

GLENELG

NEW FORMAT
PLANNING SCHEME

REPORT OF THE PANEL AND
ADVISORY COMMITTEE

MARCH 1998

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GLENELG NEW FORMAT PLANNING SCHEME

REPORT OF THE PANEL AND ADVISORY COMMITTEE

1. INTRODUCTION

1.1 THE PANEL

The Panel and Advisory Committee were appointed under Sections 151 and 153 of the *Planning and Environment Act 1987* to consider the New Format Glenelg Planning Scheme. Its Terms of Reference are included in Appendix A.

The Panel comprised:

- Mrs Helen Gibson (Chair)
- Mr Paul Jerome
- Ms Margaret Pitt

1.2 HEARINGS AND INSPECTIONS

A Directions Hearing was held at Portland on 23 October 1997.

Public hearings were held at the Shire of Glenelg Offices in Portland on 26, 27, 28 November 1997. The following persons made submissions to the Panel at the hearing.

| NAME OF PERSON OR ORGANISATION | REPRESENTED BY |
|---|---|
| • Shire of Glenelg | Trevor Budge, Planning Consultant, of TBA Planners |
| • Department of Infrastructure | Geoff Forbes, Planning Officer South West Region |
| • Department of Natural Resources and Environment | Neil Martin, Land Victoria Ian Walker, Parks Victoria Andrew Morrow, Forest Services Andrew Govanstone, Flora Fauna and Fisheries Grant Hull, Land Victoria |

| NAME OF PERSON OR ORGANISATION | REPRESENTED BY |
|---|--|
| • Country Fire Authority | Barry Moran, Regional Officer Leon Kollett, Corporate Risk Management |
| • Historic Buildings Restoration Committee Inc. | Mrs L Chalmers, Secretary |
| • National Trust of Australia (Victoria) | Natalie Broughton, Conservation Officer |
| • Robyn McDonald | George Borg, Town Planner, of KAOS Planning |
| • Margaret Punton | |
| • Friends of Market Square | Owen Roberts, Chairman |
| • Brendon Jarrett | |
| • Don Chalmers | |
| • Hildegard Egan | |
| • Sharon Lockwood | |
| • Cape Nelson Landcare Group | L. Frankom |
| • N. & L .Buckingham | Neil Buckingham |
| • B.E. Jones | |
| • Gavin Adamson | Tom Sullivan, Surveyor, of Beveridge Williams |
| • June Hedditch | |
| • Steve Matthews | |
| • Anna Louise Hislop | |
| • Victorian Plantations Corp. | Malcolm Tonkin |
| • Midway Afforestation Investment Service Pty Ltd | Alan Cole |
| • Auspine Limited | Geoffrey Bankes, General Manager, Resource Management Division Ken Nethercot, Forest Manager Greg Saunder |

All written submissions received in respect of the Glenelg Planning Scheme are considered in Section 4 of this Report.

As part of the submission by Anna Louise Hislop, the Panel and representatives from the Council and DOI were taken on an inspection of the Cape Bridgewater and Bridgewater Lakes area. The Panel carried out other inspections around Portland by itself.

2. STRATEGIC OVERVIEW

2.1 OVERVIEW OF THE MUNICIPALITY

The Shire of Glenelg is unusual amongst rural municipalities in Victoria in terms of the diversity of its economic base and a wealth of long-term opportunities to improve this. It is unusual also insofar as its major town, Portland, has an industrial economic base which is not dependent upon the fortunes of the rest of the Shire.

The Shire of Glenelg essentially comprises the former municipal areas of the City of Portland, the Shire of Glenelg and the Shire of Heywood. The Shire has a geographical area of about 6,212 square kilometres and a population in 1996 of 19,896, of whom about half reside in Portland.

Glenelg is in the south west corner of Victoria and has a border with South Australia, a coastline of about 150 kilometres and adjoins Moyne Shire to the east, Southern Grampians Shire to the north east and West Wimmera Shire to the north. About one third of the municipality is public land, including national parks. The major agricultural activity is grazing (beef, wool, lambs and milk), although timber plantations, both softwood and hardwood, cover large areas. In addition, there are a number of small but developing specialised agricultural activities e.g. nurseries, vegetables, pigs, orchard fruit, cut flowers and wineries.

Portland has the only deep water port between Geelong and Adelaide. It has one of only two aluminium smelters in the State, employing 800 people, and 30 percent of Victoria's fishing catch is landed at Portland. Portland is the oldest white settlement in Victoria and has the largest concentration of nineteenth century pre-gold rush buildings in the State.

In common with many other rural municipalities, Glenelg's population is declining, mainly in the rural area compared with the relatively stable population in Portland. In terms of age structure, trends reflect an aging population and the loss of youth.

The following are the most important geographical features of Glenelg:

- The Southern Victorian Coastal Plains, which cover most of the coastal area and extend inland particularly in the west. They are a mostly flat volcanic plain covering more than 50 percent of the Shire's area. Drainage is frequently poor and internal, resulting in the formation of many lakes and wetlands.
- The Western Victorian Volcanic Plains occupy the north east of the municipality, extending to scattered areas north of Portland. They are punctuated by isolated, steep-sided scoria cones.
- The Western Victorian Uplands, which in Glenelg comprise the Dundas and Merino Tablelands, cover the north-eastern part of the Shire. They are generally undulating to rolling hills and the area is characterised by remnant redgums.
- The Glenelg River and its catchment is the dominant water feature in the Shire and is one of the State's major rivers. Its mouth is at Nelson, close to the South Australian border. Glenelg Shire lies wholly within the Glenelg Catchment Management Authority area.

- The coast is a major landscape and environmental feature with spectacular scenery and some of the State's major coastal wilderness areas. Discovery Bay Park extends from Bridgewater Lakes, to the west of Portland, to Nelson near the South Australian border.

2.2 KEY ISSUES

The Panel sees the key issues facing Glenelg arising from:

- the implications of dramatic changes in the structure of the rural sector;
- trends in population and age structure;
- the opportunities presented by Portland's infrastructure — its deep water port; road, rail and air access; energy resources, including electricity, geothermal and potentially wind; its existing manufacturing base and plentiful supply of serviced industrial land;
- a growing awareness and concern for the environment, sustainable land management and cultural heritage;

Related to the first of these — the changing structure of the rural sector — will be the growth in significance of the timber industry. This is discussed in greater detail in Section 3.4, but with approximately 60,000 hectares under timber plantations at present (nearly 10 percent of the Shire) and with the possibility of this figure trebling by the year 2020 in line with the Commonwealth and State Government strategies, approximately 30 percent of the Shire may be used for timber production. This will have a dramatic impact on the landscape and will come at the expense of traditional agricultural activities, particularly grazing.

The growth in timber production however, is just one aspect of the restructuring occurring in the rural sector. Whilst at one end of the scale farm sizes are increasing, at the other end of the scale there is a growth in specialised agricultural products which are intensively farmed on relatively small areas.

As well as affecting the nature of agriculture, these trends will have implications for the population of the Shire and its distribution. The cost of providing services to a declining and ageing population will become an increasing problem for the Council.

In terms of the opportunities presented by Portland's infrastructure, it will be important to ensure that long term opportunities are not compromised by ad hoc responses to specific proposals, as has occurred in the past. Ensuring consistent strategic decision making is one of the objectives of the planning reform program. Taking advantage of the area's energy resources will, however, raise potential conflicts with other values, which will need to be resolved. Opposition to recent applications for wind farms in coastal locations because of their landscape impact is an instance.

During preparation of its new format Planning Scheme, the Council had consultants undertake a number of specific projects. The Natural Resource Profile provided an overview of the status and condition of the Shire's natural resource base. Significant environmental problems identified were:

- dryland salinity;
- pest plant invasion and pest animal proliferation;
- soil erosion;
- stream erosion;
- coastal dune erosion;
- soil structure decline;
- induced waterlogging;
- deterioration in water quality — surface and subsurface;
- reduction in flora and fauna diversity.

In order to maintain and secure the economic future of the Shire's rural sector there is a need to develop sustainable land management practices as well as redressing existing environmental problems. The growing significance of tourism also hinges largely on the environmental attributes of the area. Increasingly, however, protection of the environment is being seen by the community as important for other than simply economic reasons. Likewise with heritage assets. Achieving the same balance in practice as the MSS displays in its objectives will be one of the challenges faced by the Council as it deals with these key issues in the future.

2.3 STRATEGIC PLANNING RESPONSE

In developing its MSS, the Glenelg Shire Council has identified very clearly that the economic well-being of the municipality depends upon its agricultural resource base. There are a number of strategic directions as a consequence of this that the Council is committed to:

- investment and expansion of timber production, grazing and fishing, but especially timber production;
- downstream processing of primary products with support for new industries at Portland in centres such as Casterton and Heywood;
- encouraging niche industries, including specialised agriculture particularly on the high-quality agricultural land around Portland, and those which can take advantage of processing local products;
- ensuring the long-term sustainable management and improvement of the agricultural resource base;
- conserving, managing and marketing the Shire's outstanding built and natural heritage, particularly the coast.

The Panel considers that in the MSS itself, the Glenelg Shire Council has grasped the key issues facing the municipality. It is a comprehensive and logical development of a strategic response to the planning of the Shire.

Clause 21.02 clearly and succinctly identifies the key resources of Glenelg and relevant aspects of the SPPF. From this, the following key influencing criteria are identified:

- The importance of the quality of the Shire's natural resource base to support agriculture, horticulture and timber production and their expansion in a sustainable manner;
- The realisation of opportunities for value-adding to and processing of local and regional product.
- The role and function of the port of Portland and the expansion of its capacity to support industry and the export of local products and the development of maritime industries.
- The recreational, tourist and residential development opportunities provided by the coast and its environs and the need to manage its use and development so as to conserve its landscape and environmental qualities.

The vision statement in Clause 21.03 identifies the broad objectives on which the LPPF is based. There is an excellent, concise analysis of the nature of the municipality with the major forces and trends impacting on it in Clause 21.04. The broad objectives are then amplified in more detail in Clause 21.07 and the broad strategies for achieving these objectives are set out in Clause 21.08. Clauses 21.09 and 21.10 then go on to amplify certain objectives in more detail and to set out more detailed strategies for achieving them.

With several exceptions, which are discussed later, the Council's strategies set out in its MSS have been translated, where relevant, into the planning scheme maps in terms of the zones and overlays applied. In some situations, particularly in and around Portland, the Council has been faced with a legacy of poor past planning decision-making and zoning, which it has needed to accommodate. Whilst this has constrained some opportunities, nevertheless the Council has articulated the patterns of development which will be followed in the future, compared to the opportunistic approach demonstrated by past development.

Given the nature of the municipality, the majority of privately owned land is included in the Rural Zone. Forty hectares is specified in the Schedule as the minimum subdivision area and the minimum area for which no permit is required to use land for a dwelling. The exception to this is an area of high quality agricultural land around Portland where a two hectare subdivision minimum applies (although retaining a 40 hectare minimum area for which no permit is required for a dwelling). This area is also covered by an Environmental Significance Overlay No. 2 — High Quality Agricultural Land. This area has been specifically identified as suitable for more intensive and diversified use for higher value agricultural products. Encouraging these niche markets is an objective of the MSS. The objective of ESO2 is to recognise and protect the particular qualities and potential of this high quality agricultural land and to prevent its conversion to non-soil based use and development.

The only other Environmental Significance Overlay used in the Glenelg Planning Scheme is along the coast. ESO1 — Coastal Areas covers most of the coastal area west of Portland. The Council proposes that this should also be applied along the coast east of Portland and over a small area of Nelson. An Environmental Significance Overlay was shown in those locations as part of the Draft Planning Scheme publicly displayed in 1996, but it was accidentally omitted from the formally exhibited scheme. No submissions opposing the Overlay were received during display of the draft scheme and the Council proposes to apply the Overlay in these locations also without further exhibition.

No other environmental or landscape overlays have been used.

The Heritage Overlay has been used to essentially translate controls in existing planning schemes. The issue of heritage is dealt with further in Section 3.4. The other built form overlay used is the Development Plan Overlay for which there are six schedules in the Planning Scheme. A Development Plan Overlay has been applied to all undeveloped areas which are zoned for some form of urban development (industrial or residential) and apply mainly around Portland but also in Heywood and Casterton. In the past, land well in excess of current needs has been zoned for these purposes but not developed. The intent of the Development Plan Overlays is to coordinate the provision of infrastructure in order to prevent uncoordinated, fragmented and inefficiently serviced development from occurring.

Several land management overlays have been applied in appropriate locations — Special Building Overlay (now the Wildfire Management Overlay), which is discussed further in Section 4 Submission No. 2, overlays relating to flooding, the Airport Environs Overlay around the Portland Airport and the Environmental Audit Overlay.

No additional land is zoned for urban purposes.

The Panel has only two criticisms relating to the MSS.

The first relates to the structure of the document and the second relates to the way in which heritage and the environment have been dealt with.

As the MSS is written, it follows a narrative form which unfolds very clearly, comprehensively describing the way in which objectives and strategies have been built up, then elaborating them in detail. However, when the MSS comes to be used on a day-to-day basis in interpreting and applying the Planning Scheme, it would benefit from being more condensed.

For example, broad objectives are set out in Clause 21.07 and broad strategies in Clause 21.08. They are then amplified in detail in Clauses 21.09 and 21.10. As some of these overlap, it would be more useful if they were combined and rationalised. Where there are priorities to be given to certain actions, these should be identified when describing strategies. Some of the terminology, particularly in Clause 21.10, is a little confused. Not all of the things described as specific objectives and initiatives really fall into this category. For example, in Clause 21.10-4, which deals with the coast, it is questionable whether 'future urban development' is an objective for the coast. What is more likely is that this is a key issue in this location that will require careful management. Clause 21.11 should preferably be incorporated into Clause 21.08.

It may be clearer to simply structure this part of the MSS in terms of identifying:

- key issues;
- objectives;
- strategies, including any which may have a high priority.

Objectives are the general aims or ambitions for the future development of the Shire which should respond to identified key issues. Strategies are the actions by which the current situations will be moved towards the desired future and meet the objectives. Some strategies may be implemented through the application of zones, overlays, schedules and local policies, and the subsequent administration of the planning scheme. Other strategies may be implemented through other activities of the council

Objectives and strategies should be supported, where necessary, by local policies. Local policies are the detailed directions that should guide day to day decision making about geographic or sectorial issues so that, cumulatively, those decisions will support achievement of the objectives or will not undermine their achievement. Keeping the purpose and nature of each of these elements clear should assist in the ease with which the LPPF can be used and its overall effectiveness.

The second criticism relates to the translation of the MSS into the Planning Scheme zones and overlays. Although there is a clear relationship between the MSS objectives and the way in which land has been zoned or the overlays applied, which was explained verbally to the Panel at the hearing, the relationship is not described in so many words in the MSS. Clause 12A(3)(c) of the *Planning and Environment Act* would appear to require an explanation of this relationship. This is a short-coming not confined to the Glenelg Planning Scheme, but characterises many other schemes, particularly those developed early in the planning reform process. It is an improvement which would not be difficult

to make prior to adoption of the Scheme and would tie the component elements of the Planning Scheme together, namely the Ordinance — particularly the MSS — and the maps.

At present, appreciation of the Glenelg Planning Scheme also suffers because of the lack of any large scale maps of Portland or the municipality as a whole, which display the pattern of zoning and overlays. Maps of this nature would be a valuable tool.

The other area of concern which the Panel has relating to the translation of the MSS objectives into the Planning Scheme controls, involves the way in which heritage and environmental assets have been dealt with. Both heritage and the environment are of prime importance in the MSS. The need to conserve and protect both is emphasised, yet this is not clearly reflected in the actual application of zones and overlays. Issues of detail are dealt with generally in Section 3 and in the context of individual submissions in Section 4.

Strengthening these areas would enhance what is fundamentally a good scheme and would result in a comprehensive reflection of what the Panel considers is a balanced and dynamic MSS.

2.4 MAKING CHANGES TO THE SCHEME

The Council's response to a number of submissions which have sought the application of additional overlays has been that, whilst it supports them in principle, it has deferred any action until the first review of the Planning Scheme. The basis for this approach is that changes or the application of new overlays would require a re-exhibition.

Other councils have expressed similar concerns about whether changes should be notified or re-exhibited.

The Panel does not support this as a blanket approach. There are two decisions which need to be made when considering submissions of this nature and which need to be kept separate:

- Is there a strategic basis for the changes sought? If so, should the changes be supported?
- If changes should be made, what is the most appropriate mechanism? Is re-exhibition or the opportunity for comment necessary?

Introducing an entirely new planning scheme for a municipality is different to making a specific amendment to an existing scheme. The key to the new format planning schemes is the MSS. It is upon this that the application of controls in the form of zones, overlays and schedules, should be based. The public participation process involved in the introduction of the new format planning schemes is intended to ensure that each new scheme reflects **as well as possible** the MSS upon which it is based. If the scheme in the format in which it has been exhibited does not do this, then it is a legitimate part of the process to change it so that it does. Little good would be served by this public participation process if no change could be contemplated because of a need to re-exhibit. The outcome will depend upon the nature of the changes sought and general principles of natural justice.

All submissions seeking an alternative zoning or the applications of new or alternative overlays should be considered in the context of the MSS. If something is an objective in the MSS and/or it is identified as a strategy, then it should be reflected in the Planning Scheme maps. In the Panel's opinion, it is acceptable to amend the Planning Scheme maps to better reflect the intent of the MSS without the need for further exhibition, because the maps are supposed to be an implementation of the strategies outlined in the MSS and the strategies are supposed to be the means by which the objectives will be achieved. However, if the change sought is not a logical outcome of the MSS and it may have adverse impacts on anyone, then it may

be more appropriate to ensure that anyone likely to be affected is given an opportunity to comment. The most appropriate response will depend on the circumstances of each case.

If changes to a zone or overlay are proposed, the nature of the effect of the change is more important to consider than the fact of change. Because the range of uses in the VPPs is so much wider than in existing planning schemes, the effect of changing a zone will more often be to require a permit for a use rather than to prohibit it.

Likewise, the application of an overlay can only require a permit for development: it cannot prohibit it. Much development requires a permit under zone provisions in any event, consequently adding an overlay will often not change the requirement for a permit but only the reason and the matters to be taken into consideration.

As the first purpose of every zone and overlay is to implement the SPPF and LPPF, if the matters supporting the application of an overlay are already to be found within these sections, they would need to be considered in any event. Thus the application of an overlay will, in many situations, serve more to identify and clarify when and what matters in the MSS need to be considered, than to introduce entirely new matters.

All this serves to emphasise the need to consider submissions in terms of the LPPF, and particularly the MSS. If the new planning scheme, when adopted, does not reflect as well as possible the MSS which has been exhibited, then it will be off to a poor start. Discrepancies between maps and ordinance are bound to give rise to problems. With the SPPF and LPPF being such key determinants in the decision making process, it is vital that a robust approach is taken to eliminate, so far as possible, any potential problems. Delaying all change pending re-exhibition or further amendment will unnecessarily impede the effective introduction of the new schemes.

2.5 OVERALL ASSESSMENT OF PLANNING SCHEME

The Panel's overall assessment of the Glenelg Planning Scheme is that it is a balanced and forward looking response to the opportunities and constraints facing the Shire. Clear directions have been identified and the scheme has been formulated in a genuine attempt to respond to the expectations of the planning reform program. Tightening up the MSS and rationalising the local policies will further improve it and make it more workable.

Articulating the relationship between the MSS and the zones, overlays and schedules which have been applied, will not only respond to Section 12(A)(3)(c) of the *Planning and Environment Act* but improve overall understanding of the Council's objectives and strategies.

Further improvements need to be made to the way in which heritage is dealt with, although specific actions will not be capable of implementation before adoption. The Panel formed the opinion that despite the rich cultural heritage of the Shire and statements about its significance in the MSS, the actual identification of assets was patchy and consequently there were gaps in the level of protection. The Council acknowledged this and the need for a proper Shire-wide heritage study, but there was no evidence that there is a firm commitment to undertaking this within a defined time frame.

The Panel has recommended that this be addressed. It has also recommended that in the interests of best managing scarce resources, the Council make use of what reliable and authoritative information already exists about heritage assets in the municipality in order to extend protection over them.

The only strategic issues identified by the Panel which are not sufficiently addressed or dealt with relate to the environment. Steps need to be taken to adequately reflect SPPF principles about the maintenance of ecological processes and genetic diversity in terms of the conservation of flora and fauna. This arises with respect to protecting the habitat of the endangered Red Tailed Black Cockatoo, protecting significant wetlands and responding to the likely conflict which will arise as a result of pressure to clear native vegetation for timber production.

Where environmental and landscape issues have been identified in the MSS as being significant, the Panel considers the range of techniques chosen from the VPPs could be improved to better achieve the Council's stated outcomes and to give effect to the Government's recently released Victorian Coastal Strategy.

These are all matters that should be addressed prior to adoption of the Scheme.

3. RESPONSE TO TERMS OF REFERENCE

The specific questions which the Panel has responded to in this section of the Report are taken from the amended Terms of Reference dated 28 January 1998 and circulated to all councils. They are a simplification of the Terms of Reference set out in Appendix A and better express the ambit of response which it is appropriate for the Panel to provide.

3.1 CONSISTENCY

Is the planning scheme consistent with the Ministerial Direction on the form and content of planning schemes under Section 7(5) of the Planning and Environment Act 1987?

The Glenelg Planning Scheme is considered to be generally consistent with the Ministerial Direction on the form and content of planning schemes with the following exceptions:

- Changes necessary as a result of Amendment V3.
- Various minor errors and omissions.

Is the planning scheme consistent with Ministerial Directions under Section 12 of the Planning Environment Act 1987?

The only relevant Ministerial Directions under Section 12(2)(a) of the Planning and Environment Act are Direction No. 1, 'Potentially Contaminated Land' and Direction No. 6/6A, 'Rural Residential Development'.

Direction No. 1 has been applied where relevant but Direction No. 6/6A has not.

Direction No. 6/6A applies to amendments which have the effect of allowing rural residential development (subdivision of land into lots which have an area of between 0.4 hectare and 2.0 hectare). Strictly speaking, the new Planning Scheme is an amendment and Direction No. 6/6A applies. However, the Direction provides for exemptions and the Explanatory Statement offers as an example for justifying such an exemption: *'if an amendment proposes simply to recognise existing rural residential development'*.

The Panel believes that an exemption is therefore warranted in those situations where the Glenelg Planning Scheme is simply translating existing rural residential zones. However, there are a number of locations where the new Scheme alters the existing planning controls. These are indicated on the five maps included in Appendix D. These have been described to the Panel (subsequent to the hearing by the Council's planning consultants) in the following terms:

The former Residential D Zone on Bridgewater Road has been converted to LDRZ increasing the minimum subdivision size from 2000 square metres to 4000 square meters.

The neighbouring Rural Zone within the former City of Portland has been converted to LDRZ reducing the potential minimum subdivision size from 4 hectares to 4000 square metres.

The Rural Living Zone on either side of Dougherties Road largely replaced the former Rural Residential 2 Zone which allowed subdivision to a minimum of 3 hectares, which has resulted in the increase of the minimum subdivision size to 4 hectares. In recognition of the existing lot size at the southern end of Dougherties Road, this area was also zoned RLZ, decreasing the minimum subdivision size from 40 hectares to 4 hectares, although this was generally in keeping with the existing lot pattern, as can be seen on Map 35.

In relation to the two areas described above it was not considered necessary to apply Ministerial Direction No. 6.

The proposed Low Density Residential Zone on the outskirts of Portland, generally located between West Boundary Road and Thorn Road (see maps 35 and 40), is currently zoned Rural 1 with an associated minimum lot size of 40 hectares. Council did not seek to satisfy Ministerial Direction No. 6 in relation to this obvious change of zoning. In a strategic context the focus of Low Density Residential land to the west of Portland was intended to reduce the pressure for such subdivision to the north of centre, where the land is of high agricultural value.

This area of land is low lying and quite unattractive for closer subdivision. At present there are very few houses in this area. It is my opinion that the land is unlikely to be developed for this purpose. The Panel has a number of options available:

- recommend the land retain a Rural Zone consistent with the existing Heywood Planning Scheme,*
- recommend the Rural Living Zone which is comparable to the existing lot size, or*
- retain the Low Density Residential Zone and introduce a local policy which maintains the existing number of lots, but allowing reconfiguration of lots to occur.*

In each case, except where the minimum subdivision size has been increased, the Panel considers that Direction No. 6/6A should have been complied with.

No submissions opposing the zonings in question were received.

In the Panel's opinion, the areas which have been effectively rezoned to Rural Residential within the meaning of Ministerial Direction No. 6/6A cannot be dismissed as minor infills. They are substantial areas of land which will significantly extend rural residential development west of Portland. There does not appear to be any strategic basis for them in the MSS. The strategy in Clause 21.09-5:

- large areas of rural residential development exist to both the west and north of Portland. Provide for the resubdivision of existing areas to facilitate better utilisation of infrastructure.*

does not provide any adequate basis for this action, particularly given the lack of strategic analysis which compliance with Ministerial Direction No. 6/6A requires. The zoning would also appear to be in conflict with Part 2 of the Explanatory Report which states:

The Low Density Residential Zone is applied to those areas principally in Portland where land has already been set aside for residential purposes on larger lots. Extensive areas in excess of demands already exist and no major additions are proposed.

The Panel recommends that those areas included in the Low Density Residential Zone which have not previously been included in zones which would allow subdivision generally into lots of two hectares or less should be included in a VPP zone equivalent to their existing zoning. Inclusion of these areas of land in a Low Density Residential Zone should occur by means of a separate amendment prepared in compliance with Ministerial Direction No. 6/6A.

Is the planning scheme consistent with the Manual for the Victoria Planning Provisions?

The Glenelg Planning Scheme is considered to be generally consistent with the *Manual for the Victoria Planning Provisions*.

3.2 MUNICIPAL STRATEGIC STATEMENT (MSS)

Does the MSS further the objectives of planning in Victoria to the extent that they are applicable in the municipal district?

The objectives of planning in Victoria are set out in Section 4(1) of the *Planning and Environment Act* and are —

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (d) *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- (e) *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- (f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d), and (e);*
- (g) *to balance the present and future interests of all Victorians.*

All of these objectives are applicable in Glenelg. Subject to the following discussion, they are all adequately responded to in the MSS.

Are the strategic planning, land use and development objectives of the planning authority a reasonable response to the characteristics, regional context, development constraints and opportunities of the municipal district?

Considering the objectives of planning in Victoria and the planning authority's objectives, are there any important omissions or inconsistencies?

The Panel has indicated in Section 2.3 that it considers the strategic planning, land use and development objectives set out in the MSS are a good response to the characteristics and key issues facing the municipality. In particular, the Council is to be commended for the way in which it has embraced the Commonwealth and State Government objectives to increase timber production and the opportunities this presents for the municipality. By the commitment made in the MSS to supporting increased timber production, the Council is capitalising on the suitability of the area for this use and its established presence in the region.

The only important omission from the MSS is any elaboration on the need to provide for the maintenance of ecological processes and genetic diversity. This is of particular relevance in connection with the conservation of native flora and fauna. Issues surrounding the removal of native vegetation, particularly to allow for timber production, are dealt with in more detail in Section 3.3 where the provisions of the SPPF are examined. Issues relating to the protection of habitat of the endangered Red Tailed Black Cockatoo and the protection of wetlands are dealt with in response to Submission No. 25 in Section 4.

In terms of consistency of the MSS with the objectives of planning in Victoria, whilst the need to protect the natural environment is recognised in the MSS, the need to do so appears to be based more on the way in which the natural environment will support the economic development of the municipality than on the need to protect it for its own sake in order to maintain ecological processes and genetic diversity. In fact, ecological processes and genetic diversity are one aspect of sustainable land management and indirectly they do contribute to economic well-being. As history has demonstrated, a failure to protect the environment has given rise to all sorts of problems such as salinity, erosion, soil structure decline, water logging and deterioration in water quality. Even though activities were, at the time, taken in direct pursuit of economic development, their results now adversely affect productivity and economic returns. The point is, that just because a link cannot be made in the short term between economic development and the maintenance of ecological processes and genetic diversity, this does not mean that in the long term, such link may not become both apparent and significant.

The Council is to be commended for the strong stance it has taken in the MSS about the need for sustainable land management in order to protect the quality of the Shire's natural resource base for the purpose of supporting agriculture, horticulture and timber production. Nevertheless, the MSS could be strengthened by amplifying the objectives and strategies to more clearly encompass the maintenance of ecological processes and genetic diversity more clearly.

Does the MSS contain realistic and reasonable strategies for achieving the objectives?

The Council has developed a range of strategies to address its various objectives. As the Panel has noted in Section 2.3, the MSS would benefit by generally tightening up and rationalising both objectives and strategies. The MSS would also benefit by an articulation of the relationship between the objectives and strategies in the MSS and the application of zones, overlays and schedules (where appropriate) and the relationship with particular local policies. Not only is this required by Section 12(A)(3)(c) of the *Planning and Environment Act*, but it would be a useful demonstration of the extent to which relevant strategies have been implemented.

As part of a future review of the MSS, it would be useful to distinguish between strategies which find reflection in the application of zones, overlays, schedules or local policy, those which will depend upon interpretation and administration of the Planning Scheme, and those which will be implemented through other activities of Council. In this context, links with the Council's Corporate Plan will be much more discernible. Consistency between the MSS and the Corporate Plan is a requirement of Section 12A(4) of the Act.



What were the processes used in arriving at the MSS?

In 1995, consultant planners, TBA Planners, were appointed by the Council to undertake a strategic review and prepare a new consolidated planning scheme. This action was endorsed following the election of councillors in March 1996.

An extensive public consultation process involving meetings, public workshops, questionnaires and submissions was undertaken, together with the release of a Background Issues Paper for public comment. Four specific projects were undertaken by consultants to assist in various aspects of the project:

- The Centre for Land Protection Research prepared a Natural Resource Profile.
- Andrew Ward and Associates prepared a Heritage Assessment of Areas Outside Portland with a Focus on Townships.
- The Centre for Land Protection Research mapped areas around Portland which could be classed as highly productive agricultural land.
- A study was undertaken of the coastal area between Portland and Narrawong to determine its suitability for further rural living development.

In July 1996, a Draft Land Use Strategy was released for public comment. In September/October 1996, a Draft Planning Scheme incorporating a strategy was advertised and released for public comment. An extensive public consultation process was engaged in and all submissions (77) were considered by the Council. Further workshoping of the Draft MSS, local policies and schedules occurred involving DOI before the Scheme was formally placed on exhibition in May 1997.

The Panel is confident that the public has had ample opportunity for involvement with the development of the MSS.

Are there satisfactory links with the Corporate Plan?

The Corporate Plan is a much more generalised document than the MSS. Nevertheless there are clear linkages between the two and the MSS builds on relevant objectives and key strategies within the Corporate Plan. In the future, linkages could be described in the MSS.

Are local provisions clearly expressed and written following plain English principles?

The local provisions of the Glenelg Planning Scheme follow plain English principles and for the most part are easy to read. There are aspects of the MSS and local policies that the Panel considers would benefit from being tightened up and these are addressed elsewhere in this report.

3.3 LOCAL PLANNING POLICY FRAMEWORK (LPPF)

Is the LPPF and other local provisions consistent with the SPPF?

The interlocking of the LPPF with the SPPF is a key objective of the planning reform process. This is elaborated on in Clause 13 of the Glenelg Planning Scheme which states:

13 Principles of Land Use and Development Planning

Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.

Following are seven statements of general principles that elaborate upon the objectives of planning in Victoria and describe the factors that influence good decision making in land use and development planning. A planning authority preparing amendments to a planning scheme or a responsible authority administering a scheme must consider these over-arching and interlocking principles as well as relevant specific policies in Clauses 14-19.

The seven principles deal with:

- settlement;
- environment;
- management of resources;
- infrastructure;
- economic well-being;
- social needs;
- regional co-operation.

The section about Environment states as follows:

Environment and resource management principles for ecologically sustainable development have been established by international and national agreements. Foremost amongst the national agreements is the Inter-Governmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Response Strategy, the National Water Quality Management Strategy, The National Strategy for the Conservation of Australia's Biological Diversity and the National Forest Policy Statement. The National Environment Protection Council is preparing National Environment Protection Measures to provide a common policy framework for environmental quality throughout Australia.

These national agreements and policies provide a broad framework for the development of operational planning policies to encourage sustainable land use and development. In

Victoria these include State environment protection policies made under the Environment Protection Act 1970 which are binding on all sectors of the Victorian community.

Planning is to contribute to the protection of air, land and water quality and the conservation of natural ecosystems, resources, energy and cultural heritage. In particular, planning should:

- *Adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards.*
- *Prevent environmental problems created by siting incompatible land uses close together.*
- *Help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity).*
- *Protect areas and sites with significant historic, architectural, aesthetic, scientific and cultural values.*

Glenelg's application of the principles set out in Clause 13 in its Planning Scheme are generally balanced and thoughtful, although greater attention needs to be given to issues of maintaining ecological processes and genetic diversity. Particular issues are dealt with in response to Submission No. 25

In the MSS itself, the only omission which the Panel can identify is a lack of emphasis on native vegetation retention. State Planning Policy in respect of the conservation of native flora and fauna is set out in Clause 15.09. Although there is strong emphasis in the MSS on the need to protect and improve the natural environment, there are no specific objectives, strategies or policies aimed at protecting and retaining the native vegetation remaining in the area.

At the hearing, the Panel was advised that the clearance of native vegetation for timber production was an issue of contention in the Shire, with little clear direction being given by the Department of Natural Resources and Environment.

Glenelg is one of the few municipalities in Victoria where there is likely to be applications for clearance of native vegetation for the purpose of establishing new plantations. The Panel was advised that the Department of Natural Resources and Environment has not opposed the clearance of native vegetation in Glenelg for timber production. It was suggested that there is an attitude, even on the part of DNRE officers, that the vegetation is 'just scrub' and of little value because of its low woodland nature. Even though, in its submission to the Planning Scheme the Department of Natural Resources and Environment submitted that the lack of a policy addressing the conservation of native flora and fauna weakened the overall depth of the LPPF, its suggested inclusion for such a policy still concentrated on prohibiting or discouraging clearance of 'high value' remnant native vegetation.

The argument that the SPPF contains policies encouraging both forestry and timber production and the conservation of native flora and fauna, with no indication as to which should take precedence, is no excuse, in the Panel's opinion, for the Department of Natural Resources and Environment to lack a clear strategic policy direction on how applications to clear native vegetation for timber production should be dealt with. In any event, the Panel considers it is inaccurate to suggest that there is any conflict between these two State Planning Policies. Clause 17.07–2 states that:

*Planning and responsible authorities should promote the establishment of softwood and hardwood plantations **on predominantly cleared land** as well as other areas subject to or contributing to land and water degradation.*

Clause 52.18-4 provides that no permit is required for the removal of native vegetation on predominantly cleared land and sets out the criteria by which this is to be judged. There is no State Planning Policy which encourages timber production on land covered with existing native vegetation. The policies in both Clause 17.07 and 15.09 therefore sit quite comfortably side by side. Thus there should be no problem in developing a corporate approach by the Department of Natural Resources and Environment which accommodates the promotion of timber production with the conservation of native flora and fauna.

The amount of remnant native vegetation remaining on private land in Victoria is minimal. It is ironic that the community in the Shire of Glenelg is seeking, and achieving, funding for revegetation for reasons associated with erosion, salinity and biodiversity in an area where clearing is still being permitted. The Commonwealth Government, which provides funds for revegetation for these purposes, is examining this dichotomy with a view to assessing how permissions for ongoing vegetation clearance should affect funding for revegetation.

This is a matter that the Council will need to take into consideration in due course. In the meantime, **the Panel recommends that the Council recognise the importance of conserving native flora and fauna more clearly in its MSS and through the development of a local policy for inclusion in the LPPF which specifically addresses the issue of native vegetation clearance for timber production.**

3.4 ZONES, OVERLAYS AND SCHEDULES

Are there clearly defined linkages between the MSS and the application of zones, overlays and schedules?

Is the application of zones, overlays and schedules the most appropriate of the VPP techniques to achieve the stated outcomes?

If there are situations where the application of zones, overlays and schedules are not clearly linked to the MSS, is reasonable justification provided and is it considered acceptable?

For the most part, the Glenelg Planning Scheme reflects previous zoning, particularly with respect to industry, business and residential areas. In a number of instances, the Council has been faced with past, poor decisions about zones. It has not attempted to back zone land, but it has strategically recognised the implications of the zoning. In the case of undeveloped urban land, it has applied a Development Plan Overlay to ensure that, notwithstanding the zoning, development does not proceed in an unco-ordinated way or without proper infrastructure.

There are a number of instances (detailed in Section 3.1) where extensive areas of land have been included in a Low Density Residential Zone without any clear links to the MSS and without compliance with Ministerial Direction 6/6A. No justification for this increase to the rural residential stock of land around Portland was provided. The Panel does not consider it is acceptable in the absence of an examination of the issues which Ministerial Direction 6/6A directs.

The most significant issues for Glenelg in terms of the linkages between its MSS and the application of zones, overlays and schedules are timber production, high quality agricultural land, coastal areas and heritage assets.

Timber Production

Timber production is an issue that has dominated Council's development of the Glenelg Planning Scheme. The municipality is one of the two most important areas in Victoria where there are significant opportunities for expansion of plantations in line with Federal and State policies. An objective identified in the report *Plantations for Australia: the 2020 Vision* is to treble the national plantation estate from 1 million to 3 million hectares by 2020. In line with this, the Victorian target for new plantations is about 27,000 hectares annually. Glenelg will play an important role in achieving this aim.

It is recognised by the Council that continued expansion of the timber industry provides the most likely opportunity for the region to add wealth and create jobs. If the level of plantations and raw product can achieve a sufficient critical mass, then a wide range of value adding and local processing opportunities arise. The port facility at Portland enhances this. It is also widely acknowledged that the conversion of cleared grazing land to plantation timber is likely to produce substantial environmental gains in terms of stabilising salinity and even reversing long-term environmental damage.

Nevertheless, in formulating its strategic response, the Panel was told that the dilemmas facing Council include the following:

- *Timber plantations often lead to loss of local population, displacement of farms and families and use of outside contract labour (this last point can probably be overcome if the scale of production is sufficient).*

- *Road maintenance — there is concern by Council that unless an adequate road network is in place and there is use of designated roads, the maintenance/damage bill on roads and bridges will escalate. Both the current and the former Shires of Glenelg have experienced \$100,000's of damage to roads in a matter of weeks from harvesting operations. The former Glenelg Shire developed a network of roads with bylaws, tonnage limits and local policing to address this matter.*
- *Generally the Shire has excellent working relationships with the major timber companies, but there is a concern that as the industry grows, this may not always be the case as more operators enter the market and particularly as individual landholders become involved.*
- *Timber plantations often involve the clearing of areas of native vegetation — to date a regional-Shire position on values and importance of areas of native vegetation is not clear and publicly accepted. The regional vegetation plan is not publicly available.*
- *There is an understandable community concern about fire hazard and the potential for further plantation development to increase that.*
- *There is opposition among some sections of the community to pine plantations.*
- *There is a concern about protection of key environmental landscape and economic assets, such as the coast and its environs, and the highly productive basalt soil areas, particularly those north of Portland used for high value intensive horticulture.*

In the exhibited Planning Scheme, Clause 22.04–2 included a local policy on forestry, timber production and timber processing industries. A copy of this policy is included in Appendix B. This identified a timber policy area essentially covering the north western portion of the municipality. In the Schedule to the Rural Zone, in the timber policy area there was no minimum area specified above which a permit was required for timber production. In all other areas of the municipality, 40 hectares was specified, above which a permit would be required for timber production.

Since exhibition of the Planning Scheme, the Council's position has changed. It has decided to delete the local policy on timber production exhibited as Clause 22.04–2.

The basis of its new policy is that there should be no restriction in the Planning Scheme on timber production anywhere within the Rural Zone of the Shire except with respect to native vegetation clearance, which requires a separate permit, and in three specified areas:

- coastal areas included in an Environmental Significance Overlay 1 — Coastal Areas;
- highly productive agricultural land included in an Environmental Significance Overlay 2 — High Quality Agricultural Land;
- the environs of townships — not defined at this stage.

The basis for definition would be:

- residential zones – minimum 100 metres separation;
- residences – minimum 100 metres separation;
- the environs of nominated towns e.g. defined by features such as roads, watercourses, forest edge, ridgeline, change of land use.

The definition of environs would, where practical, take into account prevailing winds/fire hazard.

This policy stance is supplemented by the Timber Strategy adopted by the Council in September 1997. This Strategy deals with a number of issues outside the ambit of the Planning Scheme. With respect to the Planning Scheme, it seeks to implement the key elements of the SPPF and the MSS regarding timber production. In its submission to the Panel, the Council said:

The overall position adopted by Council is consistent with the MSS which recognises and supports timber production as the major economic initiative in the Shire which can also deliver significant environmental advantages. The three nominated areas where permits would be required for timber production on an area greater than 40 hectares are also consistent with the MSS. The MSS recognises that highly productive agricultural land is an important resource for diversifying the economic base, encouraging value added industries and also linking with the tourism industry. Council recognises that market forces will essentially dictate whether this area is used for timber or other primary industries. However, Council wishes to send the message that it believes that given so much land is potentially available for timber production, land which can support a wide range of agricultural and horticultural uses should be given preference for such uses. The coastal area is one of the Shire's greatest assets, its management and protection as a long-term tourist and recreational resource is significant.

The Panel makes the following comments about Council's revised position regarding timber production.

First, it recognises that the Council's primary concerns about the issue of timber production within the municipality relate to roads. This includes:

- the provision of an adequate network of roads to support a significant expansion of the industry within the Shire;
- damage caused to roads during harvesting operations.

Concern about the issue of roads is not confined to the Shire of Glenelg but is a legitimate concern for all municipalities where timber production is currently or potentially a major land use. However, the Panel considers that the issue of roads needs to be dealt with on a Statewide basis and outside the ambit of individual planning permits. As a result of submissions made about the way in which timber production has been dealt with in various new format planning schemes, a draft discussion paper has been prepared in conjunction with the DOI and the private Forestry Council of Victoria. This draft discussion paper is included in Appendix C.

The type of approach advocated in the Draft Discussion Paper on Timber Production would support the position adopted by Glenelg Shire Council of not restricting timber production or requiring a permit for it except in specified locations, which can be justified on grounds related to the nature of those locations. The Panel supports the Council's justification for controlling timber production in coastal areas and on highly productive agricultural land. However, it queries whether the mechanisms adopted by the Council are the most effective or appropriate.

Both coastal areas and the Shire's highly productive agricultural land are included in a Rural Zone with an Environmental Significance Overlay. Under the zone provisions, it is only areas greater than 40 hectares which will require a permit for timber production. Consequently, numerous small plantations may cumulatively have the same adverse impact on the landscape and other qualities of the coast and on the productive capacities of high quality agricultural land as larger plantations over 40 hectares in size.

Under the Environmental Significance Overlay, a permit is only required for development, not use. This is a feature of most, although not all, overlays. In the case of timber production though, it is more the use of the land which requires control in these locations than its development.

It is possible that drawing a distinction between use and development when establishing a timber plantation is out of step with the non-legalistic approach which the planning reform program is seeking to embrace and which places such a strong emphasis on the MSS and local policies in guiding decision making. If it is a clear objective of both the MSS and local policies that timber production should not occur in certain locations for specified reasons, then perhaps it should not matter whether it is only the development aspects of timber production which are controlled under the Environmental Significance Overlay, on the basis that development is an integral precursor to use. Nevertheless, **the difficulties which the distinction between the use and development of land for timber production may give rise to (and indeed other forms of agriculture) in areas protected by an overlay warrant review by DOI when it next reviews the VPPs.**

With respect to Schedule 1 to the Environmental Significance Overlay — Coastal Areas, comments are made elsewhere in this report that the environmental objectives exhibited are too vague and generalised. It is difficult to understand from reading them why timber production should not be permitted in this coastal area. The reasons for excluding or limiting timber production need to be much more clearly articulated and criteria identified by which any applications should be judged.

Similar comments about the need to more clearly articulate reasons and criteria also apply into Schedule 2 to the Environmental Significance Overlay — High Quality Agricultural Land.

If a more direct control is desired over timber production in these sensitive locations, a more appropriate zone might be the Environmental Rural Zone. In this zone, agriculture and timber production are Section 2 Uses. The Council could develop a policy as to what forms of agriculture it would support or discourage in various locations (such as the coastal areas or areas of high quality agricultural land). Particularly with respect to high quality agricultural land, it would be preferable to control use directly rather than indirectly via an overlay, whose primary purpose is to control development. This matter is considered further in this section of the Report under the headings of Coastal Areas and High Quality Agricultural Land.

With respect to the Council's proposed policy of excluding timber production from the environs of townships, this policy would not be endorsed by the Panel as it is currently framed for the following reasons.

The 100 metre separation from residential zones and residences is already addressed in the conditions attaching to timber production in Section 1 of the Rural Zone in the VPPs. The concerns underlying other environs of nominated towns, namely potential fire hazard, could not be supported without much greater consultation and justification by the Council. Submissions to the Panel from the CFA and timber producers, such as Victorian Plantations Corporation, have emphasised that there is evidence demonstrating that plantation forests are not a significant fire hazard in rural areas. Plantation owners have a vested interest in protecting their plantations from fire and consequently devote significant resources to fire protection. Plantation owners are much more concerned about the threat of fires approaching their plantations from surrounding rural land.

Nevertheless, irrespective of where a fire originates, there may be legitimate community concern in some locations about the proximity of plantations to townships because of the particular circumstances of the locality. In the Panel's opinion, if there are specific locations within the Shire where, for fire protection reasons, special conditions should apply to timber plantations, these should be worked out by the Council in conjunction with the CFA, local landowners and the timber industry. If justified, then it may be appropriate for a specific control to be included in the local provisions of the Planning Scheme. However, this should be the subject of a separate amendment.

The Panel's conclusion with respect to timber production is therefore to support the Council's revised policy removing any requirement for a permit for timber production throughout the Shire in the Rural Zone except in coastal areas or on high quality agricultural land. In these locations, however, it questions whether the use of the Environmental Significance Overlay will achieve the outcome intended by the Council and recommends that land in these areas be included in the Environmental Rural Zone with supporting local policies about the type of agricultural uses encouraged or discouraged in these locations.

The Panel does not support any further restriction on timber production in the environs of townships not already addressed by the conditions applying to timber production in Section 1 of the Rural Zone of the VPPs.

High Quality Agricultural Land

In the area of the Rural Zone covered by the Environmental Significance Overlay No. 2 — High Quality Agricultural Land, there is a minimum subdivision size of two hectares (compared with 40 hectares elsewhere in the Rural Zone). The purpose of the Overlay is to discourage uses which are non-soil based (e.g. residential development) or uses which do not depend upon the particular high quality of the soil in this location for their success. It is for this reason that timber production is discouraged: there is so much other land available for timber production not suitable for the type of specialised agricultural products that the high quality agricultural land will support. Council considers that if this land is used for timber production, it will limit its potential availability for other uses. Council is also concerned about the long term impact which pine plantations in particular might have on this land, as pines are known to affect soil structure. It is noted however, that nothing is said specifically in the Schedule about this.

As the Panel discussed above in relation to timber production, the difficulty with using the Environmental Significance Overlay to identify and protect this resource is that its prime objective is to control the construction of buildings and works, the subdivision of land or the removal of vegetation. The Panel does not consider it is the most appropriate VPP technique to apply in a situation where the Council's objective is to encourage certain types of agricultural uses and discourage others. The Panel considers that the Environmental Rural Zone would be the most appropriate VPP technique to achieve this outcome.

The Panel notes that the Shire of Glenelg has not used the Environmental Rural Zone anywhere within the municipality. It was suggested at the panel hearing that this was because the Council did not like the term 'Environmental'. The Panel cannot accept that this seriously represents the Council's reasoning, particularly in light of the strength of Council's commitment to the environment and to issues of sustainable land management embodied in its MSS. Rather, it is possible that because the Glenelg Planning Scheme was one of the earliest of the new format planning schemes, the ambit of the Environmental Rural Zone had not been fully developed or appreciated when it was prepared.

The Schedule to the Environmental Rural Zone now makes provision for the environmental outcome sought for the land in the Zone to be specified. In the case of high quality agricultural land, the environmental objectives included in Schedule 2 to the Environmental Significance Overlay — High Quality Agricultural Land in the Planning Scheme as exhibited could be adapted to form the basis of a Statement of Environmental Outcome as required in the Environmental Rural Zone.

It is an important objective in the MSS to utilise productive agricultural land to support new and innovative industries. **The Panel's recommendation is that in respect of the Shire's high quality agricultural land the Environmental Rural Zone would be a more appropriate VPP technique to achieve the stated outcomes than use of the Rural Zone with an Environmental Significance Overlay.**

Coastal Areas

The significance of coastal areas is emphasis in the MSS as both an environmental and tourist recreational resource. The need to manage its use and development so as to conserve its landscape and environmental qualities is likewise emphasised.

Since exhibition of the Glenelg Planning Scheme, the Government's Victorian Coastal Strategy has been released. Clause 15.08 of the SPPF addresses coastal areas and requires that planning authorities must have regard to any Victorian Coastal Strategy.

An Environmental Significance Overlay is proposed to be applied to private land along the coast. This responds to various objectives in the MSS relating to coastal areas. The environmental objective set out in Schedule 1 to the Environmental Significance Overlay — Coastal Areas is as follows:

- *The natural and cultural values of the coast shall be protected.*
- *The coast shall be used and developed in a sustainable manner.*
- *Integrated management and protection of the coastal zone is a shared responsibility.*

The Panel is concerned that these objectives are too vague and generalised to be useful in guiding day to day decision making. The local policy in Clause 22.02–4 for the coastal area seeks to amplify these objectives. The Panel can foresee potential conflict between the way in which the objectives are applied because of the very generalised objectives in the Schedule. A concern which arises particularly with respect to the Bridgewater Lakes/Cape Bridgewater area discussed in Submission No. 12, but which doubtless applies in many other coastal locations, involves the landscape significance of the coast.

One of the important attributes of the coastal areas is their landscape significance. The Council has chosen not to use the Significant Landscape Overlay, yet in doing so, the Panel queries whether it is thereby excluding landscape qualities from consideration in decision making under the Environmental Significance Overlay. Certainly, the Council's concern about timber production in the coastal areas seems to be related to the impact this may have on landscape qualities.

Statements are made in Clause 22.02–4 with respect to the objective, *The coast is to be used and developed in a sustainable manner*, that this recognises:

- *the economic and social values of seaports, mineral and forest resources, agriculture, marine farming and fisheries to Glenelg Shire and the legitimate aspirations of individuals and communities for allocation of space and resources in the coastal area for these activities;*

The Panel considers that there may be a potential conflict between this and protecting landscape values, particularly if attempting to control timber production,

The Panel considers that before adoption of the Scheme, any coastal area local policy should specifically address how timber production is to be regarded. As part of its first review of the Scheme following adoption, the landscape qualities of various parts of the coast should be identified and referred to in local policy.

The Panel has made specific recommendations about the Bridgewater Lakes/Cape Bridgewater area with respect to the application of a Significant Landscape Overlay. It recommends that before adoption Council considers where it is appropriate to include a Significant Landscape Overlay over any other parts of the coastal area as in very sensitive locations, the VPPs contemplate that more than one overlay may apply, depending upon the characteristics of the land which require protection.

In any event, it recommends that the provisions of the Environmental Significance Overlay No. 1 – Coastal Areas be redrafted to meet the requirements of the Schedule for this Overlay set out in the Ministerial Direction on the Form and Content of Planning Schemes as a result of Amendment V3. This should include a Statement of Environmental Significance as well as the environmental objectives to be achieved.

The format of the exhibited Schedule appears to misconceive the way in which the provisions of Clause 42.01 will work. For example, the requirements of Clause 2 of Schedule 1 to the Environmental Significance Overlay are not relevant to the way in which the permit requirements of Clause 42.01–2 are framed. The permit requirements enable specific development, subdivision or vegetation removal to be excluded from the need for a permit. The Panel also considers that the decision guidelines in Clause 2 of the exhibited Schedule are unnecessary as they are simply repetitive of matters covered in local policies in Clause 22.

Heritage

There are strong statements in the MSS about the importance of the built heritage of the area, particularly Portland as the State's oldest European settlement. However, the greatest number of submissions received about a single issue related to heritage and were critical of the extent to which the Heritage Overlay has been applied. In addition, a significant number of gaps and errors relating to individual sites were identified.

The Council has sought to translate the existing listing of individual buildings and sites from the three current planning schemes into the new Planning Scheme. It commissioned a heritage assessment of areas outside Portland focussing on the towns of Casterton and Merino. Heritage areas identified in this study have been included in the Planning Scheme.

With respect to Portland however, the documentation of heritage is sketchy and lacks comprehensive study. The Panel was told that the Council is prepared to devote funds and resources to undertake a comprehensive

Shire-wide heritage study embracing built heritage and cultural features. This is dependent on funding from outside bodies and at this stage does not form part of the Council's budgetary program. The Panel was advised that Council's position is that until the study is completed and subject to full community input, it would be premature to list buildings and sites because they cannot be viewed and assessed in the full context of a comprehensive study. In the meantime, submitters argued there is an ongoing erosion of heritage assets as a result of lack of protection and an unsympathetic approach by the Council.

It is not appropriate for the Panel to comment about the past approach by the Council to specific matters nor is it in a position to do so. Nevertheless, the lack of any reference to heritage protection or assessment in the Corporate Plan 1997–2000, particularly among the performance indicators, is conspicuous, given the significance of heritage and tourism in the Council's MSS,

The balance which the Panel considers the Council has shown in the words of the MSS needs to be matched by action, both in terms of the application of zones and overlays, the development of policies, and in studies necessary to implement this. The Panel considers that the Council's concept of a comprehensive study of the entire Shire may be unnecessarily ambitious. Considerable, reputable assessments of individual heritage places already exist, for example the Land Conservation Council Final Recommendations: Historic Places Special Investigation South Western Victoria; January 1997, and National Trust citations for classified buildings. If the Council has limited resources, it may be preferable to direct those to new work rather than duplicating existing authoritative work where this is adequate to justify a Heritage Overlay.

The Panel consequently recommends that heritage assessments by bodies such as the Land Conservation Council and the National Trust be used as the basis for the application of a Heritage Overlay to heritage places not already protected under the Planning Scheme, provided this is adequate to justify a Heritage Overlay. This should be done by means of an amendment within 12 months of the adoption of the Glenelg Planning Scheme.

The Panel also recommends that the Council undertakes a heritage study of the balance of the Shire's heritage assets as soon as possible and incorporate the outcomes into the Planning Scheme. A comprehensive listing of all heritage places identified in the Planning Scheme, cross-referenced to the source of the information upon which the listing is based, would also be useful.

Concerns were raised that the Heritage Overlay did not translate the existing detail of the heritage controls in the Portland Planning Scheme and there was a chance this information would be overlooked in decision making.

The Panel has not examined the existing provisions referred to but the concerns demonstrated the need for existing information to be drawn together in a reference document as soon as possible.

At the hearing, the Panel was urged to recommend that the Council prepare a local policy on heritage. A local policy is not necessary unless it is appropriate to add to or amplify matters which should guide day-to-day decision making over and above the decision guidelines set out in Clause 43.015 of the Heritage Overlay or to add to the purposes in Clause 43.01, which includes the MSS. The lack of a specific local policy on heritage does not undermine the weight to be given to these matters.

Finally, it is noted that the Heritage Overlays applying to extensive areas within Portland have not been given a reference number nor included in the Schedule to the Heritage Overlay. This should be done.

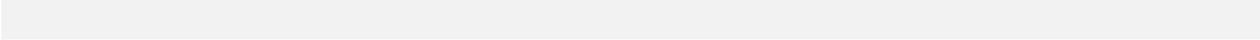
It is important to recognise that the Heritage Overlay may apply to both precincts as well as individual sites, even where those individual sites are included in a precinct. Where a Heritage Overlay applies to a precinct

the controls apply to all buildings and works within that precinct and it is the contribution which they make to the significance of the precinct that must be assessed when administering those controls.

It is also noted that in the Schedule to the Heritage Overlay, the word ‘no’ has been included alongside every entry under the column ‘Tree Controls Apply?’ This is patently absurd when the heritage place itself is actually a tree, for example HO125–130, or where it is a reserve, swamp or other area where presumably the vegetation is a key element of the significance of the place, e.g. HO133, HO136 etc. **The Panel recommends that the detailed entries in the Schedule to the Heritage Overlay be carefully reviewed for internal consistency and that identified errors be rectified before adoption of the Scheme.**

Are overlays and schedules being used when it may be more appropriate to use local policies?

The Panel is satisfied that overlays and schedules are not being used in lieu of local policies. There is a need though to refine local policies in some instances to better support the reasons for overlays or schedules. This applies particularly to the Council’s new Timber Strategy and its intention to discourage timber production in coastal areas and high quality agricultural land.



Are the zones, overlays and schedules reasonably compatible at the interface with adjoining schemes?

There is general consistency between the Glenelg Planning Scheme and the adjoining schemes for West Wimmera, Southern Grampians and Moyne. Because each municipality is principally rural, the situation is one almost exclusively of rural zoning on each side of the municipal boundaries. The minimum subdivision size in Glenelg is 40 hectares. In Southern Grampians it is also 40 hectares, in Moyne 20 hectares and West Wimmera 80 hectares.

The compatibility of the Rural Sone in Moyne with the adjoining municipalities of Glenelg and South Grampians is a matter which will need to be considered by the panel dealing with the Moyne New Format Planning Scheme.

In Moyne and Warrnambool an Environmental Significance Overlay has been placed along the coast. Whilst this was omitted from the exhibited Glenelg Planning Scheme east of Portland, the Panel has recommended an Overlay be applied in this location to reflect a consistent approach and to implement the Victorian Coastal Strategy 1997.

The only other inconsistency is the failure by Glenelg to include Declared Roads in a Road Zone — Category 1 as required by paragraph 17 of the Ministerial Direction on the Form and Content of Planning Schemes.

Do local provisions \adopt a performance based approach?

Local policies have been drafted with a performance based approach in mind. This should be maintained in any redrafting of local policies and the preparation of new policies.

Have local provisions introduced referral requirements additional to those in the VPPs?

The only additional formal referral requirement included in the Glenelg Planning Scheme is under Schedule 2 to the Environmental Significance Overlay — High Quality Agricultural Land, which requires that the following applications must be referred to the Department of Natural Resources and Environment and the relevant water authority:

- Subdivision creating lots less than 40 hectares.
- Intensive agriculture, lot feeding, poultry farming and pig farming, or any other intensive land use.

- Any use or development which the Responsible Authority considers may not satisfy the purpose of the Clause.
- All applications for development (other than those types that would clearly have no impact on water quality, e.g. advertising signs, fences, roadworks or unenclosed buildings and works ancillary to a building).

Whilst it is understood that the high quality agricultural land in the Shire is very special, it must be questioned what purpose will be served by these referrals. It is not clear that the areas to which this overlay applies are within a water catchment (and in that case there would need to be a referral under Clause 66.04), so it is unclear why the water authority is a referral authority. Likewise, it is unclear what input the Department of Natural Resources and Environment would have in respect of development applications. In addition, the Panel does not consider that this provision is sufficiently certain, particularly the third dot point. The Panel does not consider these referrals are necessary.

In any event, if this land is rezoned Environmental Rural and the Environmental Significance Overlay is removed, the referral issue will no longer be relevant.

In addition to the above, informal referrals for comments or advice are included in local policies relating to land management and protection (Clause 22.02–1) and primary industries (Clause 22.04–1).

3.5 LOCAL POLICIES

Are local policies directed towards implementation of the MSS?

Are local policies soundly based and reasonably justified?

Will local policies be of practical assistance in day-to-day decision making about permit applications?

To what extent have local policies been created as part of the new Planning Scheme and to what extent are they a replication of previous local policies?

The local policies in Clause 22 follow the guidelines set out in the *Manual for the Victoria Planning Provisions* and clearly pick up on the objectives and strategies of the MSS. All the policies have been specifically written for the new planning scheme as there are currently no local policies in place. The Portland Central Business Area Policy in Clause 22.04–7 seeks to encapsulate key elements of an existing set of provisions in the Portland Planning Scheme which cannot be applied through the VPP zones.

The Council is to be commended for seeking to develop a comprehensive set of local policies which clearly reflect the key elements and strategic directions of the MSS. However, the policies themselves need to be largely rewritten before incorporation in the Scheme. Some of them are unnecessary and add nothing to the subject matter already included in the MSS. The subject matter of other policies is already adequately covered in other parts of the Planning Scheme. In some instances, the objectives and implementation provisions are so general that they will be of little or no practical assistance in day-to-day decision making about permit applications.

Comments are made about specific policies as follows.

Clause 22.01–4 ‘Excision of Dwellings in the Rural Zones’ will now only be applicable in the Rural Zone following Amendment V3. The policy needs modification to reflect this. It might be useful to elaborate a little further in the policy basis about what some of the identifiable conflicts are (e.g. spray drift, management practices) and ways in which continued agricultural production may be adversely affected (e.g. raising the price of land thus making farm restructuring more expensive and difficult).

Clause 22.02–2 ‘Wetland Areas’ purports to apply to land identified as ‘areas of environmental significance — wetlands’, but there is no such ESO in the Planning Scheme. It is a very generalised policy and it is questionable whether it adds anything to the general decision making guidelines elsewhere in the Planning Scheme. In response to Submission No. 25 by the Department of Natural Resources and Environment, the Panel has recommended that an Environmental Significance Overlay — Significant Wetlands and Waterways be placed over certain wetlands and rivers. It is more appropriate to include general guidance about decision making for these areas in the Schedule than to have a general local policy about the same subject matter. It would be more useful to develop specific policies about individually identified wetlands (e.g. Warlook Swamp, Fawthrop Lagoon) which deal with specific problems or issues relevant to that wetland.

Clause 22.02–3 ‘Fire Hazard’. The second dot point describing the area to which the policy applies does not make sense: i.e. —

This policy applies to developments in the Rural Zone and the Low Density Residential Zones which is designed to accommodate suitable protection in high fire hazard areas.

It is simply not clear where the policy will apply. If it is intended to have a municipality wide application, then it should say so or otherwise be more specific. With the revamping of the Wildfire Management Overlay as a result of Amendment V3 (formerly the Special Building Overlay), it is now questionable whether this policy is required. Application of the Wildfire Management Overlay is discussed in Section 4, Submission No. 2 in connection with the submission by the CFA, where it is recommended that the Wildfire Management Overlay be applied to the type of areas which the policy in Clause 22.02–3 was intended to apply.

Clause 22.03 ‘Housing’ is unnecessary because of Clause 16.01 and Clause 16.02 in the SPPF.

Clause 22.02–5 ‘High Quality Agricultural Land’ might be usefully expanded in the policy basis section to elaborate on:

- the Council’s desire to promote a range of niche markets to complement the diversity of agriculture within the municipality;
- the need to encourage the type of specialist agriculture for which this land is particularly suited compared to conventional agriculture for which vast other areas of the Shire are suited;
- why timber production is discouraged.

Clause 22.04–7 ‘Portland Central City’. The first three dot points relating to housing are unnecessary for the same reasons as the policy on housing in Clause 22.03 is unnecessary.

The third dot point is unclear about what matters supporting documentation must be provided for. A Responsible Authority has the right to require further information if the material submitted with an application is inadequate. Relevant material will vary according to the circumstances of the case and should be assessed in each circumstance. This policy adds nothing to the powers which the Responsible Authority already has.

The sixth and seventh dot points (relating to landscape and engineering plans) are matters which should be included as conditions in any permit: they are not matters of policy.

The eighth dot point about car parking being in accordance with the Planning Scheme requirements is unnecessary.

The ninth dot point is also unnecessary. Access is something that should be considered in respect of all applications under Clause 65.01 as a matter which relates to the orderly planning of the area. It is not necessary to state it as a matter of policy. The satisfaction of the Roads Corporation will only be relevant if the road is zoned Road Zone — Category 1. Clause 52.03 requires a permit to create or alter access to a Road Zone — Category 1 or to subdivide land adjacent to it, and any application must be referred to the Roads Corporation.

The matters provided for in the fifth dot point are matters appropriate for inclusion in a policy such as this. However, the structure and wording need review.

Clause 22.05 ‘Infrastructure’. Clause 22.05–1 about infrastructure provision is really repeating many of the things referred to in Clause 22.01 ‘Settlement’. It would be more logical to include them there, as the policy basis for Clause 22.05–1 is an extension of the policy basis for Clause 22.01 and the provision of infrastructure is a critical aspect of settlement. The objectives and implementation provisions of Clause 22.05–1 are directed not so much to the provision of infrastructure as to where development should occur. It

is Clauses 22.05–2 to 22.05–5 that deal with infrastructure per se. Many of these policies are now redundant in light of the VPP requirements relating to dwellings, buildings and works in all zones, particularly the residential and rural zones. These clauses should be reviewed to see if they are really necessary.

Clause 22.06 ‘Particular Use and Development’. There is nothing in Clause 22.06–1 Sheds and Outbuildings not better covered by Clause 22.06–3 Building Lines. However, Clause 22.06–3 also needs to be reviewed in light of the detailed provisions of the VPPs, in particular the likes of Clause 35.01–3, which deals with building setbacks in the Rural Zone.

In residential areas, no separate permit is required for an outbuilding normal to a dwelling as this is included in the definition of ‘dwelling’. In residential zones, a single dwelling will not normally require a permit, nor will many dwellings in rural zones. If a permit is required for a dwelling, then a condition can be included which relates to the external cladding of any outbuilding if appropriate.

The only matters of substance in Clause 22.06 not adequately covered by other provisions of the Planning Scheme are those relating to industrial development. It may be more appropriate to have a single policy relating to industrial development grouped together in Clause 22.04–3 than to have scattered policies dealing with particular aspects.

3.6 INCORPORATED DOCUMENTS

Does the planning scheme include Incorporated Documents apart from those in the VPP?

What is the basis for incorporating any such documents?

Can the intentions of the planning authority in using Incorporated Documents be better achieved by other techniques in the VPP such as local policy?

The Exhibited Scheme included the Foreshore Master Plan as an Incorporated Document. Council now proposes to delete this from the Scheme and make it a reference document only. This is discussed further in Section 4, Submission No. 50(a).

3.7 MONITORING AND REVIEW

Has the planning authority established appropriate mechanisms for:

- ***monitoring decisions made under the planning scheme;***
- ***evaluating decisions against the intentions of the LPPF;***
- ***reviewing the LPPF and other local provisions and the planning scheme generally?***

No mechanisms for monitoring or evaluating decisions have been established or are proposed. No specific mechanisms have been established or are proposed for reviewing the LPPF and the Planning Scheme generally apart from a statement in the introduction to the MSS that it will be reviewed on a three yearly basis.

Section 12A(5) of the *Planning and Environment Act* requires that a municipal council must review its MSS at least once in every three years after it is prepared. Consequently, the statement in the Glenelg MSS that it will be reviewed on a three yearly basis does no more than state a statutory requirement. The lack of any mechanisms to facilitate review of the MSS before adoption of the Scheme is a serious deficiency. Monitoring decisions, both by the Council and the AAT, is an important part of the review process contemplated by the Act.

The Panel considers it would be appropriate for DOI to develop a simple model to assist councils in the task of monitoring and evaluating decisions under the planning scheme to assist in the review process. This would not prevent councils which have developed their own processes of monitoring and review from using them, but would assist those councils which perhaps lack resources to formulate their own process. It would also aid in developing a consistency of approach between municipalities.

The Panel recommends that before the Scheme is adopted, the Council establish a system for monitoring decisions made under the Planning Scheme and evaluating them against the intentions of the LPPF.

4. CONSIDERATION OF SUBMISSIONS

The Shire of Glenelg has provided a brief summary of each submission and its response to them. The Panel has adopted this material and appends its own commentary at the end of each submission.

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| Submission No: | 1. |
| Submitter Name: | Environment Protection Authority |
| Issues Raised: | Information on contaminated sites. Requesting that the contaminated Site Overlay be applied to the site of the Incinerator at the Port. |
| Council Response: | Modify Scheme accordingly. |

Panel Response

The incinerator which is referred to in this submission is included in a Special Use Zone 4 — Port. The incinerator site is one for which a Statement of Environmental Audit has been issued.

This is not a site which requires the application of an Environmental Audit Overlay. The fundamental nature of the Special Use Zone 4 — Port has not altered from its zoning under the existing planning scheme, consequently it is not the new Scheme (amendment) which has the effect of allowing this potentially contaminated land to be used for a sensitive use. Attention is also drawn to the practice note on the Environmental Audit Overlay in the *Manual for the Victoria Planning Provisions* (page 62), which states:

The overlay is not intended to identify land which is contaminated but has a statement by an environmental auditor in accordance with Section 57AA(5)(d) of the Environment Protection Act 1970 ...

There is therefore no need to modify the exhibited Scheme and the Panel recommends no change.

The EPA submission also included a detailed evaluation of the MSS and local policies. The Panel makes no recommendation about the detailed suggestions made but suggests that their general intent be taken into consideration when reviewing these documents.

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| Submission No: | 2. |
| Submitter Name: | Country Fire Authority |
| Issues Raised: | Requesting changes to the Municipal Strategic Statement and Local Policies about fire protection. |
| Council Response: | <p>Most changes are minor wording but some involve issues which may impact on other interest groups eg. timber industry.</p> <p>Council believes that any rewording of the MSS and Local Policies should be subject to re-exhibition where it is likely to impact on the interests of groups or landowners. In the case of the CFA submission the wording changes relate to fire hazard and particularly in respect to the timber industry. Such changes should be the subject of discussions with the timber industry and should be exhibited.</p> <p>Generally support the concept of strengthening the MSS in regard to fire protection. Refer to Panel.</p> |

Panel Response

The CFA's submission at the panel hearing considerably expanded on its written submission. It outlined the fundamental paradigm shift which has occurred within the CFA in recent years, moving from a 'Response to Events' focus to a 'Risk Management' focus. It was submitted that:

By making risk management a significant focus, the actual level of risk can be reduced, resulting in smaller losses, less severe injuries and fewer deaths. In contrast, a focus on response alone, leads to an over-investment in response equipment and often does not necessarily reduce the severity or frequency of emergency incidents.

One of the means identified by CFA for achieving a shift to the risk management approach is through the appropriate planning of land use and development. Choices in land use and development can have a significant effect on the risk profile of an area. CFA seeks to ensure that unnecessary fire risks are avoided through more sensitive decisions on land use and that other fire risks are minimised through sensible control of development.

As a consequence, an objective of the CFA is to bring the VPP and CFA system together so they work harmoniously. The introduction of new planning schemes for each municipality represents an excellent opportunity to link the Municipal Strategic Statements of councils with fire prevention and to introduce the concept of risk management into the planning framework.

The Panel endorses this as a general principle. It has not commented on all the changes suggested to the MSS but recommends that the Council consider how the concept of risk management can be better embodied generally within the LPPF.

One clear means is by the application of the Wildfire Management Overlay in appropriate locations. In the *Manual for the Victoria Planning Provisions* it is suggested that the Wildfire Management Overlay can be applied to areas identified by the CFA as having high bushfire hazard. CFA mapping identifying such areas is becoming progressively available. Councils are advised to contact the CFA to ascertain the availability of

data (see page 44). However, what emerged during discussions at the panel hearing was that the criteria used by the CFA in their fire mapping are different to the criteria underlying application of the Wildfire Management Overlay. Areas on CFA maps which are identified as high fire hazard have been so identified for the purpose of the CFA's own risk management. The areas to which the Wildfire Management Overlay are intended to apply are areas where wildfire is likely to pose a significant threat to life and property. These may be different and more extensive, compared to CFA identified high fire hazard areas.

The purpose of the Wildfire Management Overlay is to ensure that development includes specified fire protection measures and does not significantly increase the threat to life and property from wildfire. To this end, Clause 44.06 details minimum fire protection outcomes that will assist to protect life and property from the threat of wildfire. In many respects they reflect the objectives of the policy on fire hazard in Clause 22.02–3 of the Glenelg Planning Scheme. This policy was intended to apply to developments in the Rural Zone and the low density residential zones — a much wider application even than the Special Building Overlay (now Wildfire Management Overlay) shown in the exhibited Scheme, which is confined to an area along the northern boundary of the municipality.

Complicating this issue is the 'Bushfire Prone Area' (BPA) maps that are currently being prepared by councils for the purpose of compliance with the *Building Control Act*. Victorian Building Regulation 6.4 applies specific requirements for the construction of dwellings in areas declared bushfire prone. The BPA has not been designed as a planning tool and will in most cases be much more extensive than CFA high fire hazard areas. However, the fire protection outcomes identified in the Wildfire Management Overlay may be similar to BPA standards. If this is the case, it needs to be clarified whether a Wildfire Management Overlay is needed at all, and if so, what the criteria should be for applying it. If buildings controls can achieve the same outcome, is a planning control also necessary.

Panel Recommendation

The Panel recommends that, as a matter of priority, DOI and the CFA reconcile their criteria for mapping high fire hazard areas and identify guidelines for councils about what areas should be included in the Wildfire Management Overlay. These guidelines should be included in the *Manual for the Victoria Planning Provisions*.

The Panel recommends that Clause 15.07 'Protection from Wildfire' in the SPPF be reviewed in conjunction with CFA to strengthen links between the planning system and the CFA's risk management system and to update the list of reference documents in Clause 15.07–2.

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| Submission No: | 3. |
| Submitter Name: | H. Egan - Portland |
| Issues Raised: | Objects to Market Square zoning because it would facilitate commercial use. A number of submissions have been made on this issue. |
| Council Response: | Council position is to provide potential for commercial development of the site. Council position - Oppose. Refer to Panel. |

Council Response: Market Square

Market Square has frontage to Percy Street, the main street and Tyers Street. The site is approximately 0.6 ha.

The land is currently set aside as Public Open Space. The exhibited Planning Scheme shows the site as zoned business 4 — the same zoning as all surrounding land. The site is occupied by a landscaped open space — park. The site is owned by the Crown.

McDonalds have previously identified the site for a restaurant and discussions have taken place with Council. Council's position is to support an application by McDonalds on the site provided alternative open space is provided. Council supports the use of the site for another high profile commercial use if the McDonald's proposal does not eventuate. A Business 4 Zone supports the proposed use of the site. The site immediately adjoins the existing central retail area and is consistent with Council's overall policy to reinforce the central area, link commercial development with the foreshore and reject freestanding retail facilities outside of the central business area.

Panel Response

The use of Market Square Park for a McDonald's restaurant has been a contentious local issue. A significant number of submissions oppose the Business 4 zoning and argue strongly for its retention as open space. Issues raised in the submissions relate to the following:

- This area is not needed for commercial development. There is more than ample undeveloped land and vacant buildings in the Central Business 1 Zone.
- There is no Strategic Statement in the MSS to justify rezoning. Rather there is a need to consolidate Portland's retail development.
- The park is an important feature of improving the presentation of Portland and its CBD, which is strategically supported in the MSS.
- Market Square Park has not been listed on the Department of Natural Resources and Environment's list of surplus assets to be sold.
- The Business 4 zoning does not ensure that a McDonalds will eventuate.

- The Park is needed to provide open space for users of the CBD. The only alternative in the form of a town square is a very small area in front of the Uniting Church.

The Department of Natural Resources and Environment has not objected to the Business 4 Zone. Inspection of Market Square Park reveals that it is an area of passive open space, lacking basic facilities in terms of toilets or security lighting.

There is no strategic basis which the Panel can identify in the MSS which would justify rezoning this area of existing open space to Business 4. It appears to have been done solely in response to the specific proposal for McDonalds, but recognising that if McDonalds does not proceed, it is an attractive, high-profile site at the entrance to the Portland CBD and will probably attract a similar commercial use.

On the one hand, whilst the Council has not demonstrated any strategic basis for the zoning, on the other hand neither have submitters opposing it demonstrated that the retention of Market Square Park as open space is strategically significant in implementing the Council's objectives in the MSS.

This is a situation where the Panel does not consider there are any strategic implications involved with the way the land is zoned. There are no urban open space objectives, strategies or local policies. The only matter of relevance is the local policy on townscape in Clause 22.01-2 and which refers to the Portland CBD urban design streetscape plan. This was referred to by several submitters but essentially it appears to relate to the way in which Market Square Park should be landscaped as open space. It does not appear to identify why it may be important to retain Market Square Park as open space.

The park appears to have relatively little use. In terms of open space complementing the function of the CBD, the Panel considers that the foreshore area has greater attraction and accessibility. Market Square Park is in need of upgrading, but it is inappropriate for the Panel to involve itself in the debate about whether scarce resources should be devoted to improving the park, which may get very little use.

The Panel's conclusion is that this is essentially a local, site specific matter where the decision should rest with the Council. It is an issue which has been widely debated at the local level. There are no strategic implications which would justify the Panel overturning the Council's decision to place this area of open space into a business zone. If the site ceases to be open space then the Business 4 Zone is the most logical zone to apply. The Panel is not in a position to deal with the merits of any proposed future commercial use. This is something which must be decided in accordance with the Planning Scheme if and when an application is made.

The Panel therefore recommends that no change be made to the exhibited Business 4 Zone in respect of Market Square Park.

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| Submission No: | 4. |
| Submitter Name: | Heritage Victoria |
| Issues Raised: | Include Mumbannar Primary School as a heritage listed item. |
| Council Response: | Modify Scheme accordingly. |

Panel Response

Agreed.

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| Submission No: | 5. |
| Submitter Name: | District Council of Penola. |
| Issues Raised: | Upgrading of various border roads. |
| Council Response: | This matter is not really relevant to the scheme provisions although reference could be made in the MSS. |

Panel Response

This submission is noted. The issue of an adequate network of roads in order to support an expanded timber industry in the region is discussed in detail in Section 3.4.

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| Submission No: | 6. |
| Submitter Name: | J.A. Gray, Mount Gambier. |
| Issues Raised: | Requests his land in Nelson be zoned Residential. |
| Council Response: | Leap frog expansion of town. Oppose. This submission requests that an area of land of approximately 2.2ha, north of Simpson's Landing Road be included within a Residential zone. Nelson 'township' has been defined in terms of existing land use and land set aside for future development as an area bounded to the north by Simpsons Landing Road. To support this submission would provide for a leap frog from existing and proposed development areas. Refer to Panel. |

Panel Response

There is no strategic justification for expanding the supply of residential land in Nelson, which currently lacks adequate infrastructure.

The Panel recommends no change to the exhibited Rural Zone.

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| Submission No: | 7. |
| Submitter Name: | Sharon Lockwood, Portland. |
| Issues Raised: | All land west of Walook Swamp to the railway should be zoned Rural. |
| Council Response: | Land is privately owned and currently zoned industrial and includes an industrial building. Oppose. Refer to Panel. |

Council Response

A number of submissions have addressed this area. Two requests in the submission have been made:

1. That Walook Swamp be better recognised in the planning scheme as a significant wetland area.
2. That the industrial zoning at the western end of the swamp is inappropriate.

In relation to the first matter Council supports the listing of Walook Swamp as a significant site in its wetlands local policy. Council also supports the use of an ESO to define important wetlands on a number of sites - as submitted by the Department of Natural Resources and Environment, to include Walook Swamp, but it is Council's intention that this should be part of a comprehensive amendment to be further exhibited.

In respect to the zoning of the western end of the site. The land is in private ownership. It is currently zoned industrial, part of the site is currently occupied by a large industrial building which is vacant at present but a new proposed use is shortly to be announced. the Department of Natural Resources and Environment in their submission stated that the industrial zone for the land at the western end of the swamp is inappropriate — it is understood that they will withdraw that part of their submission.

Panel Response

Ms Lockwood presented a detailed submission to the Panel outlining the nature and significance of Walook Swamp and the local interest now being shown in protecting and restoring it.

Whilst much of the Swamp is in a Public Park and Recreation Zone, the western end is privately owned and included in an Industrial 2 Zone (which reflects its existing industrial zoning). There is general agreement that the whole of Walook Swamp, even that in the Industrial 2 Zone, should be covered by an Environmental Significance Overlay and that the Swamp should be specifically included in the Council's Wetland Policy. The issue is whether this should be done before adoption of the Planning Scheme or wait for a later amendment.

As the Panel has said in Section 2.4, it does not consider that Council is precluded from applying an overlay or changing a zone before adoption of the Scheme provided this is a reflection of the LPPF. In the case of Walook Swamp, it is an existing wetland area and Council's policy on wetland areas in Clause 22.02-2 requires that the role and function of wetland areas be taken into account in respect of any proposed use or development on or adjacent to an identified wetland. It is therefore clear that in considering any use or development in respect of the privately owned land which would be covered by an Environmental Significance Overlay protecting the Swamp, the matters which would be taken into consideration under an Environmental Significance Overlay would already need to be considered under Clause 22.02-2. Therefore

there is no greater detriment to the landowners and the Panel does not consider that it would be contrary to natural justice to include this land in an Environmental Significance Overlay at this stage without needing to wait for a further amendment.

Any Statement of Environmental Significance should relate not only to the Swamp itself, but to the drainage characteristics of the surrounding land affecting the Swamp. The environmental objectives should include protection of this Swamp by preventing contaminated run-off from draining into the Swamp.

The Department of Natural Resources and Environment has requested an Environmental Significance Overlay be prepared specifically for wetland areas and this is discussed further in connection with Submission No. 25. However, given the special nature of Walook Swamp and Fawthrop Lagoon (see submission No. 40) and their location in proximity to existing urban areas, it may be more appropriate to have an Environmental Significance Overlay which specifically addresses their needs. Alternatively, if only one Environmental Significance Overlay relating to wetlands is included in the Planning Scheme, a local planning policy should be developed for Walook Swamp and Fawthrop Lagoon.

Panel Recommendation

Include Walook Swamp and the surrounding area draining into it in an Environmental Significance Overlay. If the Environmental Significance Overlay is not specific to this area, include a specific Local Policy relating to its specific needs.

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| Submission No: | 8. |
| Submitter Name: | Brendon Jarrett, Portland. |
| Issues Raised: | <p>Bridgewater Bay and Narrawong to Portland Coastal area provisions give wide discretionary powers. Historic Provisions to include Bridgewater and Condah. Mistakes in heritage listing. Heritage controls should be extended.</p> |
| Council Response: | <p>In terms of extending the heritage provision Council has resolved to support a full heritage study as a basis of later provisions. Council agrees to make corrections to the heritage list</p> <p>.</p> <p>In respect to Bridgewater Bay and Narrawong to Portland it is the Council's view that the provisions prepared to date are sufficient to manage development. Refer to Panel.</p> |

Panel Response

On Map 34 there are a number of sites listed in the Schedule to the Heritage Overlay (HO141, HO147, HO148, HO149, HO156 and HO158) but each of them is shown only as a dot on the Planning Scheme map. The Heritage Overlay is clearly intended to apply to a much greater area than just a dot on the map. As discussed in Section 3.4, the concept of a 'heritage place' under the VPPs can embrace either a specific object, a building and its site or a large area. It is unclear from the Schedule to the Heritage Overlay the nature of the heritage place that each map reference applies to. The Panel recommends that this be clarified not only in respect of the Bridgewater Bay Coastal Area, but also to the Cape Nelson area and any other similar situations. This submission picks up on a number of these.

Other aspects of this submission are addressed in the Panel's general recommendations about heritage provisions in Section 3.4.

Panel Recommendation

The Panel recommends that the Schedule to the Heritage Overlay be reviewed to ensure that the heritage places described accurately reflect the areas covered by the Heritage Overlay on the Planning Scheme maps, and vice versa.

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| Submission No: | 9. |
| Submitter Name: | Gas and Fuel Corporation. |
| Issues Raised: | Land in Glenelg Street should be rezoned to PUZ- 1 Service and Utility. |
| Council Response: | <p>Make change in accord with submission. Modify Scheme. The Gas and Fuel Corporation has sought a PUZ- 1 service and utility zoning on land they own in Glenelg Street.</p> <p>Council supports the modification to the scheme but seeks clarifications from the Panel as to whether a Public Use zone is to be applied to land owned by an organisation which is no longer publicly owned.</p> <p>A similar situation exists in relation to Powercor's land holdings.</p> |

Panel Response

The Gas and Fuel Corporation is no longer a public authority and it is therefore inappropriate to include the land in a Public Use Zone. The Practice Notes dealing with utility providers in the *Manual for the Victoria Planning Provisions* confirms this.

In this particular case, the land in question is used as a maintenance depot. Surrounding land is included in a Public Park and Recreation Zone, whilst land on the north side of Glenelg Street is included in a Residential 1 Zone. There is no industrial zoned land in the near vicinity. It would therefore be inappropriate to include the land in an Industrial 1 Zone simply to accommodate the ongoing use as a maintenance depot. The land has existing use rights for this purpose and its continued use for this would not be jeopardised by its inclusion in a Residential 1 Zone.

In general terms, land owned by utility providers should be included in the same zone as surrounding land.

Panel Recommendation

Rezone Lot 1 on PS 406239 from Public Park and Recreation Zone to Residential 1 Zone.

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| Submission No: | 10. |
| Submitter Name: | Porter Berry, Surveyors. |
| Issues Raised: | Change zoning to recognise an exchange of land between the Council and Department of Education. |
| Council Response: | Make change in accord with submission. Modify Scheme. |

Panel Response

Agree.

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| Submission No: | 11. |
| Submitter Name: | Beveridge-Williams for Gavin Adamson, Narrawong. |
| Issues Raised: | A non-specific request which advocates a particular subdivision of his land at Narrawong. |
| Council Response: | <p>The submission is non specific but would require rezoning (The zone is not specified in the submission but presumably Rural Living). Council believes that to agree with this submission would be a leap frog extension of the Narrawong township.</p> <p>Oppose.</p> <p>The submission seeks support for a proposed eight lot subdivision on the eastern edge of Narrawong fronting the Princes Highway. The total land area is 88.7 ha and it is currently held in two titles. The land is currently zoned Rural and it is proposed to retain that zoning in the new scheme. In order to facilitate the development proposed the land would need to be zoned Rural Living.</p> <p>The submission argues that the land is physically suitable for the development, that the current holding is not a viable agricultural holding and that there is a demand for the proposed lots.</p> <p>Council opposes the submission on the basis that:</p> <p>Extensive provision has been made for low density residential and rural living development in and around Narrawong Township. The proposed zoning recognises the existing zoning and pattern of development.</p> <p>The land can be utilised for grazing and other agricultural pursuits.</p> <p>The development which is proposed or would be provided by such a zoning is a leap frog extension to Narrawong Township.</p> <p>In the context of the provision which has been made for such development in and around Portland there is no basis for further ad-hoc extensions.</p> <p>Refer to Panel</p> |

Panel Response

It was submitted at the panel hearing that, whilst the justification for seeking rezoning of this land to Rural Living is based on the changing nature of agriculture and opportunities for expansion in new niche agricultural ventures, in essence it was a submission seeking to extract the 'speculative value of the land' to facilitate the submittor's retirement.

The Panel considers there is no strategic basis for agreeing to this rezoning. The arguments are no different in respect to this land than in respect of any other rural zoned land which an owner wishes to subdivide in order to achieve a higher financial return. The municipality has a more than adequate supply of rural residential land. In terms of niche agricultural markets, establishment of such ventures has nothing to do with the subdivisional size of the land. Even if this was a valid consideration, there is plenty of land in the size range available without the necessity for rezoning and subdividing this land.

The Panel recommends no change to the Rural zoning.

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| Submission No: | 12. |
| Submitter Name: | Louise Hislop, Portland. |
| Issues Raised: | Should include provisions on timber production as per the existing Glenelg Planning Scheme. Various sites of significance should be included in the scheme. Maps corrections and objections. |
| Council Response: | Council's Timber strategy will be put to Panel. Further sites of significance to be subject of comprehensive study. Refer to Panel. |

Panel Response

The above summary of the issues raised in this submission really fail to do justice to the passionate and detailed submission presented by Ms Hislop. Her area of concern relates to the Cape Bridgewater and Bridgewater Lakes area, which are currently included in an Environmental Significance Overlay. She submits they should also be included in a:

- Significant Landscape Overlay
- Erosion Management Overlay
- Vegetation Protection Overlay

In addition, she seeks to have Section 214 and Schedule 4 of the old Heywood Planning Scheme incorporated into the new Glenelg Planning Scheme.

In support of her general submission about the landscape beauty, significance and fragility of this area, Ms Hislop took the Panel, Council and DOI representatives on a tour of the area. It certainly demonstrated the unique qualities of this area and the extreme care which will be necessary to ensure that those qualities are not compromised by inappropriate or thoughtless development.

One important issue will be the impact which timber plantations have on the landscape qualities of the area. In Section 3.4, the Panel has discussed the need to control timber production along the coast in areas of high landscape significance. The Cape Bridgewater and Bridgewater Lakes area is a location where this will be particularly important and where the cumulative impact of timber plantations could be disastrous in terms of the landscape significance of the area.

The fragility of the soil is also an issue which will require careful management. The Panel was shown examples where even standard agricultural practices have resulted in damage to the environment.

In many respects, the sensitivity of this area clearly points to the Environmental Rural Zone as being the most appropriate zone, rather than the Rural Zone with numerous overlays. The Environmental Rural Zone would not prevent the ongoing use of land for agriculture, although new agricultural uses would require a permit. In a practical sense, this outcome is no different to that which the application of the Environmental Significance Overlay or other suggested overlays would achieve. The purpose of the Environmental Rural Zone is to give effect to the environmental outcome specified in the Schedule to this Zone. In the case of this area, that outcome would need to be carefully described to recognise the full extent of significance of the area, which

includes its environmental significance, landscape, vegetation and soil structure. However, the purpose of the Environmental Rural Zone is also to encourage development and the use of land which is in accordance with sound management and land capability practices and which takes into account the environmental sensitivity and the biodiversity of the locality. This would not preclude agriculture.

The Panel has concluded is that the Cape Bridgewater and Bridgewater Lakes area is a highly significant part of the Shire and the protection of these areas is an important part of the MSS. The type of additional overlays advocated by Ms Hislop would all be justified in this area. However, a better use of VPP techniques would be to include the area in an Environmental Rural Zone, with a Significant Landscape Overlay. This Overlay is considered to be more appropriate than the Environmental Significance Overlay because it enables control over the location of buildings and works (including dwellings) but enables specified agricultural activities to be excluded. It therefore offers more flexibility than the Environmental Significance Overlay, which is currently proposed to apply.

In this respect, and to facilitate the use of the Significant Landscape Overlay in other areas of the State, **the Panel recommends that DOI, in conjunction with the Department of Natural Resources and Environment, identify any agricultural activities which it would be appropriate to include in schedules to the Significant Landscape Overlay or other overlays where soil fragility is an issue.**

In the meantime, it might be appropriate in places like the Bridgewater area to have a local policy specifying that areas which have been ploughed should not be left unstabilised for any more than a certain number of months. (This was a specific problem which Ms Hislop drew the Panel's attention to.)

In recommending the rezoning of this area to the Environmental Rural Zone, the Panel considers that this best reflects the balance which the objectives of planning in Victoria set out in Section 4(1) of the *Planning and Environment Act* embody. Not every part of a municipality can be all things to all people. It is important for councils to identify the most important attributes of various locations and, notwithstanding their suitability for other uses, recognise that those other uses may detract from the qualities which are the most important attributes of the area. Thus, in this locality, whilst the land is agricultural land and can continue to be used for this purpose, nevertheless this use and other use and development must be carefully managed to ensure that the very special qualities of the area are not jeopardised.

Panel Recommendation

Rezone the Cape Bridgewater and Bridgewater Lakes area currently covered by the Environmental Significance Overlay from Rural to Environmental Rural Zone. Replace the Environmental Significance Overlay with a Significant Landscape Overlay.

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| Submission No: | 13. |
| Submitter Name: | Midway Afforestation Limited. |
| Issues Raised: | Numerous criticisms and objections: S.173 agreement water agreements no permit area should be extended |

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| Council Response: | Council's Timber Strategy is to be put to the Panel. Refer to Panel. |
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Panel Response

See general discussion about timber issues in Section 3.4.

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| Submission No: | 14. |
| Submitter Name: | Victorian Plantations Corporation. |
| Issues Raised: | Numerous criticisms and objections: scheme is inconsistent with State Policy too much regulation permits not appropriate fire protection measure inappropriate |
| Council Response: | Councils Timber Strategy to be put to the Panel. Refer to Panel. |

Panel Response

See general discussion about timber issues in Section 3.4.

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| Submission No: | 15. |
| Submitter Name: | Victorian National Parks Assoc. Inc. |
| Issues Raised: | <p>Red-Tailed Black Cockatoo Policy. Introduce Environmental Rural Zone around Cape Bridgewater. Buffer between parks and private land. Suggest National Parks be changed to PCRZ rather than PPRZ.</p> |
| Council Response: | <p>Oppose submission Issues raised should be subject of new amendment. Refer to Panel.</p> <p>Council opposes the preparation of a policy or overlay specifically directed at protection of the habitat of the Red Tailed Black Cockatoo. Council has discussed the advantages and values of a Landscape Policy and Overlay in respect to the protection and management of the 'Red Gum Country' which is extensive in the northern part of the Shire. Such a policy area would generally coincide with the habitat of the cockatoo.</p> <p>Council is prepared to give further consideration to protective measures in respect to the red gum country but believes that this should be subject to a further exhibition.</p> <p>Council does not support the introduction of any further provisions to manage development in and around Cape Bridgewater.</p> <p>Council does not support any vegetation overlays. On the public release of the Regional Vegetation Plan and the full operation of the Catchment Management Authority the full nature of environmental management should be the subject of further examination and any amendment subject to an exhibition.</p> <p>Council does not support the provision of 'buffer controls' around parks and reserves.</p> <p>Council will correct Public Land designations in accordance with VPP requirements. Refer submission to Panel.</p> |

Panel Response

Cape Bridgewater and Bridgewater Lakes: see Submission No. 12.

Red tailed black cockatoo habitat: This is an issue raised also by the Department of Natural Resources and Environment — see Submission No. 25.

Buffer around National Parks: This issues is also raised by the Department of Natural Resources and Environment — see Submission No. 25.

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| Submission No: | 16. |
| Submitter Name: | Ms Robyn McDonald, Gawler Street, Portland. |
| Issues Raised: | <p>Land on north side of Gawler, west of Hurd and South of Julia Street should be zoned residential rather than business.</p> <p>Business development of this area will adversely affect historic character of area.</p> |
| Council Response: | <p>Modify scheme accordingly - area was incorrectly shown as Business - translate existing scheme maps.</p> <p>The planning scheme maps showed all of this area to be zoned Business 1, the existing zoning is Residential. Council received a number of submissions opposing this rezoning.</p> <p>Council agrees to modify the zoning in accordance with the submissions, that is the area currently zoned Residential to be zoned Residential 1.</p> <p>In order to rationalise the existing zoning to reflect current uses and the need for the progressive development of the commercial area two blocks to the north of the subject land included minor changes to complete the zoning of the whole block as business. Mistakenly that was extended to include the subject land.</p> <p>A number of other submissions have also raised this issue.</p> |

Panel Response

The area of land in question is predominantly residential, particularly in Hurd Street. There is a mix of commercial and residential premises along Gawler Street between Hurd Street and Percy Street. The exhibited Scheme proposed to make some minor adjustments to the existing mix of business and residential zonings to accommodate a number of existing commercial premises. Unfortunately, the Business 1 Zone was extended over all of the land east of Hurd Street between Tyers and Gawler Street, rather than retaining the majority of the existing residential zone in the Residential 1 Zone.

There is clearly no strategic justification for expanding the existing Business Zone in Portland's CBD. Portland has an excessive amount of surplus land in the commercial centre and the whole emphasis of the MSS in this respect is to consolidate the CBD rather than expand it. The Council has agreed to modify the zoning and the Panel supports this. At the hearing there was some discussion about the precise boundaries of the land to be included in the Residential 1 Zone. The Panel believes that the land shown hatched east of Hurd Street on Maps 41 and 39 in Appendix D represent the land in question.

Panel Recommendation

Rezone land shown hatched on Maps 41 and 39 in Appendix D east of Hurd Street from Business 1 to Residential 1.

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| Submission No: | 17. |
| Submitter Name: | Margaret Punton. |
| Issues Raised: | Objects to changing Market Square Park from a public use zone to a business zone. |
| Council Response: | Council position is to provide for commercial development of the site. Oppose. Refer to Panel. |

Panel Response

See Submission No. 3

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| Submission No: | 18. |
| Submitter Name: | Friends of Market Square Park, C/- M. Punton. |
| Issues Raised: | Objects to changing Market Square Park from a public use zone to a business zone. |
| Council Response: | Council position is to provide for commercial development of the site. Oppose. Refer to Panel. |

Panel Response

See Submission No. 3.

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| Submission No: | 19. |
| Submitter Name: | Bruce Lasich. |
| Issues Raised: | Objects to changing Market Square Park from a public use zone to a business zone. |
| Council Response: | Council position is to provide for commercial development of the site. Oppose. Refer to Panel. |

Panel Response

See Submission No. 3.

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| Submitter Name: | N. & L. Buckingham. |
| Issues Raised: | Proposes rezoning of land off Henty Hwy in North Portland from Rural Zone to Residential Zone. |
| Council Response: | <p>Land is earmarked in long term strategy for residential development. Given rate of development and supply of residentially zoned land the need for rezoning in the short term is hard to justify.</p> <p>Support in principle, refer to Panel.</p> <p>This parcel of land (area 4.05 ha) is located in north Portland, it immediately adjoins residentially zoned land to the south. Services can be readily extended to the site. Council's strategic planning provides for the future development of residential uses to the north of existing residentially zoned land in north Portland including the subject land.</p> <p>The overall strategic planning is based on the concept that at the current growth rates there is about 40 years supply of residentially zoned land. Therefore there is no need to rezone any further areas Residential.</p> <p>It is readily acknowledged that the subject land is eminently suitable for residential development and would be attractive well sought after lots. To include this parcel of land in the residential zone would raise the question why shouldn't other parcels be included - although no submissions have sought extension to the Residential zone.</p> <p>The dilemma for Council has been compounded by the fact that Mr Buckingham is a senior officer of the Council. Council understandably does not want to be seen as favouring a submission by an employee. The position that has been taken is that Council fully supports that the future use of the land should be residential, however given the circumstances that it has not provided for any expansion to the Residential 1 zone areas it is reluctant to modify the scheme without reference to the Panel's deliberations.</p> <p>Refer to Panel</p> |

Panel Response

The basis for this submission is that the land is attractive with excellent sea views; it abuts the existing Maratimo residential area which is fully developed with houses and the land is readily able to be serviced (although a sewerage pumping station would be required).

The situation involving this land represents one of the dilemmas which the Glenelg Shire Council is faced with in terms of an oversupply of land zoned for urban purposes, in this case residential, but in locations not

particularly suited for it. On a strategic basis, the amount of existing zoned land precludes the zoning of further land which may be more attractive. On the other hand, areas which are unattractive or expensive to service may not be developed for many years, notwithstanding their residential zoning.

If the Council believes that there are areas such as Mr Buckingham's land which may be more suited for residential development in the short to medium term, compared with existing residential zoned land which may be less attractive or more difficult and expensive to service, it should undertake a study to specifically evaluate such areas. Depending on the outcomes of such a study, it may be appropriate to amend the MSS and rezone land. However, until such a study has been undertaken, there is no strategic basis for rezoning this land. The attractiveness of the land and ease of servicing alone does not justify the rezoning sought, particularly as there is land available to the south of the Maratimo area zoned Residential 1 which has not yet been developed.

No change to the Rural Zone is recommended.

Panel Recommendation

As part of a future review of the Planning Scheme, the Panel recommends a study of existing residential zoned land which is undeveloped, and potential future residential land in order to evaluate the likelihood and timing of development in terms of location, attraction, cost of servicing and availability.

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| Submission No: | 21. |
| Submitter Name: | G. & J. Campbell. |
| Issues Raised: | Proposes rezoning land in Malings Road from Rural Zone to Low Density Residential Zone. |
| Council Response: | Leap frog development. Oppose. The submission by G. & J. Campbell proposes that land south of Malings Road should be zoned Low Density Residential. The submission also proposes land in addition to their own land be so zoned. Malings Road has been determined by Council as the southern most extent of the proposed Low Density Residential Zone. Refer to Panel. |

Panel Response

The Panel does not consider there is any strategic justification to support this submission. The Council has made generous provision for rural residential type subdivision so there is no need for additional land to be zoned for this purpose.

With respect to the particular land in question, the topography basically changes at Malings Road, with land to the south generally becoming more undulating. The road therefore serves as a logical planning boundary between the Low Density Residential Zone to the north and the Rural Zone to the south.

The Panel recommends no change to the Rural Zone.

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| Submission No: | 22. |
| Submitter Name: | Auspine Tree Farm. |
| Issues Raised: | Creates uncertainty for plantations. S.173 road funding agreement is too open ended. Not consistent with National Wood and paper Industry Strategy or the Glenelg MSS. Scheme should include reference to recently updated Firebreak Standards. Makes specific comments on working in planning scheme. |
| Council Response: | Council's Timber Strategy to be put to Panel. Refer to Panel. |

Panel Response

See general discussion about timber industry in Section 3.4. Issues raised in written submission about firebreaks are no longer relevant given Council's removal of its timber policy (Clause 22.04-2) from the Planning Scheme.

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| Submission No: | 23. |
| Submitter Name: | EPA (Second submission dated 10/7/97). |
| Issues Raised: | General submission relating to a range of state wide issues. List of points requiring some modification in MSS. Suggests inclusion of aerial spraying policy. |
| Council Response: | Generally support MSS changes but as part of a revised MSS subject to further exhibition. Aerial spraying policy would need to be part of a later amendment. Council would need to be assured that a Statewide approach on aerial spraying is to be developed. Refer to Panel. |

Panel Response

See Submission No. 1.

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| Submission No: | 24. |
| Submitter Name: | Western Coastal Board. |
| Issues Raised: | <p>Clarification of some coastal objectives required. Reference to recently introduced <i>siting and design guidelines</i> prepared by the Victorian Coastal Council, and <i>Costal Action Plans</i> required. Identifies absence of ESO1 overlay. Opposes Rural Living Zone between Narrawong and Portland. Current project of WCB to identify important landscapes will assist to determine Landscape Protection Overlays.</p> |
| Council Response: | <p>Need to clarify status and impact of State Coastal Strategy released about a week ago. Siting and Design Guidelines too late for inclusion in scheme for exhibition. Council supports consistent guidelines but believes these should be subject to public input. ESO1 overlay was advertently left off part of the maps. (Narrawong - Portland - Council seeks addition of that overlay) Council supports Rural Living Zone. Council is keen to work with the Western Coastal Board in respect to landscape as part of the overall cultural heritage review. Refer to Panel.</p> |

Panel Response

This submission makes a number of detailed comments about the LPPF generally. The Panel does not propose to comment individually on them. They should be considered in any review of the Scheme or in redrafting aspects of the LPPF before adoption where appropriate.

The application of an Environmental Significance Overlay along the coast is discussed in Section 2.3 and 3.4.

With respect to the Rural Living Zone between Narrawong and Portland, the Panel was advised that the planning of this area has been a contentious issue. The area is extensively fragmented into relatively small holdings and is located between the Princes Highway and the coast. It has considerable land management problems because of drainage problems, important coastal habitat and in some areas land degradation associated with grazing.

The Council recognises an important feature of the area is that it forms a major entry area to Portland. The Panel was advised that a limited study was undertaken to determine the suitability of the area for further rural living development and under what conditions that could take place. A day-long workshop was conducted with local landowners to develop available options. A plan was prepared and the Narrawong Coastal Area Development Plan is referenced in the Planning Scheme (e.g. Clause 22.01–2). The Council decided to zone the area Rural Living with development subject to meeting the provisions of the Plan. Essentially the Plan requires a substantial land and environmental management works be undertaken as a precondition of development. The area is covered by a Development Plan Overlay (Schedule 5) and will also be subject to an Environmental Significance Overlay when this is applied to the coastal areas east of Portland.

In the Panel's opinion, the Council has recognised the problems associated with this particular area and the concerns expressed in the submission by the Western Coastal Board. It considers that local policy relating to development of this area should be amalgamated and more clearly articulated with respect to the Narrawong Coastal Area Development Plan. (The issue of policies generally is discussed further in Section 3.5.) However, apart from this, the Panel recommends no change to the Rural Living Zone.

It is unclear what the current zoning of the land is and whether Ministerial Direction 6/6A applies.

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| Submission No: | 25. |
| Submitter Name: | DNRE (Summary of submissions rec. 8/7/97). |
| Issues Raised: | Extensive list of issues, maps modifications. |
| Council Response: | <p>Many minor modifications can be accommodated. Some may require further exhibition. Submission lacks an in principle position on the whole scheme and particularly 'conflicting' natural resource use.</p> <p>Refer to Panel.</p> <p><i>Strategic Directions</i></p> <p>Council seeks a submission from DNRE as the state's resource management agency which states their strategic priorities between 'conflicting' or potentially conflicting uses.</p> <p>Glenelg Shire Council would contend that they have one of the most diverse natural resource bases in the state and that the Shire offer substantial opportunities for development of that base.</p> <p>The resources are:</p> <ul style="list-style-type: none"> extensively cleared grazing land with some cropping areas. highly productive soils capable of supporting dairying and horticulture. reliable rainfall. large areas suitable for softwood and hardwood plantations. geothermal resources. offshore gas and oil resources. highly productive fishing areas off shore. spectacular coastal scenery and wilderness areas. major tidal river system with spectacular scenery - Glenelg River. extensive areas of intact native vegetation. recognised landscapes and areas of forest and bushland - including National Parks. extensive underground water resources. deep water port. offshore marine habitat. <p>It is widely acknowledged that there are substantial opportunities for further development and that some major resource management issues need to be addressed.</p> |

Opportunities include:

high value use of the very productive soils - with some linkage to the tourist industry.

major opportunities to expand timber production which can lead to downstream processing and increased employment.

extensive recreation and tourist use of high quality resource areas and features.

use of timber production to minimise salinity, erosion and water quality management.

Land and water management issues include:

soil and water management.

water quality in streams and rivers.

loss of biodiversity and native vegetation to plantation timber.

habitat protection.

retaining the coastal resource qualities.

retention of highly productive agricultural land.

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| | <p>DNRE does not appear to be able to express a corporate view on these ‘competing’ issues and opportunities. DNRE largely operates as managers of separate resources.</p> <p>In some cases such as agriculture vs timber vs native vegetation retention there is little guidance or direction as to what is DNRE’s overall strategic position. Unfortunately the SPPF also does not provide any clear direction when these uses are competing for the same land.</p> <p>In the absence of a clear direction or priority Council has made a choice. Council has indicated that it generally supports timber production as the most likely beneficial use of the Shire’s land resources. Council still strongly supports the grazing and cropping industries but it concedes that the area of land so used is likely to decline and that from an overall land management point of view this will on balance produce the most beneficial results and is likely to lead to the greatest levels of job creation.</p> <p>Council’s support for timber production acknowledges that in three resource situations this preference must be tempered. Areas that require clearing of native vegetation will be subject to the NVR controls. Council’s preference is to see the highly productive areas within the Shire utilised for high value agricultural and horticultural uses which the Shire believes can generate greater wealth than timber. Council also believes that areas in the immediate environs of the coast should be kept clear of timber production.</p> | |
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| | <p>In respect to native vegetation protection the Council notes that the SPPF requires that reference is to be made to the regional vegetation plans. This is not a public document and has not been released by the Minister. The Council's view is that when it is released for public comment Council will be in an appropriate position to review its proposals.</p> |
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| DNRE submission: | Council Response |
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| <p>Isolated small blocks of Crown Land included in the surrounding zone unless determined differently by DNRE.</p> | <p>Agree</p> |
| <p>Public Land zoned in accordance with LCC recommendations.</p> | <p>Agree, where government has adopted recommendations, others subject to later exhibition.</p> |
| <p>Use of Public Conservation and Resource Zone where identified.</p> | <p>Agree</p> |
| <p>Coastal Overlay to extend 2 kilometres from the public/private land boundary.</p> | <p>Disagree - Council does not support a buffer - defacto extension of public land.</p> |
| <p>ESO3 Significant Wetlands and Waterways.</p> | <p>Agree, to consider such a proposal as a later amendment to the scheme.</p> |
| <p>ESO4 Significant Vegetation and Red Gum Woodlands.</p> | <p>Disagree on Significant Vegetation particularly in the absence of the regional vegetation plan. Agree in principle that Red Gum country should be recognised as a landscape feature.</p> |

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| ESO5 Parks and Reserves surround a 1km parks and surrounds overlay. | Disagree, Council does not support a defacto buffer on private land. | |
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| <p>Recommended Zoning Amendments - 98 specific requests. Council is yet to see maps setting these out. In 11 cases land is not or no longer Crown Land. These are to be corrected. Other changes either involve small parcels of land surplus to government needs or small parcels of crown land which have been missed in the mapping. Others classify the land incorrectly on the basis of its public land values.</p> | <p>Generally agree subject to supply of maps showing parcels so Council can determine impact of crown land disposal. particularly if dwelling 'rights' accrue.</p> |
| <p>Stone Resources - the submission seeks recognition in MSS and Local Policy.</p> | <p>Agree - change MSS to recognise.</p> |
| <p>State and Regional Context, the submission requests additions.</p> | <p>Generally Council would contend they have recognised the matters raised.</p> |
| <p>General and specific recommended improvements to MSS and Local Policies.</p> | <p>Agree to consider such changes as a later amendment to the scheme.</p> |
| <p>Land managed (owned?) by the Victorian Plantations Corporation to be zoned Rural.</p> | <p>Agree</p> |
| <p>ESO1 Coastal to be extended along coast.</p> | <p>Agree - modification sought by Council.</p> |

Supplementary letter from DNRE with modifications to the DNRE's original submission:-

Additional information supplied about flora and fauna.

Submits that flora and fauna action statements be made reference documents to local environmental policies.

Submits that selected biodiversity component maps should be reference documents to local environmental policies.

ESO's

In addition to the matters previously raised, ESO's have been requested for the Plains Grassy Woodland Complexes, Swamp Scrub Complexes and Coastal Grassy Woodland Complexes.

The submission recognises that these ESO's need to be extensively discussed and negotiated.

Withdrawal of the request for a pest plants and animals overlay.

Withdrawal of reference to a S173 agreement in regard to the removal of wildling plants.

Withdrawal of request that private land at the west end of Walook Swamp be zoned Conservation and Recreation.

Panel Response

Response by the Department of Natural Resources and Environment to new format planning schemes, particularly in resource rich municipalities such as Glenelg will necessarily be complex. Under the Departmental umbrella a variety of offices and responsibilities have been brought together dealing with varied aspects of management of Victoria's natural resource base. The difficulty which the Council recognises the Department of Natural Resources and Environment is experiencing in expressing a corporate view on 'competing' issues and opportunities, is the same difficulty that any planning agency, including the Council, will face in achieving a balanced and integrated management of the natural resource base. At times, it will not always be possible to accommodate every interest. Not all land can be all things to all people. As the Panel commented in connection with the Cape Bridgewater and Bridgewater Lakes area (Submission No. 12), it is important for councils to identify the most important attributes of various locations and, notwithstanding their suitability for other uses, recognise that those other uses may detract from the qualities which are the most important attributes of the area.

The concern expressed by the Council about the issue of agriculture versus timber versus native vegetation retention is addressed in more detail in Section 3.3 and 3.4. In general, the Panel does not consider that there is a conflict between State planning policies about timber production and retention of native vegetation, but it would agree with the Council that the lack of clear direction by the Department of Natural Resources and Environment about such matters makes decision making difficult for the Council.

The criticisms by the Council about the non-release of regional vegetation plans is also valid. However, the Panel does not consider that Council's lack of access to regional vegetation plans necessarily inhibits it in implementing many of the principles relating to conservation and management of the environment in the SPPF. There is an existing abundance of information to assist in the development of detailed local provisions implementing the SPPF. It is with respect to such matters that the majority of the submissions by the Department of Natural Resources and Environment is concerned.

In Section 2.4 the Panel discusses the general issues affecting the nature of changes which may be made to the Planning Scheme as a product of the public exhibition/ submission/panel process. The Council has been reluctant to make some of the changes sought by various submitters, even though it has supported them in principle. For the reasons outlined in Section 2.4, the Panel does not agree that it is necessary to wait for a further amendment where the changes sought are an implementation of objectives or strategies contained in the MSS or they are necessary in order to ensure that local provisions are consistent with the SPPF (which includes the application of zones and overlays). As a result, the Panel considers that some of the submissions made by the Department of Natural Resources and Environment can be implemented at this stage, even though the Council has felt constrained in dealing with them by reason of its view that it would need to wait for a further amendment before implementation.

Changes to the MSS: In its written submission, the Department of Natural Resources and Environment made a number of suggestions about modifications to the MSS. The Panel does not intend to comment on their detail but they are matters which the Council should take into consideration when reviewing its MSS in the future.

Map changes: There are numerous detailed modifications requested by the Department of Natural Resources and Environment to the Planning Scheme maps and zonings to accurately reflect status and use. The Panel does not intend to comment on them individually but recommends that they be resolved in consultation with the Council.

Environmental Significance Overlay — Coastal Areas: Application of an Environmental Significance Overlay to all coastal areas, including those east of Portland and the small area at Nelson, has been discussed and recommended in Section 2.3 and 3.4 In its written submission, the Department of Natural Resources and Environment sought an extension of the Overlay to cover all areas at least two kilometres from the public/private land boundary. At the panel hearing, the Department confined its submission to an extension of the Overlay as proposed in the Draft Planning Scheme and this is in line with the Panel's recommendation.

Environmental Significance Overlay — Significant Wetlands and Waterways: Four wetlands within the Shire of Glenelg have been identified as having national significance:

- Long Swamp
- Glenelg River Estuary, Nelson
- Mundi-Selkirk Wetlands
- Lindsay-Werrikoo Wetlands

In addition, there are a number of significant waterways and tributaries, which include the section of Glenelg River between Nelson and Dartmoor, and the Glenelg River north of Dartmoor, Fitzroy, Surry and Wannin Rivers and their tributaries.

The Department of Natural Resources and Environment has recommended that an Environmental Significance Overlay be applied to these wetlands and waterways to a minimum distance of 40 metres from the high water level mark (where relevant). It has included a Draft Schedule 3 to the Environmental Significance Overlay dealing with significant wetlands and waterways.

The Council has supported this Overlay, but considers it should be introduced as a later amendment to the Scheme.

Clauses 13, 15.01 and 15.09 of the SPPF all impose obligations on planning authorities to protect waterways and wetlands. In particular, Clause 15.09–2 requires planning and responsible authorities to ensure that any changes in land use or development would not adversely affect the habitat values of wetlands and wetland wildlife habitats designated under the Convention on Wetlands of International Importance (the Ramsar Convention) or utilised by species designed under the Japan-Australia Migratory Birds Agreement (JAMBA) or the China-Australia Migratory Birds Agreement (CAMBA). According to information supplied by the Department of Natural Resources and Environment at least two of the wetlands identified come within this category.

As the Panel has already discussion in connection with Walook Swamp (see Submission No. 7), the MSS in the Vision Statement in Clause 21.03 identifies '*sustainable management and protection of the natural resources of soil, water, ecosystems and coastal areas*' as one of the principles on which the Glenelg Shire Council will plan for the development of the Shire. Clause 22.02–2 contains a local policy on wetland areas. The Panel has noted in Section 3.5 that this very generalised policy could be improved by being made more specific. One means of doing this would be to identify specific wetland areas. The Panel has suggested that Walook Swamp and Fawthrop Lagoon are two such areas in Portland where this should occur, and the wetlands and waterways identified by the Department of Natural Resources and Environment are other examples. The policy purports to apply to land identified as areas of environmental significance — wetlands, although there is nothing in the Planning Scheme yet which effects such recognition specifically.

Extending protection over these wetlands and waterways is a matter of State significance. It is an implementation of an objective found in the MSS which is supported by a local policy. For these reasons, the Panel considers that an Environmental Significance Overlay should be applied when the Scheme is adopted, rather than waiting for a future amendment.

Environmental Significance Overlay — Significant Vegetation and Redgum Woodlands: In its written submission, the Department of Natural Resources and Environment requested an Environmental Significance Overlay over Significant Vegetation Types identified by the Glenelg Regional Vegetation Plan 1997. At the Panel hearing, this request was withdrawn, with the Department content to rely on the native vegetation controls in Clause 52.17.

However, the Department maintained its submission that an Environmental Significance Overlay should apply to the Redgum Woodlands in areas to the west and north of the Shire because of its habitat significance for the endangered Red Tailed Black Cockatoo.

The Red Tailed Black Cockatoo is listed under the *Flora and Fauna Guarantee Act 1988* and has had an action statement prepared in respect of it. Redgum trees, particularly dead trees, are critical habitat for this bird, and retention of hollow-bearing nesting trees is identified in the Action Statement as a major conservation objective.

In the MSS, Clause 21.09–1 identified *'retention of the Shire's Redgum country as a major landscape asset'* as a strategy. However, this strategy has not been translated into the exhibited Planning Scheme. The Panel was advised that the Council is willing to place a Significant Landscape Overlay over the Redgum Woodlands, but not a Vegetation Protection Overlay or an Environmental Significance Overlay.

The Panel finds it difficult to understand the Council's rationale for being prepared to acknowledge the landscape significance of the Redgum Woodlands but not its critical habitat significance for an endangered species of bird. This seems at odds with the balance evident in the MSS and the responsible approach adopted by the Council generally within its Planning Scheme. It is also at odds with the Inter-governmental Agreement on the Environment and the National Strategy for the Conservation of Australia's Biological Diversity, referred to in Clause 13 of the Planning Scheme, and the more specific provisions of Clause 15.09–2, particularly the requirement that decision making by planning and responsible authorities should address potentially threatening processes identified under the *Flora and Fauna Guarantee Act 1988*.

In the Panel's opinion, these provisions places a clear obligation on the Council to apply the type of overlay requested by the Department of Natural Resources and Environment in order to protect the habitat of the Red Tailed Black Cockatoo. The Panel considers that an Environmental Significance Overlay is the most appropriate of the Overlays to apply because it can protect both living and dead Redgums. The Schedule can also be drafted to protect the landscape qualities of the Redgum Woodlands in order to meet the Council's MSS strategy. The Panel makes this recommendation on the following basis:

- The Action Statement for the Red Tailed Black Cockatoo specifically identifies the requirement to amend relevant planning schemes to protect identified areas of habitat for the Red Tailed Black Cockatoo. It is clearly established that Red Tailed Black Cockatoos nest predominantly in Redgum trees, particularly dead trees.
- The Action Statement states: *'this should include restrictions on clearing standing dead timber that meets specified criteria for the provision of nest hollows for this species'*.

Although the Department of Natural Resources and Environment included a Draft Schedule it suggested could apply to the Redgum Woodlands area, this is not in the form required for a Schedule to the Environmental Significance Overlay by the Ministerial Direction on the Form and Content of Planning Schemes. In particular, it is noted that the permit requirement which may be included in the Schedule relates to buildings, works, subdivisions and vegetation **to be exempted** from the need for a permit under the provisions of Clause 42.01–2. The Schedule suggested by the Department misconceives this provision.

The Panel considers that the removal of dead Redgums would clearly fall within the ambit of either works or the removal of vegetation. Nevertheless, drafting the Statement of Environmental Significance and the environmental objective to be achieved will need to be done carefully to emphasise that retention of dead Redgums is important. The decision guidelines should specifically require the comments specifically of the Department of Natural Resources and Environment to be taken into consideration, but it cannot see any reason why the comments of the Catchment Management Authority would be required, which the Draft Schedule prepared by the Department of Natural Resources and Environment requires.

Environmental Significance Overlay — Parks and Reserves Surround: This part of the submission by the Department of Natural Resources and Environment sought an overlay applying to all land within one kilometre of all National Parks and reserves within the Shire. The basis for such an overlay is to promote the development of land in a way that will not cause the spread of non-indigenous species, particularly pine and bluegum wildlings, into a park or reserve.

The issue of wildling escape from timber plantations is a matter referred to in the Draft Discussion Paper on Timber Production included in Appendix B. Wilding escape is a problem that affects not only National Parks and reserves. However, it is a land management problem and a matter which ought to be dealt with on a Statewide basis rather than through individual controls in various planning schemes. For this reason, the Panel agrees with the Council and rejects this aspect of the Department of Natural Resources and Environment's submission.

Panel Recommendation

- **Apply an Environmental Significance Overlay — Significant Wetlands and Waterways to the Glenelg River Estuary, Nelson; Lindsay-Werrikou Wetlands; Long Swamp; Mundi-Selkirk Wetlands; the section of Glenelg River between Nelson and Dartmoor, and the Glenelg River north of Dartmoor; Fitzroy, Surry and Wannin Rivers and their tributaries.**
- **Apply an Environmental Significance Overlay — Redgum Woodlands to those areas of Redgum Woodlands identified by the Department of Natural Resources and Environment as critical habitat for the Red Tailed Black Cockatoo.**

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| Submission No: | 26. |
| Submitter Name: | National Trust Melbourne (7/7/97). |
| Issues Raised: | <p>Additional sites to be included in Heritage Overlay. Proposes registered landscapes be identified with a Landscape Significance Overlay, proposed wording included. Prefer use of Environmental Rural Zone to Rural Zone within significant landscapes in a number of areas. Remnant vegetation should be identified with a Vegetation Protection Overlay.</p> |
| Council Response: | <p>Council is generally supportive of a comprehensive re-assessment of heritage provisions following a full study which is scheduled. Should be subject of a further amendment. Council opposes use of an Environmental Rural Zone around Mt Clay. Council opposes the introduction of a Vegetation Protection Overlay as it believes sufficient native vegetation controls are in place. Refer to Panel.</p> |

Panel Response

Listing of heritage places: see general discussion about heritage issues in Section 3.4.

Registered landscapes: The National Trust Register of Significant Landscapes includes six landscapes within the Shire of Glenelg:

- Bridgewater Lakes
- Cape Bridgewater
- Cape Nelson
- Cape Sir William Grant
- Portland coastline
- Mt Clay forest

The Trust has requested that these landscapes be protected by the Significant Landscape Overlay. Reference is made to Clause 21.10–4 of the MSS which notes that the specific objectives and initiatives for the coast are:

- *retention of vegetation and natural systems;*
- *siting and design of new development;*
- *maintenance of recreation and tourist assets;*

- *the landscape presentation [preservation] of the coast.*

The Trust submits that whilst the Environmental Significance Overlay — Coastal Areas covers some of these landscape areas, it has not been written to protect landscape values. The Significant Landscape Overlay is included in the VPPs to provide protection and recognition to landscapes which are significant, such as those classified by the Trust which are unarguably of very high landscape value.

As a general principle, the Panel supports the submission by the National Trust. The various overlays in the VPPs are intended to recognise different attributes. It is intended that there may be overlapping overlays in particularly sensitive locations. Where landscape is an important attribute of an area, it is appropriate to apply a Significant Landscape Overlay even though it may also be covered by an Environmental Significance Overlay. In some cases, the Statement of Environmental Significance may be drafted in a way which incorporates the landscape value, but it should not be assumed that an Environmental Significance Overlay will always protect landscape values. Schedules to overlays always need to be carefully written and directed to the valued attributes of the land to which they apply.

As discussed in Submission No. 12, the Panel has recommended a combination of the Environmental Rural Zone and a Significant Landscape Overlay to apply in the Bridgewater Lakes/Cape Bridgewater area as a means of best protecting the valued attributes of this location. In respect of the other coastal areas referred to by the National Trust, it recommends that the Council review the zoning and overlay controls before adoption of the Scheme to ensure that they best reflect the valued attributes and purpose of the land.

With respect to Mt Clay forest, most of the landscape recorded by the Trust is included within a Public Conservation and Resource Zone. A small area of land at the summit of Mt Clay is in private ownership, and this land is included in the Rural Zone. There is no overlay over this Rural Zone. The Trust submits that the land covered by the Rural Zone would be more appropriately protected by the Environmental Rural Zone, given its landscape and environmental significance. The Trust also requests that this significant area, along with a number of other volcanic sites it identifies, be protected by a suitable landscape overlay which recognises and protects their importance as eruption points.

The protection of the landscape significance of these eruption points is not a matter specifically referred to in the MSS. Although some of the sites identified by the Trust may be protected in other ways, the Panel considers that support for this aspect of the Trust's submission would require a change to the MSS. The Panel does not consider that this should be done without exhibition.

Panel Recommendation

The identification and protection of eruption points throughout the municipality for their landscape significance should be considered by the Council as part of a review of its planning scheme and should be the subject of a future amendment.

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| Submission No: | 27. |
| Submitter Name: | National Trust (second submission 8/7/97). |
| Issues Raised: | Mount Clay Forest is a recorded landscape and should be accorded a Significant Landscape Overlay. Identified eruption points should also be recognised by LSIO. Proposes Environmental Rural Zone at base of Mt Clay. |
| Council Response: | Council does not support the specific provisions proposed. Council is generally supportive of a comprehensive re-assessment of heritage provisions following a full study which is scheduled. Should be subject of a further amendment. Council opposes use of an Environmental Rural Zone around Mt Clay. Refer to Panel. |

Panel Response

See Submission No. 26.

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| Submission No: | 28. |
| Submitter Name: | National Trust (Portland Branch). |
| Issues Raised: | <p>Former Portland Planning Scheme controls need to be fully incorporated into new scheme. Suggest a number of changes and corrections. Opposes rezoning land in Hurd Street area to Business. Portland Urban Conservation Strategy should be incorporated. Fawthrop Lagoon and Walook Swamp should be recognised with appropriate controls.</p> |
| Council Response: | <p>Agree mistakes should be corrected. Exact scheme provisions cannot be incorporated because of VPP requirements. Further comprehensive heritage work to be undertaken. Hurd Street - change agreed to. Council does not support incorporation of any documents at this stage. The Conservation Study is about 15 years old. Fawthrop Lagoon and Walook Swamp to be recognised in Wetlands Policy. Refer to Panel.</p> |

Panel Response

With respect to the general extent of heritage controls, see general discussion on heritage issues in Section 3,4. Others matters raised by the Trust are dealt with as follows:

- Hurd Street: see Submission No. 16.
- Fawthrop Lagoon: see Submission No. 40.
- Walook Swamp: see Submission No. 7.
- Market Square Park: see Submission No. 3.

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| Submission No: | 29. |
| Submitter Name: | Historic Buildings Restoration Committee. |
| Issues Raised: | <p>Heritage controls in Portland scheme need to be transferred to Glenelg Scheme, errors identified, and Foreshore should be included.</p> <p>Opposes extension of Business 1 zone in Hurd Street area.</p> <p>Protection for specific wetlands required.</p> <p>Further development controls required around Cape Bridgewater and Bridgewater Lakes.</p> |
| Council Response: | <p>Agree mistakes should be corrected.</p> <p>Foreshore area has been deleted from Heritage Overlay to reflect that the Foreshore Development Plan has been prepared.</p> <p>Exact scheme provisions cannot be incorporated because of VPP requirements.</p> <p>Further comprehensive heritage work to be undertaken.</p> <p>Hurd Street - agree to change.</p> <p>Fawthrop Lagoon and Walook Swamp to be recognised.</p> <p>Council opposes any further controls around Cape Bridgewater and Bridgewater Lakes.</p> <p>Refer to Panel.</p> |

Panel Response

Heritage: see general discussion about heritage issues in Section 3.4.

Extension of Business 1 Zone in Hurd Street: see Submission No. 16.

Wetlands: see Submission No. 25.

Cape Bridgewater and Bridgewater Lakes Area: see Submission No. 12.

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| Submission No: | 30. |
| Submitter Name: | Treecorp Group. |
| Issues Raised: | Scheme is not an enabling policy for the forestry industry. Opposes S.173 agreement in regard to road making. |
| Council Response: | Council's Timber Strategy to be put to Panel. Refer to Panel. |

Panel Response

See general discussion about timber production in Section 3.4.

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| Submission No: | 31. |
| Submitter Name: | Mrs Jane Hayes. |
| Issues Raised: | Higher regard should be placed on heritage items. Opposes rezoning of Hurd Street to commercial. Significance of wetlands (Walook Swamp & Fawthrop lagoon) should be recognised. |
| Council Response: | Exact scheme provisions cannot be incorporated because of VPP requirements. Further comprehensive heritage work to be undertaken. Hurd Street - agree to change. Fawthrop Lagoon and Walook Swamp to be recognised. Refer to Panel. |

Panel Response

Heritage: see general discussion about heritage issues in Section 3.4.

Extension of Business 1 Zone in Hurd Street: see Submission No. 16.

Wetlands: see Submission No. 25 and Submission No. 7.

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|--------------------------|---|
| Submission No: | 32. |
| Submitter Name: | D. & L. Chalmers. |
| Issues Raised: | Opposes Business zoning in Hurd Street. |
| Council Response: | Agree to modify scheme. |

Panel Response

Extension of Business 1 Zone in Hurd Street: see Submission No. 16.

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| Submission No: | 33. |
| Submitter Name: | Portland Cellars. |
| Issues Raised: | Opposes Business zoning in Hurd Street. |
| Council Response: | Agree to modify scheme. |

Panel Response

Extension of Business 1 Zone in Hurd Street: see Submission No. 16.

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| Submission No: | 34. |
| Submitter Name: | M. Punton (Second submission). |
| Issues Raised: | Foreshore Master Plan requires reassessment. Reiterates opposition to Business zoning around Hurd Street area. Proposes recognition of environmental values of Walook Swamp and Fawthrop Lagoon. Comments on management of water and sewerage services and retail policy. |
| Council Response: | Foreshore master plan has been adopted by Council. Hurd Street - agree to modify scheme. Wetlands areas to be listed. Refer to Panel. |

Panel Response

Extension of Business 1 Zone in Hurd Street: see Submission No. 16.

Walook Swamp: See Submission No. 7.

Fawthrop Lagoon: See Submission No. 40.

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| Submission No: | 35. |
| Submitter Name: | Telstra. |
| Issues Raised: | Generally supports zoning given to telephone exchanges, but objects to VPP zone controls. Telstra is making a formal submission to the Department of Infrastructure. |
| Council Response: | Refer to Panel. |

Panel Response

This submission is noted. The general concerns of Telstra relating to the VPPs were dealt with in the Report of the Advisory Committee on the Victoria Planning Provisions.

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| Submission No: | 36. |
| Submitter Name: | Hartly D. Treloar, on behalf of Eskimo Meadows Pty Ltd. |
| Issues Raised: | Considers Business 1 or 2 zone is more appropriate than Business 4 in area bounded by Henty Hwy, Hanlon and Lowe Streets, in north Portland. The submission contends that the Business 4 prevents the development of a motel or similar. |
| Council Response: | The 'translated' zone is similar to a zone approved through an amendment made to the scheme in recent years. Council's preferred zoning is based on restricting the possibility of a free standing retail facility being developed on the edge of Portland. Council has stated that position in the MSS and a Local Policy. Business 4 zone provides for motel as a discretionary use. The submitter may have been misled because motel is not specifically listed as a Section 2 use. Oppose. |

Panel Response

This submission appears to be based on a misunderstanding of the nature of the Business 4 Zone. No change is recommended.

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| Submission No: | 37. |
| Submitter Name: | Portland Field & Game Society. |
| Issues Raised: | Proposes recognition and protection of environmental values of Walook Swamp. |
| Council Response: | Agree to list Walook Swamp in the Wetlands Policy. Modify. |

Panel Response

See Submission No. 7.

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| Submission No: | 38. |
| Submitter Name: | B.E. Jones. |
| Issues Raised: | Proposes land in Jones Court be zoned residential not industrial. |
| Council Response: | <p>This area is severely compromised for residential development by adjoining industrial uses. Oppose.</p> <p>An area of land west of Madeira Packet Road generally north of Childers Street is currently zoned Industrial. The land is largely vacant except at the northern end of Bancroft Street there are a number of dwellings which are non-conforming uses. The land to the west is zoned residential and to the east of Madeira Packet Road is zoned for port use. The land to the east is occupied by extensive industrial uses including a large fertiliser depot (Pivot). While the subject land is elevated above the coastline the view is dominated by industrial uses.</p> <p>Council believes that given the circumstances of the site and the supply of residential land in the Portland area, that the industrial zone should remain. Council has sought to recognise the existing residential uses at the northern end of the whole site. Jones Court is an unconstructed road, further residential development would be unlikely even if the land was zoned residential.</p> |

Panel Response

The objective of this submission is to have that land north of Edgar Street currently included in an Industrial 1 Zone, rezoned to Residential 1. This land is largely vacant and at present has no industrial development notwithstanding its industrial zoning under the existing planning scheme. This is unlike land in the same zone south of Edgar Street, which has considerable industrial development on it.

The area of land to which this submission relates is really in a no man's land. Functionally, it relates more closely to the residential areas to its west and south. However, its proximity to the coast and sea views are spoiled, from a residential perspective, by the dominance of the Pivot fertiliser plant and other port-related industrial infrastructure. It shares no functional relationship with the port-related land occupied by Pivot to the east due to the coastal escarpment and the consequential difference in height between the respective areas of land. Clearly the market has not seen it as attractive for industrial purposes.

It is the Panel's opinion that the current Industrial 1 zoning is inappropriate given the proximity of the surrounding, well-established residential area. It is very close to the Portland CBD and community facilities. It is therefore ideally located to satisfy the MSS objectives of the facilitating urban growth in existing urban areas in order to ensure the: *'efficient use of land, maximisation of existing infrastructure and investment, and access to services and facilities.'* (See Clause 21.11)

The Panel considers that a continued industrial zoning is not justified given:

- the abundance of other industrially zoned land in Portland;
- the lack of development of this land over the years it has been zoned industrial.

A residential zoning will not necessary guarantee its development for this purpose, but the Panel considers it has a better strategic basis than the Industrial 1 Zone.

Panel Recommendation

Rezone land along Maderia Packet Road between Henry Street and Edgar Street from Industrial 1 Zone to Residential 1 Zone.

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| Submission No: | 39. |
| Submitter Name: | Joy Savill. |
| Issues Raised: | Concerned that there are no public use zones in Heywood. Further information on heritage required and suggests this form part of a separate project. |
| Council Response: | Agree with second point. Refer to Panel. |

Panel Response

This submission is a general comment about certain matters which does not require any changes to the exhibited Scheme. The comment that there are no areas set aside for public use in the town of Heywood is not entirely accurate as in fact there are a number of Public Use Zones.

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| Submission No: | 40. |
| Submitter Name: | June Hedditch. |
| Issues Raised: | Recognition and protection of Fawthrop lagoon. Market Square should remain as public open space. |
| Council Response: | Fawthrop Lagoon to be listed in Wetlands Policy. Oppose. Refer to Panel. |

Council Response: Fawthrop Lagoon

A number of submissions have raised concerns about the need for greater recognition of Fawthrop Lagoon. Council proposes the same approach as set out for Walook Swamp. List the lagoon in Council's Wetland policy. Prepare an ESO in respect to wetlands as part of a later amendment.

Panel Response

Market Square Park: see Submission No. 3.

Fawthrop Lagoon: The submission by Ms Hedditch is primarily concerned about the residential zoning over the part of Fawthrop Lagoon lying south of Port Road. She is concerned that residential development would result in filling and contaminated runoff detrimental to the water quality of the lagoon.

The Panel considers that all parts of the Fawthrop Lagoon and surrounding area draining into it, including the residential zone referred to in this submission, should be protected by an Environmental Significance Overlay similar to that recommended in respect of Walook Swamp. In line with its reasoning with respect to Submission No. 7, the Panel does not consider it is necessary for the application of an Environmental Significance Overlay to be delayed to a further amendment. Protection of wetlands is recognised as a Council policy in the LPPF and the application of an Environmental Significance Overlay simply makes the area to which this policy applies more certain.

Panel Recommendation

Include Fawthrop Lagoon and areas draining into it in an Environmental Significance Overlay. If the Environmental Significance Overlay is not specific to this area, include a specific Local Policy relating to its special needs.

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| Submission No: | 41. |
| Submitter Name: | CSR. |
| Issues Raised: | Plantation as of right. |
| Council Response: | Council's timber strategy to be put to the Panel. Refer to Panel. |

Panel Response

See general discussion about timber industry in Section 3.4.

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| Submission No: | 42. |
| Submitter Name: | VicRoads. |
| Issues Raised: | Requests that all declared main roads and State highways be shown as RDZ1 Road Zones in both urban and rural areas. A list is provided. VicRoads wish to be notified in respect to any use or development likely to affect or cause increased vehicular traffic on main roads and State highways. |
| Council Response: | Modify scheme in accord with supplied list. Refer to Panel. |

Panel Response

All declared roads must be shown as a Road Zone — Category 1 in accordance with paragraph 17 of the Ministerial Direction on the Form and Content of Planning Schemes.

According to the *Manual for the Victoria Planning Provisions*, it is open to the Council to include local roads in a Road Zone — Category 1 if it is appropriate that the controls in that zone apply to them.

It is unnecessary for a statement about notification to VicRoads in respect of subdivision, use or development along main roads and State highways to be included in the LPPF because inclusion of such roads in the Road Zone — Category 1 has this effect — see Clause 36.04–3.

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| Submission No: | 43. |
| Submitter Name: | L. Frankom on behalf of Cape Nelson LandCare. |
| Issues Raised: | The submission seeks to exclude extractive industries from a 46ha Bushland Reserve on the Cape Nelson Road. |
| Council Response: | The land is zoned Rural and the Statewide provisions cannot preclude extractive industries. Refer to Panel. |

Panel Response

It is a matter of State planning policy that planning schemes must not prohibit extractive industry in non-urban zones, except if it is prohibited by an Act of Parliament — see Clause 17.09–2. Consequently this submission cannot be supported.

Nevertheless, mineral, stone or soil extraction is a Section 2 Use in the Rural Zone and the sensitive and fragile nature of the area which is the subject of this submission would need to be taken into account when considering any application for extractive industry.

No change is recommended.

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| Submission No: | 51. |
| Submitter Name: | Burswood Homestead (Carol Frost and Ken Rogan) |
| Issues Raised: | Should be zoned residential. |
| Council Response: | Mistake in map as exhibited. Modify scheme. |

Panel Response

Agreed.

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| Submission No: | 52. |
| Submitter Name: | A. & C. Hossack. |
| Issues Raised: | General comments on MSS/Policies particularly in relation to Nelson. Key issues raised:- <ul style="list-style-type: none">- environmental management at Nelson- sewerage advocated for Nelson- a number of issues raised which are outside of the 'jurisdiction' of the scheme- townscape and township entrances - improvements sought (Council's local policies specifically refer to townscape and entrances)- categorisation of roads- road safety issues |
| Council Response: | Refer to Panel. |

Panel Response

The contents of this submission are noted. They are not matters which require a change to the Planning Scheme but should be considered by Council when reviewing policies and planning generally within Nelson.

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| Submission No: | 53. |
| Submitter Name: | Matthews. |
| Issues Raised: | <p>General comments on MSS/Policies. Improved Vegetation Protection. Submission highlights the environmental values of the Shire including landscapes. Makes comments on the SPPF. Advocates a stronger recognition of the value of vegetation and requests overlays. Advocates retention and protection of wetlands. Advocates no further clearing of vegetation for timber production. Advocates roadside protection measures. Advocates stronger recognition of landscape aesthetics and heritage. Requests restriction on soil removal. Advocates reduction in Rural Living Zone subdivision provisions from 8ha to say 2.5ha. Advocates use of Environmental Rural Zone. Advocates extensive use of ESO's (similar to DNRE submission). Does not support ESO on high quality agricultural land. Heritage overlay should be extended. Landscape overlays should be utilised. Vegetation protection overlays should be used. Refer to Panel.</p> |
| Council Response: | <p>Council's position on the matters raised above have been generally dealt with in response to other submissions. At this stage Council does not propose to support the introduction of any further environmental or heritage measures. However Council believes a comprehensive assessment of the matters raised in submissions is appropriate.</p> |

Panel Response

The submission by Mr Matthews was very thoughtful and detailed. A number of specific matters have been considered by the Panel in connection with other submissions and generally. No additional recommendations are made as a result of this submission, however the Panel agrees that as part of its first general review of the MSS the Council should consider many of the issues raised in this submission.

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| Submission No: | 56. |
| Submitter Name: | Jewell Partnership on behalf of PTC. |
| Issues Raised: | All railway land to be zoned consistently. |
| Council Response: | Agree. Modify scheme. |

Panel Response

Agreed.

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| Submission No: | 57. |
| Submitter Name: | Timber 2000. |
| Issues Raised: | Oppose Council's provisions on timber plantations. |
| Council Response: | Council's Timber Strategy to be put to the Panel. Refer to Panel. |

Panel Response

See general discussion about timber production in Section 3.4.

Council Requests for Modifications

The following group of submissions (44-50b) are requests for modifications of the scheme by Council.

Council's submission includes a request to the Panel to consider and support modifications to the scheme and maps as exhibited. These modifications are sought on the basis that the scheme as exhibited contained an error and that no further exhibition should be made.

Miakite Bridge (Condah - Coleraine Road) (44)

This bridge which is under the control of the Council has been recognised as of heritage significance. Council believes that the heritage listing should be modified to include the bridge without further exhibition.

Lake Condah Heritage Area (45)

This area is a nationally recognised heritage area, Council believes that the heritage listing should be modified to include the area (as defined by the Register of National Estate) without further exhibition.

Contents Page (46)

The contents page did not list the Rural Living Zone and Urban Floodway Zone - the page should be modified.

Map Changes (47, 48, 49)

The Panel is requested to support three changes to the zone maps and one to the overlays to correct mistakes. In respect to the zone maps the changes are designed to reflect the existing zoning. In the preparation of the maps the translation of the existing zones were overlooked. The three areas are:

The IN3 zone (east of Browning Street, north of Francis Street, and south of Gordon Street).

The BUS1 zone south of Gawler Street between Percy and Berwick Streets - partial block.

The LDR zone south of Wattle Hill Creek, north of McIntyre's Road, west of Oakpark Road and east of Argo's Road.

Overlays (50)

In respect to overlays the proposed ESO1 for the Coastal Area was inadvertently left off the map for the area east of Portland to the Shire border. The draft planning scheme which was placed on public display in 1996 included the coastal policy and showed its application with an overlay to the areas subject to this submission. No submissions opposing the overlay were received during the display of the draft. In the final preparation of the overlays the maps inadvertently left off the ESO1 overlay on the area east of Portland and also a very small area west of Nelson. Council has received a number of submissions requesting that the overlay be included. Council believes that the overlay should be shown on these areas without further exhibition.

Incorporated Documents (50a)

Proposed deletion of a reference to an Incorporated Document.

When Council exhibited the scheme only one document was incorporated - the Portland Foreshore Plan. This document included a comprehensive development plan to guide the development of the foreshore area at Portland. Following further consideration of the implications of an incorporated document it is proposed that the Foreshore Plan would not be listed as an incorporated document. The Portland Foreshore Plan is referenced in the Local Planning Policy Framework.

Schedule to the Rural Zone (50b)

Schedule to the Rural Zone (VPP3)

Following the introduction into the VPP of a new schedule to the Rural Zone on 17th October, Council has considered and prepared a new schedule.

The schedule is consistent with the schedule in the exhibited schedule in respect to subdivision.

The schedule proposes a maximum area for which no permit is required to use land for timber production (hectares) consistent with Council's proposed timber strategy.

In respect to earthworks, the schedule is similar to that in the exhibited schedule.

In respect to permits for a dam, the Council has differentiated between the Low Density Residential and Rural Living Zones where it is proposed that a permit would be required for all dams and the Rural Zone where it is proposed that a dam above 10,000 cubic metres capacity would require a permit. Council has proposed that any dam within 50 metres of a road should require a permit.

Panel Response

Map Change (49): The Panel is unsure what the current zoning of this land is or its minimum subdivision size. It is concerned about the implications of this change with respect to Ministerial Direction 6/6A. No change of zoning should occur if it will result in the existing minimum lot size for subdivision being reduced. If this is the effect, the change in the zoning should be by way of separate amendment which complies with Ministerial Direction 6/6A.

Schedule to the Rural Zone (50b): The Schedule produced to the Panel did not reflect the Council's Timber Strategy or the position discussed and recommended by the Panel in Section 3.4.

Panel Recommendation

- Agree with all modifications proposed by Council in items 44, 45, 46, 47, 48, 50 and 50(a).
- With respect to the land identified in item 49, no change of zoning should occur if it will result in the existing minimum lot size for subdivision being reduced. If this is the effect, the change in the zoning should be by way of separate amendment which complies with Ministerial Direction 6/6A.
- Agree with the modifications in item 50(b) with respect to the Schedule to the Rural Zone, except for the maximum area for which no permit is required to use land for timber production. This should be unspecified so that timber production is as-of-right in all parts of the Rural Zone except land in ESO1 and ESO2 where the area specified should be 40 hectares.

5. RECOMMENDATIONS

The Panel/Advisory Committee recommends that the Glenelg Planning Scheme should be adopted subject to the following recommendations.

5.1 BEFORE ADOPTION

The following changes should be made to the exhibited Glenelg Planning Scheme before adoption.

1. The MSS should be simplified by distinguishing more clearly between:
 - key issues;
 - objectives;
 - strategies, including any which may have a high priority.

The MSS should include a general explanation of the relationship between those objectives and strategies and the controls on the use and development of land in the planning scheme by means of the application of zones, overlays, schedules and local policies.

- 2.1 Strategies in the MSS should be strengthened to better reflect those aspects of the SPPF requiring maintenance of ecological processes and genetic diversity, and conservation of native flora and fauna.
- 2.2 As part of these strategies:
 - 2.2-1 Apply an Environmental Significance Overlay — Significant Wetlands and Waterways to the Glenelg River Estuary, Nelson; Lindsay-Werrikou Wetlands; Long Swamp; Mundi-Selkirk Wetlands; the section of Glenelg River between Nelson and Dartmoor, and the Glenelg River north of Dartmoor; Fitzroy, Surry and Wannin Rivers and their tributaries.
 - 2.2-2 Include Walook Swamp and the surrounding area draining into it in an Environmental Significance Overlay — Significant Wetlands and Waterways.
 - 2.2-3 Include Fawthrop Lagoon and areas draining into it in an Environmental Significance Overlay — Significant Wetlands and Waterways.
 - 2.2-4 Apply an Environmental Significance Overlay — Redgum Woodlands to those areas of Redgum Woodlands identified by the Department of Natural Resources and Environment as critical habitat for the Red Tailed Black Cockatoo.

- 3.1 Extend the Environmental Significance Overlay over all coastal areas east and west of Portland as shown in Draft Planning Scheme publicly displayed during 1996.
- 3.2 Redraft the provisions of the Environmental Significance Overlay No. 1 — Coastal Areas to better identify the environmental significance of the area and the environmental objectives to be achieved.
- 4.1 Delete the local policy on timber production in Clause 22.04–2.
- 4.2 Include a new local policy on timber production which supports removing any requirement for a permit for timber production throughout the Shire in the Rural Zone except in coastal areas or on high quality agricultural land. Include criteria by which to assess any applications for timber production in these areas.
- 4.3 Amend the Schedule to the Rural Zone to remove the need for a permit to use land for timber production except on land in an Environmental Significance Overlay where the area specified should be 40 hectares.
- 5.1 Rezone high quality agricultural land from Rural to Environmental Rural and delete the Environmental Significance Overlay.
- 5.2 Include in any local policy relating to high quality agricultural land guidance about what types of agriculture will be encouraged or discouraged. Identify specifically how timber production will be dealt with.
- 6.1 Rezone the Cape Bridgewater and Bridgewater Lakes area from Rural to Environmental Rural.
- 6.2 Delete the Environmental Significance Overlay from the Cape Bridgewater and Bridgewater Lakes area and replace with a Significant Landscape Overlay.
- 7.1 Review the Schedule to the Heritage Overlay to ensure that the heritage places which are described in the Schedule accurately reflect the areas covered by the Heritage Overlay on the Planning Scheme maps, and vice versa.
- 7.2 Give all Heritage Overlays applying to areas or precincts a reference number and include in the Schedule to the Heritage Overlay.
- 7.3 Review all details in the Schedule to the Heritage Overlay for internal consistency, particularly with respect to whether tree controls apply.
- 7.4 Rectify all identified errors in the Schedule to the Heritage Overlay.
- 7.5 Include the Miakite Bridge (Condah-Coleraine Road) in the Schedule to the Heritage Overlay.
- 7.6 Include the Lake Condah Heritage Area in the Schedule to the Heritage Overlay.
8. Remove all land which is included in the Low Density Residential Zone where this land has not previously been included in a zone which would allow subdivision generally into lots of two hectares or

less, and include in a VPP zone equivalent to its existing zoning. Only include this land in a Low Density Residential Zone by means of a separate amendment prepared in compliance with Ministerial Direction 6/6A.

9. Rezone land shown hatched on Maps 41 and 39 in Appendix D east of Hurd Street from Business 1 to Residential 1.
10. Rezone land along Maderia Packet Road between Henry Street and Edgar Street from Industrial 1 to Residential 1.
11. Rezone Lot 1 on PS 406239 from Public Park and Recreation to Residential 1.
12. Include all Declared Roads under the *Transport Act 1983* in a Road Zone — Category 1.
13. Extend the Industrial 3 Zone east of Browning Street, north of Francis Street and south of Gordon Street to reflect current zoning.
14. Extend Business 1 Zone south of Gawler Street including Steam Packet Inn to reflect current zoning.
15. Delete the Foreshore Plan as an Incorporated Document.
16. Rezone the Burswood Homestead land in Cape Nelson Road from Public Park and Recreation to Residential 1.
17. Amend the Planning Scheme to address all changes required as a result of Amendment V3.

The Panel/Advisory Committee also recommends that before the Scheme is adopted, the Council establish a system for monitoring decisions made under the Planning Scheme and evaluating them against the intentions of the LPPF.

5.2 AFTER ADOPTION

Following adoption of the Glenelg Planning Scheme, the Panel/Advisory Committee recommends that the Shire of Glenelg undertake the following actions:

1. Develop local policies to address the following:
 - vegetation clearance for timber production;
 - Walook Swamp;
 - Fawthrop Lagoon.

- 2.1 Within 12 months develop a program to comprehensively identify and protect all the Shire's heritage assets.
- 2.2-1 Evaluate the heritage assessments of reputable bodies such as the Land Conservation Council and the National Trust with a view to using them, where appropriate, as a basis for applying a Heritage Overlay.
- 2.2-2 Prepare an amendment within 12 months to apply a Heritage Overlay over appropriate heritage places identified under item 2.2-1.
- 2.3 Undertake a heritage study of the balance of the Shire's heritage assets as soon as possible.
- 3.1 Examine existing residential zoned land which is undeveloped, and potential future residential land in order to evaluate the likelihood and timing of development in terms of location, attraction, cost of servicing and availability.
- 3.2 Consider any rezoning of land for residential purposes on the basis of such study.

5.3 ACTIONS BY OTHERS

The Panel/Advisory Committee recommends the following actions be undertaken by the bodies specified:

1. As a matter of priority, DOI and the CFA should reconcile their criteria for mapping high fire hazard areas and identify guidelines for councils about what areas should be included in the Wildfire Management Overlay. These guidelines should be included in the *Manual for the Victoria Planning Provisions*.
2. In conjunction with the CFA, DOI should review Clause 15.07 'Protection from Wildfire' in the VPPs to strengthen links between the planning system and the CFA's risk management system and to update the list of reference documents in Clause 15.07-2.
3. DOI should review the difficulties which the distinction between use and development presents when considering timber production.
4. DOI should develop a simple model to assist councils in the task of monitoring and evaluating decisions under the planning scheme as part of the review process. This would not prevent councils which have developed their own process of monitoring and review from using them, but would assist those councils which perhaps lack resources to formulate their own process. It would also aid in developing a consistency of approach between municipalities.

APPENDIX A — TERMS OF REFERENCE
FOR PANEL AND ADVISORY COMMITTEE

APPENDIX B — LOCAL POLICY ON
FORESTRY, TIMBER PRODUCTION AND
TIMBER PROCESSING INDUSTRIES

APPENDIX C — DRAFT DISCUSSION
PAPER PREPARED IN CONJUNCTION WITH
THE DEPARTMENT OF INFRASTRUCTURE
AND THE PRIVATE FORESTRY COUNCIL
OF VICTORIA

APPENDIX D — MAPS
