water bodies and natural features.

Further, the Sport and Recreation Strategy 2016 should be added as a background document in Clause 72.08.

Nhill Aerodrome Masterplan Update 2019

The historic Nhill Aerodrome is a small regional facility for local residents and emergency services. The Masterplan was updated in 2019 to provide a basis for all activities and decisions of the Council in relation to the development of the aerodrome.

One of the key actions of the Masterplan Update is to prepare an overlay based on the footprint of airport Obstacle Limitation Surface (OLS) to ensure that developments with potential airspace impacts are identified. It is noted that there is an existing Design and Development Overlay Schedule 2 (Obstacle Height Area) in the HPS, which was introduced into the HPS through Amendment C16 in January 2015. No mention of this Overlay is made in the Masterplan Update. Council officers contacted the consultant who prepared the Masterplan who suggested that failure to mention the existing DDO may have been an oversight.

Recommendations

Amend the MPS as follows:

Clause 02.03-7 Transport

After first paragraph, insert the following paragraph:

Council is the owner and operator of the historic Nhill Aerodrome which provides an important facility for local residents and emergency services.

Insert the following strategic direction in Clause 02.03-7 Transport:

Support Nhill Aerodrome as small regional aerodrome facilities for local residents and emergency services while continuing to preserve the historical authenticity and character of the locale to attract visitors to a unique Australian aviation heritage site.

Further, the Nhill Aerodrome Masterplan Update 2019 should be added as a background document in Clause 72.08.

Nhill Townscape and Lake Masterplan (2021)

The project vision for Nhill is to enhance pedestrian and visual connections between the Town Centre, Jaypex Park and Nhill Lake, with a focus on encouraging visitors to stay and explore the town. It is appropriate to insert a strategy that gives effect to this Masterplan in the relevant PPF local policy.

Recommendation

Amend 11.01-1L (Settlement – Hindmarsh) as follows:

After second strategy insert:

Enhance pedestrian and visual connections between the town centre, Jaypex Park and Nhill Lake.

Nhill Community Precinct Plan 2016

The Nhill Community Precinct Plan presents a plan for the sustainable development of the township. The Plan responds to the aspirations of the community and the economic, social, cultural and environmental features and opportunities. There is an opportunity to strengthen the PPF local policy as it pertains to Nhill by inserting a number of planning related strategies.

Recommendations

Amend 11.01-1L (Settlement – Hindmarsh) as follows:

After the third (new) strategy, insert the following strategies:

Provide for future development of the Nhill hospital through the creation of an activity zone around the current hospital site, including provision for car parking adjacent to the existing site.

Support the provision of high quality health and community services and facilities and enable older residents to live in the community in appropriate accommodation and with good access to services.

Create a community services precinct in the centre of town to support service provision for the town and the wider region.

Provide for appropriately located industrial land at three sites within the township that take advantage of existing infrastructure and access to freight assets and provide the basis for anchor tenants.

Support small and creative businesses through a business incubator model, including provision of office space to encourage transition of home-based businesses into main street locations.

Accommodate future residential growth in the three residential investigation areas to provide for a range of housing and residential living options.

Further, the Nhill Community Precinct Plan 2016 should be added as a background document in Clause 72.08.

Dimboola Community Precinct Plan 2016

The Dimboola Community Precinct Plan presents a plan for the sustainable development of the township. The Plan responds to the aspirations of the community and the economic, social, cultural and environmental features and opportunities. There is an opportunity to strengthen the PPF local policy as it pertains to Dimboola by inserting a number of planning related strategies.

Recommendations

Amend 11.01-1L (Settlement – Hindmarsh) as follows:

After the twelfth (new) strategy, insert the following strategies:

Further develop the connectivity and linkages between the commercial centre and river frontage.

Support the development of Dimboola as a place where families can live and commute to work in Horsham.

Encourage community services and social activities to locate within close proximity to the commercial precinct to help provide for greater foot traffic and patronage of existing businesses and encourage new business investment.

Support residential investment and housing diversity for all residents, enabling older residents to remain in the community and enjoy a good quality of life and attracting new residents and families.

Ensure that residential development occurs in areas that have good access to existing services and does not expand beyond township boundaries or constrain or impact upon important commercial and industry activity.

Further, the Dimboola Community Precinct Plan 2016 should be added as a background document in Clause 72.08.

Community Action Plans 2024-2028 Dimboola, Jeparit, Nhill & Rainbow

The Hindmarsh Shire 2024 - 2028 Community Action Plan is a plan developed through a consultation process between Hindmarsh Shire Council and the communities of Dimboola, Jeparit, Nhill and Rainbow during March and April 2023. The aim of the community consultation process is to provide local communities with a forum for local initiatives and aspirations to be raised, discussed, and prioritised. Prioritised initiatives then provide direction to Council for inclusion in Council Plans, Annual Budgets, and long-term Financial Plans enabling opportunities to seek alternative or additional funding to undertake projects as appropriate funding becomes available.

There are no direct planning implications from the Community Actions Plans that necessitates any changes to the HPS.

8.2 Regional projects and documents

8.2.1 Wimmera Southern Regional Growth Plan 2014

This regional growth plan provides a regional approach to land use planning in the Wimmera Southern Mallee. It covers the municipalities of Hindmarsh, Horsham, Northern Grampians, West Wimmera and Yarriambiack and identifies opportunities for encouraging and accommodating growth and managing change over the next 30 years.

The plan identifies:

- where future development will be supported, assessed at a regional scale
- environmental, economic, community and cultural assets and resources of regional significance that should be preserved, maintained or developed.
- key regional priorities for future infrastructure planning and investment to support growth.

References to the Growth Plan in the HPS are made in various regional sections of the PPF.

The Plan for Victoria initiative, currently being prepared by the State Government, is likely to replace this Plan.

8.2.2 Wimmera Regional Catchment Strategy 2021 and 2027

The Wimmera Regional Catchment Strategy (WRCS) is the primary integrated planning framework for land, water and biodiversity in each of Victoria's ten catchment management authority regions.

The WRCS is the overarching strategy for integrated catchment management in the Wimmera. Integrated catchment management recognises that land, water and biodiversity are all part of connected systems that span from the top of the catchment to aquatic environments.

The WRCS sets the long-term vision for integrated catchment management in the Wimmera and is based around four themes and five Local Areas.

Preparation of the WRCS is required under the *Water Act 1989* and the Victorian Waterway Management Strategy (VWMS).

The WCMA has not requested any changes to the HPA from matters arising under the WRCS.

8.3 Current planning scheme amendments

Amendment C21 was exhibited in July 2024 which implements the recommendations of the Hindmarsh Heritage Assessment Study (2023) by applying the Heritage Overlay to seven new heritage places, updates planning controls for 33 existing places and two heritage precincts, removes two places from the Heritage Overlay, corrects anomalies and mapping errors, inserts statements of significance as incorporated documents, introduces new background documents and updates local policy in the Municipal Planning Strategy and new local heritage policy under Clause 15.03-1L.

It is understood that an amendment is currently being prepared on proposed corrections to the planning scheme. Council's planners have identified 56 properties that are in the incorrect zone or have more than zone applying to the property.

8.4 Strategic planning projects

There are no strategic planning projects currently being prepared by Council.

9. Key issues

From the above analysis, the following key issues have emerged for further consideration by Council:

9.1 Policy issues

There are significant policy gaps in the following areas:

Cultural heritage

The Wotjobaluk Country Plan has a number of actions to build stronger partnerships with the Wimmera CMA and Parks Victoria to identify and protect land, waterways and wetlands, including creation of buffer areas to prevent pest plant and animal spread. Greater awareness of cultural heritage and improved land and water management practices is important to achieve the goals of the Country Plan.

The Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk People of the Wotjobaluk Nations (WJJWJ) People's Recognition and Settlement Agreement 2022 (RSA) affects land within Hindmarsh Shire. The WJJWJ Peoples' consultants advise that the RSA has potential planning implications, for example, the PCRZ is not fit for purpose in order to allow traditional hunting practices.

There is an opportunity to have more dialogue with First Nations representatives to ensure cultural heritage issues are more effectively embedded into Council's land management and planning processes and practices. DEECA have also suggested that Council should consider the views of the BGLC in relation to ESO3 (Wimmera River Protection). Any such discussions should occur in the context of regional and state-wide initiatives, which DTP has indicated it would like to pursue with a Whole of Country lens. The Plan for Victoria web site pages states "We are working with Traditional Owners to embed their voices, rights and aspirations in strategic decision making and planning processes." ²

Agricultural land

Council's Economic Development Strategy notes that investment in agricultural production in the Shire (which has been high for the past few years after excellent seasonal conditions) to reach almost \$300 million in gross value (\$292.5 million) in 2021.

To ensure protection of productive agricultural land, it is important that land is not fragmented by subdivision and dwelling excisions.

The AgVic Advisory Services consider that the generic state policies relating to agricultural land use generally benefit from a more prescriptive approach through local policy. This has the potential to provide decision makers and proponents with clear and concise policy, including objective measures. Reference was made to the Baw Baw Shire Council as an exemplar policy on protecting agricultural land.

Council's planning consultants also commented on the pressures to protect agricultural land.

Housing

A number of stakeholders, including councillors and Council's planning consultants, commented on the need for more diverse housing to ensure that Hindmarsh is an attractive place to live. Council's

² [Developing a plan for Victoria](#) Downloaded 31 May 2024

Economic Development Strategy includes a strategy that Council participate in innovative housing development initiatives to address shortages of both rental and for sale housing.

The key issues appear to be lack of supply of rural living land and more diverse housing in the townships, such as townhouses and units.

Planning for main townships

The HPS currently includes framework plans for the four bigger townships of Nhill, Dimboola, Rainbow and Jeparit. However, these framework plans are essentially existing conditions plans and provides little guidance for the future planning of these settlements.

More detailed structure plans for the townships would provide clearer guidance on areas where residential growth can occur, identification and protection of industrial areas, protecting commercial streetscapes from non-commercial uses, separation of incompatible uses, improving connectivity by road or active transport such as shared paths, open space, sport and recreation.

It is noted that the Community Action Plans articulate the very clear aspirations of the community in terms of economic opportunities, facilities and services and lifestyle. These provide a strong foundation in which to prepare structure plans for the townships.

Industrial land

A number of stakeholders also raised concern about the apparent lack of industrial land in the townships. Lack of industrial land may lead to increased use of both residential and farming land for industry, resulting in adverse amenity impacts.

The Economic Development Strategy includes a strategy to initiate land use, infrastructure and industrial development projects to reinforce the Shire's competitive strengths in secondary industries.

Post-settlement Heritage

There are 36 places of local significance that are included in Heritage Overlay. However, a heritage study has never been undertaken by the Council.

Under the Regional Partnerships Program, Council received funding to engage a heritage consultant to prepare statements of significance for the 36 existing heritage places and for seven new heritage places. In May 2023, Council resolved to seek authorisation from the Minister for Planning to exhibit a planning scheme amendment to incorporate the statements of significance in the HPS. This amendment was exhibited in July.

It is understood that there are many other historic places in the municipality that are not covered by the Heritage Overlay. Council has a statutory responsibility to protect heritage assets, as reflected in section 4(1)(d) of the P&E Act that planning authorities:

conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

It is recommended that Council consider undertaking a heritage gaps study.

Conclusion

The above analysis indicates that there is considerable policy work will be required to be undertaken by Council to strengthen the MPS and local policies in the PPF. Funding and resources will need to be found to undertake the projects.

Recommendation

Upon the election of the new Council in late 2024 that a discussion be held with councillors on the funding, resourcing and prioritisation of strategic planning projects between 2025-2029.

9.2 Planning scheme issues

With the translation of the HPS into the PPF and the review of zone and overlay schedules, the planning scheme is in reasonably good shape and not many improvements are required.

However, the following three matters should be addressed:

- Update of flood overlays
- Opportunities to streamline the planning scheme by removing redundant provisions and introducing more exemptions from minor buildings and works
- Updating schedules to ensure compliance with the Ministerial Direction on the Form and Content of Planning Schemes.

Update of Flood Overlay Maps and Ordinance provisions

The Wimmera CMA advised that the Lower Wimmera Flood Study (LWFS) undertaken in 2017 needs to be incorporated into the HPS. The LWFS would result in an expansion of the Flood Overlay (FO) and Land Subject to Inundation Overlay (LSIO) in some areas, but result in the removal of these Overlays in other areas.

For example, the Wimmera CMA consider that the extent of the FO and LSIO in and around Jeparit are based on outdated flood information and are largely redundant.

The CMA further advised that Council would be able to apply for funding under the State Government's initiative in to support regional councils to implement existing flood studies into planning schemes. Applications for funding are open until 30 June 2025, subject to the availability of funds.

Streamlining the planning scheme

Some opportunities exist to streamline the planning scheme by increasing the number of exemptions for minor buildings and works, particularly in the ESOs, FOs and LSIOs.

For instance, ESO-6 requires a permit to remove vegetation (including one tree) and to construct a fence which both Wimmera CMA and Council's consultant planners consider are often unnecessary to achieve the environmental objectives outlined in the schedule. It is suggested that the Wimmera CMA and Council planners work together and develop a mutually agreed set of exemptions.

Council's consultant planners also raised concern about the extent of ESO-3 and ESO-6, and questioned in particular whether ESO-6 should apply to the Nhill urban areas. They consider ESO-6 was applied to a much wider area than was intended with the original planning scheme amendment that incorporated the ESO into the HPS. The Wimmera CMA did not consider this to be of concern. It would be appropriate that further discussion on this issue occur between Council and the CMA.

Both the FO and LSIO contain a number of exemptions from minor buildings and works. However, scope exists to expand the number of exemptions. The Wimmera CMA was recently involved in the introduction of updated flood controls through amendment C81hors to the Horsham Planning Scheme, which contained a longer list of exemptions.

It is suggested a review of the exemptions in the FO and LSIO be considered as part of an amendment to incorporate the LWFS into the HPS.

Clause 13.03-1L (Floodplain management – Hindmarsh) should also be reviewed as part of a future amendment. It is noted that with the new schedules in the FO and LSIO approved in Horsham C81hors that the equivalent local policy was considered redundant and was deleted from the planning scheme.

Compliance with the Ministerial Direction on the Form and Content of Planning Schemes

A review of all local provisions in the HPS has been undertaken to check compliance with the Ministerial. Direction. The most significant area of non-compliance is the number of objectives in the ESO schedules, with one schedule containing 16 objectives. The Ministerial Direction requires that the number of objectives is limited to one.

Given the importance of the ESO schedules and the need for discussion to occur between the Wimmera CMA and Council on the final form of the objectives, it is proposed as an interim measure the change the objectives after the first objective into actions to achieve the main objective. The marked up ordinance in Appendix 2 contains the revised schedule of each ESO.

Recommendations

That Council:

- Apply for funding under the Regional flood-related amendments program to implement the LWFS and update the flood controls.
- Review the exemptions from minor buildings and works in the FO and LSIO as part of a future amendment to implement the LWFS and update the flood controls.
- Together with the Wimmera CMA, review the extent of the relevant ESOs and identify opportunities to expand the exemptions from minor buildings and works.
- Together with the Wimmera CMA, review the number of objectives in the ESOs to ensure compliance with the Ministerial Direction on the Form and Content of Planning Schemes.

9.3 Top priorities for Council

As mentioned above, it would be appropriate that with the newly elected Council in late 2024 that a discussion occur on the funding, resourcing and prioritisation of the strategic planning projects that should be undertaken to strengthen the local policy framework.

10. Further strategic work

Clause 74.02 of the HPS does not currently contain any future strategic work.

Based on the findings of this review in relation to the strategic policy gaps, it is suggested that the following further strategic work be inserted into Clause 74.02.

- Establishment of a protocol between First Nations peoples and Council to help facilitate the protection, enhancement and celebration of cultural heritage;
- A rural land use strategy to address opportunities for the productive use of agricultural land and value-adding industries;
- A housing strategy to discourage fragmentation of rural land, identify areas for consolidation of existing urban settlements and opportunities for rural living;
- Protecting and enhance the environmental and landscape qualities of the land, including climate change impacts.
- Structure plans for Nhill, Dimboola, Rainbow and Jeparit to guide the future direction of these settlements and ensure they are highly liveable places;
- An analysis of industrial land supply and demand; and
- Post settlement heritage gaps study.

A recommended Clause 72.04 is included in Appendix 3. As mentioned above, Council will need to discuss the funding, resourcing and prioritisation of the future projects.

Appendix One

State and regional planning scheme amendments issued since 2019:

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

Over the past four years, several VC and GC amendments have introduced new policy into the Hindmarsh Planning Scheme and are directly relevant to this review:

VC253 (01/05/2024) - introduced a new land use term and siting, design and amenity requirements for a small second dwelling into the Victoria Planning Provisions (VPP) and all planning schemes to implement Victoria's Housing Statement: The decade ahead 2024-2034 by making it easier to build a small second dwelling.

VC249 (01/05/2024) - changed the Victoria Planning Provisions and all planning schemes in Victoria by exempting development for a small second dwelling from Development Contributions Plan requirements and correcting typographical errors related to small second dwellings.

VC250 (01/05/2024) - supported Victoria's Gas Substitution Roadmap (Victorian Government, 2022) by prohibiting new gas connections for new dwellings, apartments and residential subdivisions where a planning permit is required.

VC252 (26/04/2024) - changed the VPP and 64 planning schemes in Victoria by correcting obvious or technical errors and by making consequential changes to local schedules to align with Amendment VC243 and Amendment VC253.

VC261 (04/04/2024) - expanded the operation of the existing Development Facilitation Program (DFP) planning provisions that fast-track the assessment of significant economic development by enabling an application for renewable energy facility, utility installation and associated subdivision to be assessed.

VC259 (28/04/2024) - changed the VPP and all planning schemes in Victoria by extending the transitional arrangements for a dependent persons unit for a period of 12 months.

VC254 (12/02/2024) - changes the Victoria Planning Provisions and all planning schemes related to Birrarung-Bolin Framework Plan, Proof of continuous use, signs in the Transport Zone and State projects.

VC241 (08/02/2024) - removed prohibitions for specified sign types for a Freeway service centre, Service station and Open sports ground in a zone where Category 4 - Sensitive areas sign controls apply.

VC247 (07/02/2024) - extended planning exemptions under clauses 52.07 (Emergency recovery) and 52.18 (Coronavirus (COVID 19) pandemic and recovery exemptions) and makes corrections to ordinance introduced in VC246 related to Container deposit scheme centres.

VC153 (01/02/2024) - extended planning exemptions under clauses 52.07 (Emergency recovery) and 52.18 (Coronavirus (COVID 19) pandemic and recovery exemptions) and makes corrections to ordinance introduced in VC246 related to Container deposit scheme centres.

VC178 (01/02/2024) - changed the VPP and all planning schemes by amending Clause 52.13-7 (2009 Bushfire - Recovery Exemptions) to extend the expiry date to 30 June 2020. The Amendment also changes the VPP and all planning schemes by amending the term stone extraction to extractive industry and the term solar energy facility to solar energy system to align with the intent of VC160.

VC246 (01/02/2024) - introduces new land use controls in the Victoria Planning Provisions and all planning schemes to improve facilitation of Victoria's Container Deposit Scheme. The amendment introduces a new land use term, Container deposit scheme centre, nested under Transfer station. The amendment also makes corrections to ordinance.

VC147 (01/02/2024) - enabled the online publishing of planning schemes through the Department of Environment, Land, Water and Planning's new Amendment Tracking System (ATS). The Amendment does not change the operation of policy or the effect of provisions in planning schemes.

VC249 (15/01/2024) - changes the Victoria Planning Provisions and all planning schemes in Victoria by exempting development for a small second dwelling from Development Contributions Plan requirements and correcting typographical errors related to small second dwellings.

VC250 (01/01/2024) - supported Victoria's Gas Substitution Roadmap (Victorian Government, 2022) by prohibiting new gas connections for new dwellings, apartments and residential subdivisions where a planning permit is required.

VC253 (14/12/2023) - introduced a new land use term and siting, design and amenity requirements for a small second dwelling into the VPP and all planning schemes to implement Victoria's Housing Statement: The decade ahead 2024-2034 by making it easier to build a small second dwelling.

VC243 (29/11/2023) - made changes to the VPP and all planning schemes to codify residential development standards, implement the Future Homes project across Victoria, remove permit requirements for single dwellings on lots of 300 square metres or more and introduce VicSmart permits for single dwellings on lots less than 300 square metres. These changes support the delivery of housing in Victoria.

VC242 (29/11/2023) - made changes to the VPP and all planning schemes by introducing two new particular provisions to facilitate significant residential development and significant economic development.

VC236 (01/11/2023) - supported renewable hydrogen gas production and distribution and makes the Minister for Planning the responsible authority for large-scale production of hydrogen gas.

VC238 (01/11/2023) - changed the Victoria Planning Provisions and all planning schemes by amending clause 52.13, Victoria's container deposit scheme. The amendment changes the permit exemption threshold in clause 52.13 to enable an automated collection point to occupy 5 car spaces instead of 4 if the land contains 50 or more car spaces.

VC27 (30/11/2023) - amended Clause 66 to ensure that referral provisions under section 55 of the Act and notice requirements under section 52(1)(c) are clear and set out in a single place in each planning scheme.

VC234 (18/10/2023) - clarified noise requirements for wind energy facilities and the responsible authority for enforcement matters.

VC031 (02/10/2023) - introduced a new Residential 3 Zone | Introduced a new Particular provision and amends Clause 19 to require an urban context report and design response for residential development of four (4) or more storeys | included a reference to Design Guidelines for Higher Density Housing in Clause 19 | and amended the ResCode provisions at Clauses 54.03-2 and 55.03-2 to give effect to residential height provisions.

VC034 (02/10/2023) - introduced a new Clause 12 with consequential changes to other clauses in the State Planning Policy Framework, including Clauses 14, 15, 17, 18 & 19. Included reference to Alpine Resorts 2020 Strategy in Clause 15.13 and Activity Centre Design Guidelines and Safer Design Guidelines in Clause 19.03-3. Amended subdivision requirements in the Green Wedge Zone, Green

Wedge A Zone and Rural Conservation Zone. Makes changes to provisions the Rural Conservation Zone and Clause 57.01 regarding Wind energy facilities. Amended advertising sign controls along railway corridors in the Public Use Zone. Amends the Neighbourhood Character Overlay and Clauses 55 & 56 to refer to the Residential 3 Zone. Amended the Special Building Overlay to broaden the range of minor buildings and works that do not require a permit. Amended the Erosion Management Overlay, Salinity Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay, Public Acquisition Overlay, Airport Environs Overlay and Restructure Overlay to introduce exemptions from notice and review for permit applications. Clarified requirements for extractive industry and private tennis courts in Clauses 52.09, 52.21 and 66.05. Introduced definition for Metropolitan Melbourne in Clause 72 and introduced a Tramway definition and deletes reference to lightrail. Introduced a new incorporated document, Activity Centres and Principal Public Transport Network Plan, 2003 in Clause 81.

VC016 (03/10/2023) - Amended the clause 18.01-2 of SPPF to require transport routes to be designated to provide for grade separation at railways. Introduced a new renewable energy policy in Clause 15.14 of the SPPF. Introduced a new Particular provision for Wind energy facility in the Table of uses in the Public Conservation and Resource Zone. Makes the Minister for Planning the responsible authority in all planning schemes for considering and determining applications for Wind energy facilities with a capacity greater than 30 megawatts. Amended Clauses 62.01 & 62.02 to include that temporary use of land for wind measurement by an anemometer in the list uses that do not require a permit. Amends Clause 62.02 to include a temporary anemometer in the list of buildings and works that do not require a permit. Introduced a General term for Anemometer. Introduces a Land use term for Wind energy facility and Incorporated the Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria, 2002 into all planning schemes.

VC231 (20/09/2023) - amends existing planning permit exemption thresholds for dwelling extensions, out-buildings and buildings used for agriculture in clauses 35.03 (Rural Living Zone), 35.07 (Farming Zone) and 35.08 (Rural Activity Zone).

VC208 (05/09/2023) – amended Clause 52.10 to apply the use, notice and review exemptions to other types of emergencies.

VC227 (05/06/2023) - made changes to the VPP and all planning schemes to support the facilitation of container deposit scheme (CDS) infrastructure under the Victorian Governments, Recycling Victoria: a new economy policy.

VC222 (03/05/2023) - made changes to the Victoria Planning Provisions and all planning schemes to support the co-location of new government primary schools with kindergartens and facilitate projects that support the 2026 Commonwealth Games.

VC217 (25/05/2023) - changed the Victoria Planning Provisions (VPP) and all planning schemes to implement the decriminalisation of sex work.

VC169 (22/05/2023) – changed the Planning Policy Framework to help direct balanced outcomes for housing growth and built form, while also clarifying and consolidating housing policy.

VC042 (17/05/2023) – Introduced the Sustainable Neighbourhoods Provisions for residential subdivision; amended the coastal areas policies in Clause 15.08 to give effect to the land use and development strategies of the Victorian Coastal Strategy 2002; made changes to the Victorian Planning Provisions to provide for geothermal energy extraction; amended Clause 52.29 to introduce a decision guideline for road network safety and efficiency regarding access to adjoining properties to respond to the *Road Management Act 2004*; introduced a new Particular Provision - Clause 52.36 that includes the Director of Public Transport as a referral authority.

VC147 (17/05/2023) - enabled the online publishing of planning schemes through the Department of Environment, Land, Water and Planning's new Amendment Tracking System (ATS). The Amendment does not change the operation of policy or the effect of provisions in planning schemes.

VC224 (03/05/2023) - Amends the Victoria Planning Provisions and all planning schemes that relate to declared irrigation districts and solar energy facilities, delivery exemptions, electorate offices, Future Homes, healthy waterways, land use terms, stormwater management and tree removal under VicSmart.

VC226 (03/05/2023) - made changes to the Victoria Planning Provisions (VPP) and all planning schemes to support emergency recovery, telecommunications, solar energy systems and community care accommodation.

VC225 (03/05/2024) - changed the VPP and all planning schemes in Victoria by: making changes to correct obvious or technical errors and ensure they are current.

VC201 (03/05/2024) - updated the Planning Policy Framework, introduces two new regional policies and a series of new Significant Landscape Overlays to recognise, protect and improve waterway health, amenity, access and community values.

VC193 (11/04/2023) - amended clause 52.18 (State of emergency exemption) to support Victoria's social and economic recovery from the coronavirus (COVID-19) pandemic through temporary planning scheme and permit condition exemptions that enable outdoor dining and facilitate the reopening and safe operation of restaurants and other food and drink businesses.

VC190 (11/04/2023) - Introduces a new particular provision, Victoria's Big Housing Build at clause 52.20 of the Victoria Planning Provisions and all planning schemes. Clause 52.20 removes the need for a planning permit to develop a housing project if funded under Victoria's Big Housing Build and supported by the Director of Housing.

VC152 (11/04/2023) - amendment delivered on commitments of the Victorian Governments housing strategy Homes for Victorians (2017) through the introduction of permit exemptions for community care accommodation to enable the streamlined renewal and development of these facilities.

VC221 (11/04/2023) - amendment facilitated all-electric developments to support implementation of Victoria's Climate Change Strategy 2021 (Strategy) and Gas Substitution Roadmap 2022 (Roadmap)

VC213 (11/04/2023) - changes the VPP and all planning schemes to ensure consistency with existing requirements under the Melbourne Strategic Assessment (MSA) Program to achieve specific biodiversity outcomes within Melbourne's growth corridors.

VC223 (22/03/2023) - amended clause 73.01 (General terms) of the VPP and all planning schemes to define Minister for Planning to mean a Minister for the time being administering the P&E Act.

VC230 (08/02/2023) - revised clauses 52.20 and 72.01 to make the Minister for Planning the responsible authority for relevant applications to reflect the General Order dated 27 June 2022.

VC228 (22/11/2022) - made changes to the Victoria Planning Provisions and all planning schemes to facilitate Victoria's recovery from emergencies by allowing an exemption from operation hours for extractive industries.

VC216 (14/09/2022) - made changes to the Planning Policy Framework (PPF) in the Victoria Planning Provisions (VPP) and all planning schemes to support Environmentally Sustainable Development (ESD).

VC104 (18/01/2023) - made corrections to the Residential 1 Zone, Clause 54.04 and Clause 55.04.

VC012 (18/01/2023) - made changes to the SPPF, LPPF, Zones, Overlays, Particular Provisions, Definitions and list of Incorporated documents based on the general review of residential development provisions and the recommendations of the ResCode Advisory Committee. The changes include the introduction of schedules to four residential zones, a Neighbourhood Character Overlay, new residential development provisions in Clauses 54, 55 and 56 for dwellings and subdivision

VC220 (31/08/2022) - amendment supported the efficient delivery of neighbourhood batteries into the electricity distribution network by amending clause 73.03 Land use terms of the Victoria Planning Provisions (VPP) and all planning schemes.

VC031 (30/08/2022) - introduced a new Residential 3 Zone; introduced a new Particular provision and amended Clause 19 to require an urban context report and design response for residential development of four (4) or more storeys; included a reference to Design Guidelines for Higher Density Housing in Clause 19; and amended the ResCode provisions at Clauses 54.03-2 and 55.03-2 to give effect to residential height provisions.

VC214 (25/08/2022) - amended the public land exemptions in clause 52.18 (State of emergency and recovery exemptions) to apply to a broad range of uses.

VC216 (10/06/2022) - made changes to the Planning Policy Framework (PPF) in the Victoria Planning Provisions (VPP) and all planning schemes to support Environmentally Sustainable Development (ESD).

VC174 (06/04/2022) - implemented the recently announced revised Better Apartment Design Standards, which delivers improved external amenity and design outcomes for all apartment developments.

VC205 (06/04/2022) - introduced a new Transport Zone to replace the Road Zone and Public Use Zone Schedule 4. The amendment also makes consequential changes.

VC203 (16/09/2021) - implemented the new environment protection framework in the Victoria Planning Provisions and all planning schemes.

VC194 (04/08/2021) - inserted two new particular provisions at clauses 52.30 and 52.31 to facilitate state projects and local government projects.

VC183 (05/01/2021) - introduced a new state planning policy Clause 13.07-3S (Live Music) and makes changes to Clause 53.06 (Live Music Entertainment Venues) of the Victoria Planning Provisions (VPP) and all planning schemes to encourage, create and protect opportunities for the enjoyment of live music.

VC176 (13/11/2020) - amended Clause 52.12 (Bushfire Protection: Exemptions) to align the 10/30 and fence line vegetation exemptions with the Bushfire Prone Area map across all Victorian councils, make administrative updates and further clarify the exemptions for dwellings and defensible space under the Bushfire Management Overlay.

VC149 (24/07/2019) - amended the Victoria Planning Provisions by introducing the Commercial 3 Zone. Amends the Victorian Planning Provisions and all planning schemes by: (1) introducing new requirements for the assessment of solar panel overshadowing; and (2) revising Clause 52.32 (Wind Energy Facility) to implement the recommendations of the EPA Inquiry.

VC155 (24/07/2019) - amended the Planning Policy Framework in Clause 15.03 Heritage to introduce a new strategy to consider restoration or reconstruction of a heritage building unlawfully or unintentionally demolished and a policy guideline 'The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013'.

VC136 (24/07/2019) - introduced state-wide planning requirements for apartment developments.

VC148 (23/11/2019) - introduced changes to the Victoria Planning Provisions (VPP) and all planning schemes arising from the Victorian Government's Smart Planning program. The program aims to simplify and modernise Victoria's planning policy and rules to make planning more efficient, accessible and transparent.

Appendix Two

Marked up ordinance with recommendation changes

See separate document

Appendix Three

Table 1 Recommended list of further strategic work in schedule to Clause 74.02

Project Number	Projects	Project sources
Settlement		
1	Prepare a rural land use strategy to support established rural industries, promote emerging opportunities and recognise and protect important environmental and landscape values.	Planning scheme review - strategic gaps analysis
2	Prepare a housing strategy to identify the future housing needs of the municipality, including opportunities for rural living and housing diversity in townships.	Planning scheme review - strategic gaps analysis
3	Prepare detailed structure plans for Nhill, Dimboola, Rainbow and Jeparit to guide the future development of these townships.	Planning scheme review - strategic gaps analysis
Environment and landscape values		
Environmental risks and amenity		
4	Prepare a planning scheme amendment to implement the Lower Wimmera Flood Study.	Lower Wimmera Flood Study
Built environment and heritage		
5	Undertake a Heritage Study to identify places of local heritage significance.	Heritage Gaps Study
Economic development		
6	Undertake an analysis of the supply and demand of industrial land to ensure there is sufficient land to support local industries.	Economic Development Strategy 2024-2028
Transport		
Community infrastructure		

Appendix Four - VCAT decisions

Case	Appeal	Outcome
<i>Sellens v Hindmarsh SC</i> [2014] VCAT 155	Refusal	Refusal set aside. Held that the food and drink premises will not create any unreasonable amenity impacts.
<i>Dahlenburg v Hindmarsh SC</i> [2018] VCAT 609	Amendment to permit granted.	Variation to approval. Held changes to the permit generally acceptable.
<i>Dahlenburg v Hindmarsh SC (Red Dot)</i> [2022] VCAT 669	Amendment to permit. Question of law on whether failure to complete development authorised by an amendment to the permit in 2019 has resulted in the expiry of the permit or the 2019 amendments to it.	Held that amended permit for that expanded use and development had expired in its entirety.
<i>Stephan v Hindmarsh SC</i> [2017] VCAT 1747	Notice of Decision to Grant a permit.	Council decision set aside. Held sufficient information had been provided to determine amenity impacts.
<i>Shearwood v Hindmarsh SC</i> [2024] VCAT 345	Refusal to amend permit.	Council decision set aside. Held changes would have no adverse impacts on the amenity of neighbours, would retain an acceptable level of internal amenity for future residents and would remain consistent with neighbourhood character.