

SURF COAST PLANNING SCHEME

AMENDMENT C133SURF

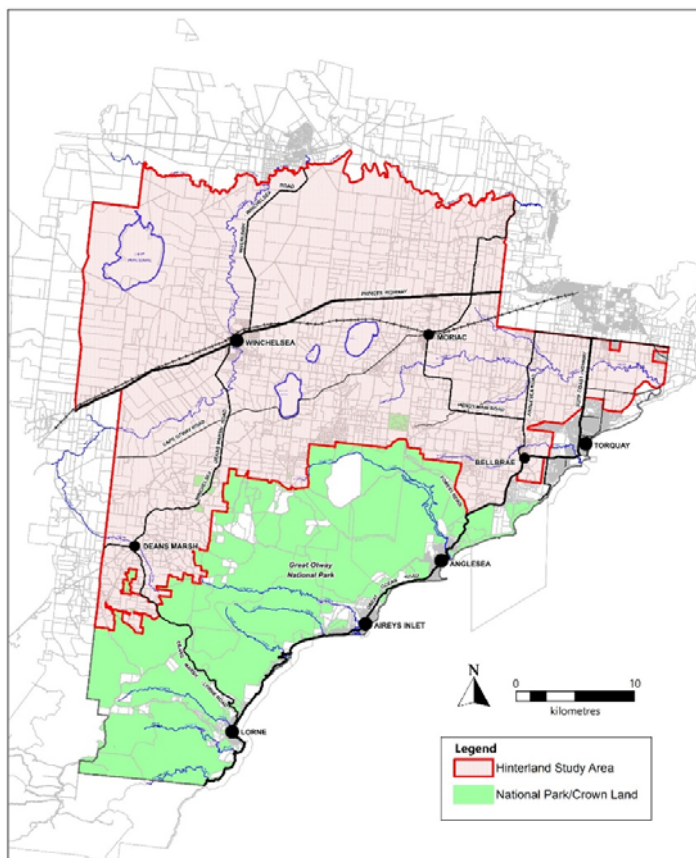
EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Surf Coast Shire Council, which is the planning authority for this amendment.

Land affected by the amendment

The amendment applies to land zoned Farming and Rural Conservation Zone within the Hinterland Study Area shown on Map 1.



Map 1: Land affected by the amendment

What the amendment does

The amendment implements the strategic directions of the Rural Hinterland Futures Strategy 2019 by providing a planning policy framework that enables increased agricultural, agritourism and tourism opportunities while protecting the environmental and landscape values of the hinterland.

Specifically, the amendment:

- Amends Clause 02.03 (Strategic directions)
- Amends Clause 12.01-1L (Protection of biodiversity in Surf Coast)

- Amends Clause 13.02-1L (Bushfire planning)
- Amends Clause 14.01-1L-01 (Protection of agricultural land in Surf Coast)
- Amends Clause 14.01-1L-03 (Subdivision in the Farming Zone and Rural Conservation Zone)
- Inserts Clause 14.01-1L-04 (Other discretionary use and development in the Farming Zone and Rural Conservation Zone)
- Amends Clause 14.01-2L (Sustainable agricultural use)
- Amends Clause 15.01-6L (Design for rural areas)
- Inserts Clause 17.01-1L (Diversified economy in Surf Coast)
- Amends Clause 17.04-1L (Facilitating tourism in Surf Coast)
- Implements the Thompsons Creek Catchment Area Review report 2021 by amending the Schedule to Clause 35.07 (Farming Zone) through the removal of the variation to the minimum lot size of 60ha.
- Amends the schedule to Clause 72.08 to insert reference to two new background documents, titled:
 - Rural Hinterland Futures Strategy (Surf Coast Shire, 2019)
 - Hinterland Design Guidelines (Surf Coast Shire and Inclusive Design, 2021).
- Amends the schedule to Clause 74.02 to delete completed further strategic work in relation to subdividing land in the Thompsons Creek Catchment Area.

Strategic assessment of the amendment

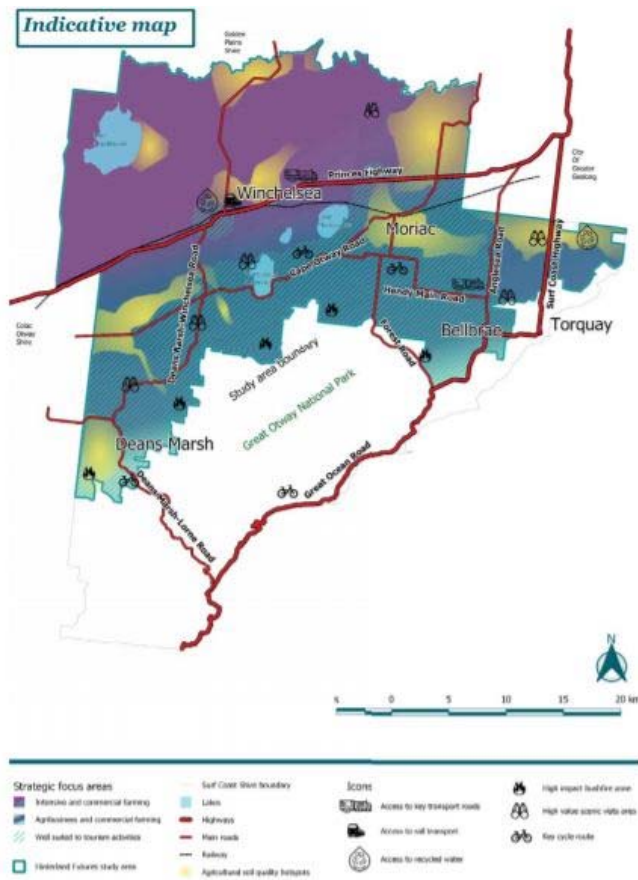
Why is the amendment required?

The amendment implements the strategic directions of the Rural Hinterland Futures Strategy (2019). The strategy is an economic vitalisation and land use planning strategy that seeks to enable opportunities for increased agri-food, agritourism and tourism opportunities in the hinterland. The amendment ensures that this growth is carefully managed for the continued protection of farming as the primary land use of the hinterland. The strategy and amendment direct careful management and protection of the significant environmental and landscape values, which are highly valued assets to the Surf Coast Shires community.

The strategy recognises the importance of agriculture to the future economy of the hinterland and divides the Shire into two agricultural areas with access to key infrastructure, high quality soil and lot sizes that are best suited to intensive and/or commercial farming. An additional area is identified that overlaps the commercial farming area that features natural landscapes and environmental qualities. This area is also suitable to a combination of tourism and agritourism land uses. These areas are shown in the Strategic Land Use Map (Map 2).

A significant portion of the potential tourism/agri tourism area is at risk from bushfire and policy direction is included within the amendment to ensure land use is directed to areas where risks are low or can be adequately mitigated.

The amendment is required to provide clear land use planning and strategic direction that will help vitalise the hinterland whilst protecting the primacy of the land for farming. It provides improved decision-making tools for discretionary uses in rural areas and design principles to protect the high landscape and environmental values.



Map 2: Strategic Land Use Map

The amendment is also required to implement the recommendations of the Thompsons Creek Catchment Area Review report (2021). The report completed a review of the effectiveness of a permitted variation to the minimum subdivision lot size in the Thompsons Creek Catchment Area where certain criteria can be met. The review found the provision to be ineffectual and its original intent of addressing salinity issues obsolete since the introduction of much improved mapping and more integrated decision-making tools into the Victoria Planning Provisions and the Surf Coast Planning Scheme. The review report recommended the removal of the variation from the Thompsons Creek Catchment Area.

The amendment inserts the Rural Hinterland Futures Strategy (2019) as a background document to provide further context to the amended policies introduced through this amendment. It also inserts the Hinterland Design Guidelines (2021) as a background document. The guidelines provide siting and design criteria to ensure new development in the hinterland continues to protect the valuable landscape and environmental character and minimises potential land use conflicts.

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

The amendment implements the objectives of planning in Victoria (sections 4(1) and 12(1)(a) of the *Planning and Environment Act 1987*) by providing for the fair, orderly, economic and sustainable use and development of land within the rural parts of the Surf Coast Shire.

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

The amendment implements the Rural Hinterland Futures Strategy (2019). The strategy was developed using a triple bottom line approach, carefully ensuring economic growth, the values of the community and environmental and landscape assets were given equal consideration.

The strategy seeks to significantly grow the economic contribution made by the hinterland over the next 20 years by providing a planning policy framework to enable increased agricultural and agri tourism and tourism opportunities.

Through the development of the strategy the community expressed a strong desire to protect the environmental and landscape values of the hinterland and design guidelines form part of the amendment to ensure these values continue to be protected.

Does the amendment address relevant bushfire risk?

The Country Fire Authority was consulted during the preparation of Rural Hinterland Futures Strategy and a detailed section on how best to avoid bushfire risks through land use planning was included. A significant portion of the hinterland, generally abutting the Great Otway National Park, is covered by the Bushfire Management Overlay and is subject to a landscape scale bushfire.

The amendment amends Clause 13.02-1L (Bushfire planning) to ensure risks associated with bushfire are elevated and fundamental to land use planning decision making.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987*. It also complies with the requirements of Minister’s Direction No. 11 Strategic Assessment of Amendments.

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

VPP 12 (Environmental and Landscape Values)

The amendment supports and implements the following clauses within VPP 12 (Environmental and Landscape Values):

Clause 12.01-1S – Protection of biodiversity:

To assist the protection and conservation of Victoria’s biodiversity

Clause 12.05-2S – Landscapes:

To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

The amendment introduces design guidelines for new development in the hinterland that includes siting principles in relation to remnant vegetation and design principles and assessment criteria for sensitive landscape settings. This assists the implementation of the VPP strategies:

- Avoid impacts of land use and development on important areas of biodiversity.
- Ensure development does not detract from the natural qualities of significant landscape areas.

VPP 13 (Environmental Risks and Amenity)

The amendment supports and implements VPP 13 (Environmental Risks and Amenity), Clause 13.01-1S (Natural hazards and climate change), Clause 13.02-1S (Bushfire planning), Clauses 13.03-1S (Floodplain management), 13.04-3S (Salinity), 13.05-1S (Noise abatement) and 13.07-1S (Land use compatibility). In particular:

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

The above policies are implemented through the inclusion of local strategies that provide local context and additional decision-making tools on the above matters.

VPP 14 (Natural Resource Management)

The amendment supports and implements VPP 14 (Natural Resource Management), Clause 14.01-1S (Protection of agriculture):

To protect the state's agricultural base by preserving productive farmland.

It supports and implements the following key strategies:

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Avoid permanent removal of productive agricultural land from the state's agricultural base.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

The strategies are implemented through the inclusion of local strategies to guide decision making on the above matters.

Clause 14.01-2S (Sustainable agricultural land use):

To encourage sustainable agricultural land use.

The amendment supports and implements the following key strategies:

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.
- Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.
- Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.
- Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.
- Support agricultural investment through the protection and enhancement of appropriate infrastructure.
- Facilitate ongoing productivity and investment in high value agriculture.
- Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.
- Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

The strategies are implemented through the inclusion of local strategies to guide decision making on the above matters.

VPP 17 (Economic development)

The amendment supports and implements VPP 17 (Economic Development), Clause 17.01-1S (Diversified economy):

To strengthen and diversify the economy.

It implements the following key strategy:

- Support rural economies to grow and diversify.

The strategy is implemented through the inclusion of local strategies to guide decision making on the above matter.

And Clause 17.04-1S (Facilitating Tourism):

To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

It implements the following key strategies:

- Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.
- Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.
- Create innovative tourism experiences.

The strategies are implemented through the inclusion of local strategies to guide decision making on the above matters.

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

The amendment supports and implements Clause 02.03 (Strategic Directions), in particular:

- Maintain non-urban breaks between townships to protect the rural landscape and significant biodiversity assets from urban intrusion.
- Protect and enhance the landscape values of the rural precincts.
- Encourage land use and development that is complementary to the rural landscape character.
- Protect the visual prominence of the Great Ocean Road
- Protect and enhance the Shire's significant biodiversity features.
- Protect and enhance remnant vegetation communities.
- Direct development to areas where environmental risks, particularly bushfire risk, are lowest.
- Protect the ability of future generations to productively farm the land.
- Avoid the loss of agricultural productivity associated with land use conflicts, particularly between farming activities and non-farm related residential development.
- Protect and enhance the rural areas for their diverse agricultural, environmental and landscape values and opportunities.
- Encourage sustainable agricultural activities and associated rural industries, to grow and maintain prosperous and sustainable rural communities.
- Facilitate business and industry ventures in Winchelsea that provide local services, particularly in health and education or the tourism and green industry sectors.
- Promote economic development opportunities that protect local character, amenity and the natural environment.
- Promote natural resource based or adventure tourism at a scale and form that respects its setting and surrounding land uses.

The amendment strengthens and provides further direction to implement the above strategies by amending or inserting the following Clauses of the PPF:

- Clause 12.01-1L (Protection of biodiversity in Surf Coast)
- Clause 13.02-1L (Bushfire planning)
- Clause 14.01-1L-01 (Protection of agricultural land in Surf Coast)
- Clause 14.01-1L-03 (Subdivision)
- Clause 14.01-1L-04 (Other discretionary use and development)
- Clause 14.01-2L (Sustainable agricultural use)
- Clause 15.01-6L (Design for rural areas)
- Clause 17.01-1L (Diversified economy – Surf Coast)
- Clause 17.04-1L (Facilitating tourism in Surf Coast)

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

The amendment makes proper use of the Victoria Planning Provisions by providing local context to state planning policy in relation to the areas most suited to agriculture and tourism in the hinterland areas of the Surf Coast Shire. The amendment amends and inserts new local policy to provide guidance in relation to discretionary uses in rural areas.

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

The amendment will not directly impact on any government agency. The amendment will be exhibited to all relevant agencies and referral authorities in accordance with the requirements of the *Planning and Environment Act 1987*.

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

The amendment is not expected to have any impact upon the objectives, strategies and decision-making principles of the Transport Integration Act 2010.

Resource and administrative costs

The amendment is not expected to have any significant impact on the resource and administrative costs of Council.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Surf Coast Shire website at www.surfcoast.vic.gov.au

The amendment is available for public inspection (subject to social distancing requirements resulting from COVID 19), free of charge, during office hours at the following places:

- Surf Coast Shire Council, 1 Merrijig Drive, Torquay

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

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 4 October 2021.

A submission must be sent to: Coordinator Strategic Land Use Planning, Surf Coast Shire, PO Box 350, Torquay, VIC 3228.

Panel hearing dates

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

- directions hearing: January 2022
- panel hearing: February 2022