

GOLDEN PLAINS PLANNING SCHEME

AMENDMENT C99gpla

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Golden Plains Shire Council which is the planning authority for this amendment.

The amendment has been made at the request of the Golden Plains Shire Council.

Land affected by the amendment

The amendment applies to all land zoned Low Density Residential Zone or is affected by Schedule 5 or Schedule 7 to the Design and Development Overlay in the Golden Plains Planning Scheme.

Schedules 5 and 7 to the Design and Development Overlay generally apply to land in the Low Density Residential and Rural Living zones, respectively.

A mapping reference table is attached at Attachment 1 to this Explanatory Report. This table represents land affected by the removal of the Design and Development Overlay Schedule 7.

What the amendment does

The amendment amends and deletes provisions to remove the requirement for a planning permit for outbuildings greater than 120 square metres (sqm) in the Low Density Residential and Rural Living zones.

Specifically, the amendment:

- Amends Schedule 1 to Clause 32.02 Low Density Residential Zone (LDRZ1) to change the outbuilding permit requirements from '120 square metres' to 'None specified'
- Amends Schedule 5 to Clause 43.02 Design and Development (DDO5) to include an additional decision guideline to read '*Whether the proposed building has been designed to have minimal visual impact by using materials that are non-reflective and with muted tonings*'.
- Deletes Schedule 7 to Clause 43.02 Design and Development Overlay (DDO7) which will remove the permit requirement for outbuildings greater than 120 square metres in Rural Living Zone areas.
- Amend Planning Scheme Maps 3DDO, 4DDO, 5DDO, 6DDO, 7DDO, 10DDO, 13DDO and delete 1DDO, 2DDO, 9DDO, 11DDO, 16DDO to reflect the deletion of DDO7.
- Amends the Schedule to Clause 72.03 to remove 1DDO, 2DDO, 9DDO, 11DDO, 16DDO from the list of maps comprising part of the Golden Plains planning scheme.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to remove a low impact matter from the Golden Plains Planning Scheme, which will allow for resources to be directed to more significant applications and improve timeframes.

A review of the planning controls, including why they were introduced and how they are being administered by the responsible authority found the visual impacts associated with building setbacks appear to be the key considerations under these provisions, rather than the size of buildings.

Building sizes requiring a permit under LDRZ1 and DDO7 ranging in sizes revealed no notable concerns or issues raised throughout the decision-making process.

Accordingly, permit triggers based on the size (sqm) of buildings under the LDRZ1 and DDO7 appear to be unnecessary, are placing an administrative and resource burden on the council, and resulting in unnecessary red tape for applicants.

The ongoing protection of the municipality's rural amenity and character in areas covered by the Rural Living and Low Density Residential Zones can continue to be provided through the retention of setback requirements under the DDO5 and Schedule to the Rural Living Zone.

In making these changes, it is considered that DDO5 requires strengthening to include an additional decision guideline of '*Whether the proposed building has been designed to have minimal visual impact by using materials that are non-reflective and with muted tonings*'. This change will enable the responsible authority to consider materials. Managing materials when setbacks are not met will continue to protect rural and character amenity despite removing triggers relating to scale/size.

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

The amendment implements the objectives in section 4 of the *Planning and Environment Act 1987* (the Act). In particular, it supports the following objectives:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land by streamlining planning processes and reducing regulatory burden and cost to users of the system
- (g) to balance the present and future interests of all Victorians by reforming Victoria's planning system to make the system more relevant, accessible and transparent for Victorians over time.

The amendment will indirectly implement all objectives by allowing greater focus on applications with greater potential impacts.

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

The amendment is expected to have a number of positive environmental, social and economic effects benefits. In particular it will:

- Reduce the costs to applicants and councils by removing permit triggers for outbuildings greater than 120 square metres.
- Encourage economic development by removing regulatory burden for outbuildings generally associated with dwellings.
- Continue to manage the amenity and character of the area by maintaining requirements and permit triggers associated with setbacks.

Does the amendment address relevant bushfire risk?

The amendment will not increase the risk to life, property and community infrastructure from bushfire. The amendment has been prepared to remove a low impact and low risk permit trigger associated with outbuildings (non-habitable buildings) in the Low Density Residential and Rural Living zones and will not affect any permit triggers, requirements or assessment of buildings and works under the Bushfire Management Overlay.

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

The amendment complies with all Ministerial Directions issued under section 12 of the Act.

The amendment complies with the *Ministerial Direction on the Form and Content of Planning Schemes* issued under section 7(5) of the Act.

The amendment has had regard to and is consistent with *Practice Note 46 – Strategic Assessment Guidelines*.

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

The amendment supports or implements the objectives of the SPPF by ensuring that the Golden Plains Planning Scheme triggers applications that merit detailed planning assessment. The Planning Policy Framework will be better implemented in doing so, by removing low value applications and creating capacity for the responsible authority to focus assessment of more significant applications.

By retaining setback requirements, the removal of the permit trigger for outbuildings greater than 120 square metres does not undermine the following objectives of policy:

- Clause 12.05-2 Landscapes: To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.
- Clause 15.01-6S Design for rural areas: To ensure development respects valued areas of rural character.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

This strategic consideration only applies if the planning scheme includes an LPPF at Clause 20.

The Golden Plains Planning Scheme does not include an LPPF at Clause 20.

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

This strategic consideration only applies if the planning scheme includes an MPS at Clause 02.

The amendment supports the MPS, in particular Council's vision is to sustainably manage land use and development within the Shire, including: the natural environment will be protected and enhanced; and the local economy will grow, particularly in township development and rural based and farming industries.

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

The removal of permit triggers for outbuildings based on size (sqm) in the LDRZ and DDO7 will not adversely affect the use of the Victoria Planning Provisions.

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

By virtue of the nature of the amendment, it is unlikely that interests of any relevant agency will be impacted. The amendment will be subject to exhibition.

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

The removal of permit triggers for outbuildings based on size (sqm) will not have an impact on the transport system.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will have positive cost implications for the responsible authority in administering the Golden Plains Planning Scheme. Removal of low value permit triggers will make for more efficient and effective use of council planning staff resources by reducing the number of planning permit applications and improve its capacity to consider other applications within prescribed timeframes.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Golden Plains Shire Council website at <https://www.goldenplains.vic.gov.au/residents/my-home/planning/strategic-planning>

And

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

Bannockburn Customer Service Centre	The Well Smythesdale
2 Pope Street	19 Heales Street
Bannockburn VIC 3331	Smythesdale VIC 3351

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

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 18 April 2022

A submission must be sent to:

Attention: Daniel Murrhly
Golden Plains Shire
PO Box 111
BANNOCKBURN VIC 3331

By email to:

Enquiries@gplains.vic.gov.au

Include "Amendment C99 Submission" in the title.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: To commence in the week of Monday, 27 June 2022
- panel hearing: To commence in th week of Monday, 25 July 2022

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Haddon and surrounds	Land affected by DDO7 (generally RLZ land) near Haddon	Golden Plains C99gpla d-ddoMap01 Exhibition
		Golden Plains C99gpla d-ddoMap02 Exhibition
Linton and surrounds	Land affected by DDO7 (generally RLZ land)	Golden Plains C99gpla d-ddoMap03 Exhibition
		Golden Plains C99gpla d-ddoMap04 Exhibition
Scarsdale, Smythesdale and surrounds	Land affected by DDO7 (generally RLZ land)	Golden Plains C99gpla d-ddoMap05 Exhibition
		Golden Plains C99gpla d-ddoMap06 Exhibition
		Golden Plains C99gpla d-ddoMap07 Exhibition
Berringa and surrounds	Land affected by DDO7 (generally RLZ land)	Golden Plains C99gpla d-ddoMap09 Exhibition
Napoleons, Enfield and surrounds	Land affected by DDO7 (generally RLZ land)	Golden Plains C99gpla d-ddoMap10 Exhibition
		Golden Plains C99gpla d-ddoMap11 Exhibition
Dereel, Illabarook and surrounds	Land affected by DDO7 (generally RLZ land)	Golden Plains C99gpla d-ddoMap13 Exhibition
		Golden Plains C99gpla d-ddoMap16 Exhibition