Wodonga Planning Scheme Review Report

Prepared for Wodonga City Council in accordance with Section 12B of the Planning and Environment Act 1987.
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Abbreviations

AWDC  Albury Wodonga Development Corporation
AWC  Albury Wodonga Corporation
NECMA  North East Catchment Management Authority
DTPLI  Department of Transport, Planning and Local Infrastructure
DEPI  Department of Environment and Primary Industry
NEW  North East Water
GMW  Goulburn-Murray Water
PPV  Planning Panels Victoria
PSP  Precinct Structure Plan
The Act  Planning and Environment Act, 1987

Planning Scheme Abbreviations

DCP  Development Contributions Plan
DCPO  Development Contributions Plan Overlay
DDO  Design and Development Overlay
DPO  Development Plan Overlay
ESO  Environmental Significance Overlay
FZ  Farming Zone
HO  Heritage Overlay
IDM  Infrastructure Design Manual
LDRZ  Low Density Residential Zone
LPP  Local Planning Policy
LPPF  Local Planning Policy Framework (clause 22)
MUZ  Mixed Use Zone
MSS  Municipal Strategic Statement (clause 21)
POS  Public Open Space
RCZ  Rural Conservation Zone
R1Z  Residential 1 Zone
RLZ  Rural Living Zone
SPPF  State Planning Policy Framework
SLO  Significant Landscape Overlay
SMO  Salinity Management Overlay
TZ  Township Zone
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EXECUTIVE SUMMARY

Wodonga City Council has reviewed its planning scheme in accordance with Section 12B of the Planning and Environment Act, 1987 (the Act) which requires that every Council:

- review its planning scheme every four years; and
- report the findings of the review to the Minister for Planning.

Every planning scheme in Victoria conforms to a statewide model and consists of a ‘strategic’ plan which is implemented by ‘statutory’ controls.

The major ‘strategic’ component of the Wodonga Planning Scheme is the Municipal Strategic Statement (MSS) at Clause 21 and the local policies at Clause 22. The existing Wodonga MSS is a direct outcome of the last Planning Scheme Review in 2006. That review led to a significant amendment to the planning scheme (Amendment C57) which introduced the new MSS and local policies on 11 December 2008.

An Independent Panel appointed by the Minister for Planning considered the last review and amendment. While that Panel was of the view that it represented a significant improvement to the (then) Wodonga Planning Scheme, it is evident from analysis and consultations undertaken as part of this review that the structure and content of the MSS is haphazard, repetitive, dated, hard to navigate and does not follow the preferred structure of the State government.

As a consequence, the evidence from the Planning Scheme review is that the MSS is sparingly used by most stakeholders. Perversely, and despite its shortcomings, the MSS remains the principal reference point in many local VCAT decisions, all of which highlighted the need to improve the clarity of the MSS. In other words, while providing limited direction for most stakeholders, the MSS remains an important decision making tool. In that context, it is critical that it reflects the most contemporary strategic thinking for the municipality.

It is apparent from the WPS review that there are both structural and content issues with the existing MSS and local policies. As an overall commentary on the structure of Clauses 21 and 22 of the Wodonga Planning Scheme, it is notable for its failure to reflect state government directions and practice notes. It is unusual to have such a ‘modern’ MSS without any attempt to comply with the State Government Practice Note and without any explicit objectives, strategies or means of implementation.

The linkages from “issue” to “objective” in the MSS are not apparent and there are repeated examples of material that does not really belong in a planning scheme. Rationalising the disparate themes in the MSS into their preferred state sub-headings is suggested to improve clarity and to assist in understanding the subsequent linkages.
The more critical failure though of the MSS is in its **content**. The strategic directions on a variety of issues are so dispersed throughout the scheme that it is hard to get a clear picture. For instance, the Wodonga CBA is addressed in Clauses 21.05-6, 21.05-9, 21.06-1, 21.06-4, 21.11-02, 22.09 and in the Comprehensive Development Zone. It is not that the detail is irrelevant (although the more references the greater the scope for inconsistency), it is just hard to pin down a clear strategy.

Perhaps the single major issue to arise during consultations was the mixed messages and the consequent level of confusion that faced all stakeholders when considering some aspects of the MSS, local policies and other parts of the scheme. Quite apart from the fact that the current Central Business Area Master Plan and the Leneva Structure Plan that are in the MSS are out-dated and of little use or relevance, there is confusion embedded throughout the planning scheme.

For instance, at the North Leneva Town Centre, the floor area for a shopping centre is included as 3000m2 in the MSS, 15,000m2 in the North Leneva Valley Design Guidelines and 50,000m2 (by 2026) in a Section 173 legal agreement as part of the rezoning process. Figure 1 in the MSS (the ‘Growth Strategy’) further confuses the issue by nominating an area of 30,000m2 for this centre. Other aspects of the Growth Strategy that have caused confusion include reliance on dates for sequencing notwithstanding that these have been ignored and are of little relevance. There is clearly a need to devise a new Framework Plan based on contemporary strategic analysis.

In addition to the policy confusion, the MSS at Clause 21 also suffers from having:

- outdated, irrelevant and repetitive material;
- poorly expressed objectives, strategies and implementation actions; and
- cumbersome format that is difficult to navigate.

The analysis of the nineteen local policies at Clause 22 reveals that they fall into one of three categories.

- some deal with strategy and should be included in the MSS (clause 21);
- some are unnecessary, as there is a better VPP tool to implement them; and
- some (very few) are clearly local policy and should be retained (albeit edited)

There are also significant opportunities to improve and update the policy elements of the MSS and local policies by incorporating relevant strategic work that has been completed by Council and other agencies.
In order to address the policy gaps and priorities, Council needs to implement its adopted strategic work and to confirm its further strategic work program. While this has been a seemingly haphazard process in the past, Council must adopt a more rigorous approach to identifying and prioritising its work program and then commit itself to introducing it into the planning scheme. This is especially so for the strategic projects listed in the current Council Plan.

These and other issues should be addressed by an amendment to the Wodonga Planning Scheme that updates the content and structure of the MSS and local policies.

There is merit, as an interim step, in doing a ‘policy neutral’ restructure of the MSS as this has the advantage of sorting and rationalising all of the existing material and enabling an assessment of what material is necessary and what other material can be deleted.

An example clause of a rationalised ‘policy neutral’ MSS is attached at Appendix 2 of this report.

In terms of ‘statutory’ implementation, the choice of zones is appropriate in most circumstances although application of the Mixed Use Zone was questioned by VCAT. The major challenge for Council with the zones will be the conversion to the new residential, commercial, industrial and rural zones recently introduced by the Minister. In particular, a choice on the selection of new residential zones will be required by mid 2014.

Some of the schedules to the zones require attention and again reveal an inconsistency and level of confusion between parts of the scheme. For instance, the Mixed Use Zone policy for Enterprise Park identifies a shop floor limit of 3000m2 (at Clause 22.14) whereas the zone schedule specifies 4000m2. Interestingly this schedule has now been deleted with the recent changes to the residential zones.

The more problematic part of the statutory implementation concerns the choice and the detail contained within various ‘overlay’ controls. Stakeholders repeatedly expressed frustration with the layers of control that affected residential subdivision with examples of a Development Plan Overlay, a Design and Development Overlay, legal agreements and the Infrastructure Design Manual making applications and assessment unnecessarily cumbersome and confusing.

Overall, there are significant opportunities to improve and update the statutory elements of the WPS (including zones, overlays and schedules) by implementing strategic work that has been completed by Council. There is also scope to rationalise existing schedules to remove the need for some unnecessary permits.

*******

Although the performance of the WPS has been monitored and various amendments and initiatives have been introduced since the 2003/2006 MSS Review (most notably Amendment C57), it is apparent that
elements of the scheme have become increasingly dated and have failed to keep pace with new and recurring planning issues.

The WPS would definitely have benefited from more regular formal reviews in order to tap into the views of frequent users, to identify new issues and priorities, and in support of a more focussed strategic work program. It is also evident that although various strategic projects have been identified, many have not been acted upon. Even where Council or other agencies have undertaken further strategic work, it has not always found its way into the Wodonga Planning Scheme.

The pressure to update the planning scheme is intensifying as development pressures to the south and east of Wodonga grow. It is also intensifying in response to increasing community concern about the failure to address longstanding planning issues concerning healthy design, estate planning, heritage, urban design, neighbourhood character, environment protection and rural lifestyle opportunities.

In summary, this Review Report includes:

- the background to the current Wodonga Planning Scheme (WPS);
- an assessment of the performance of the WPS;
- a discussion of content and structural issues affecting the Wodonga Local Planning Policy Framework (LPPF);
- an overview of issues affecting zones, overlays and other provisions in the WPS;
- an assessment of Council adopted strategies that could be used to update and revise the WPS;
- a discussion of key policy gaps and priorities;
- findings and conclusions; and
- prioritised recommendations.

**It is recommended that the Wodonga Planning Scheme Review Report be adopted under Section 12B of the Planning and Environment Act and forwarded to the Minister for Planning.**
1 INTRODUCTION

1.1 The Planning Scheme Review

Wodonga City Council has reviewed its planning scheme in accordance with Section 12B of the Planning and Environment Act, 1987 (the Act) which requires that Council:

- review its planning scheme every four years; and
- report the findings of the review to the Minister for Planning.

The Review Report includes:

- the background to the current Wodonga Planning Scheme (WPS).
- an assessment of the performance of the WPS.
- a discussion of content and structural issues affecting the Wodonga Local Planning Policy Framework (LPPF).
- an overview of issues affecting zones, overlays and other provisions in the WPS.
- an assessment of Council adopted strategies that could be used to update and revise the WPS.
- a discussion of key policy gaps and priorities.
- findings and conclusions.
- recommendations.

1.2 The Review process

The Planning Scheme Review commenced in August 2013, following the appointment of an independent planning consultant to undertake the project under the state government ‘Flying Squad’ program. The Review was managed by Council’s Strategic Planner.

The review was undertaken having regard to the following documents:

- DPCD Continuous Improvement Review Kit (February 2006).
- DPCD Practice Note: Review of Planning Schemes (February 2006).
- DPCD Practice Note (4): Writing a Municipal Strategic Statement (September 2010).
- DPCD Practice Note (8): Writing a Local Planning Policy (September 2013).
- Information Sheet: Making Local Policy Stronger Information Package (September 2010).
• DPCD Practice Note (37): Rural Residential Development (May 2012).
• Planning Advisory Note (53): Reformed Rural Zones for Victoria. (September 2013)

The key consultation steps in the Review included:
• An initial Council staff and DTPLI briefing (August 5, 2013).
• A workshop with Council planning officers (September 3, 2013).
• A workshop with other Council officers (September 3, 2013).
• A workshop with agencies and government departments (September 18, 2013).
• A further workshop with Council planning officers (September 18, 2013).
• A workshop with stakeholders and consultants (September 18, 2013).
• Further discussions with agencies and stakeholders (October 18, 2013).
• Ongoing detailed written feedback/communication from all of the above stakeholders.
• On-going consultations with Council planning officers (August to December 2013).
• Staff review session and advice on restructuring the LPPF. (December 2013)

1.3 The purpose of the review

The purpose of the Review was to assess the effectiveness, relevance and performance of the WPS.

The review was a ‘performance audit’ to inform the continuous improvement of the Wodonga Planning Scheme by addressing:
• What has been achieved since the last review?
• Where are we now?
• Where to from here?

The Review Report documents the outcomes of the review process and includes various recommendations and actions for Council’s consideration. Following consideration of the Review Report, Council should advise the Minister for Planning of the outcomes of the review in accordance with the requirements of the Act.
2 BACKGROUND

This section of the report describes the ongoing review and development of the WPS since its introduction in September 1999. It also describes the key factors and issues that have affected its development.

2.1 New format planning scheme 1999

In 1996, the state government announced the introduction of a new planning system for all recently amalgamated local Councils in Victoria. The new planning system was based on the ‘Victoria Planning Provisions’ (VPPs) which was a ‘model’ planning scheme that was to be introduced into all local government areas within a three year period.

The ‘new format’ Wodonga Planning Scheme was prepared during 1997/1998 based on the existing planning scheme, some adopted strategic work of Council and the VPPs.

The new format Wodonga Planning Scheme was exhibited in June 1997 and it attracted 32 submissions. An Independent Panel was appointed by the Minister for Planning and Local Government to review the content of the new Wodonga Planning Scheme and to consider the submissions that had been received. The Panel conducted its hearing over two days on 4 and 5 May 1998 and it reported its findings in October 1998.

The report made a number of important recommendations which Council had to address prior to the Planning Scheme being approved. While the Panel endorsed the general strategic direction of the Council, it recommended a major rewrite of the Municipal Strategic Statement (MSS) and local policies prior to it being approved.

The Panel report made a number of other detailed recommendations for changes to the exhibited MSS including:

- Maps which clearly illustrate major strategic initiatives including the Central Business Area, an overall framework plan, a future growth plan and the Leneva Structure Plan.
- A strengthening of statements made in relation to the role and strategy for the Central Business Area was required.
- Greater recognition of Wodonga’s role in the regional context.
- A strategy to concentrate the bulk of future urban growth in the Leneva/Middle Creek area.
- The importance of Gateway Island and the use of the Special Use Zone.
- An outline of the future growth plans for Bonegilla, clarifying the circumstances under which development may occur.
- References to the West Wodonga Activity node and enterprise park.
• The need to undertake a Development Contributions Plan.
• A statement that places of historic or cultural significance will be further evaluated through the process of a heritage study.
• More detailed references to the importance of the Murray River system and regional catchment strategies in the future planning and development of the City.
• A new policy to clarify the basis on which Council will assess applications affected by the hillside overlay control.
• The need for a further study to assess whether the application of an environmental rural zone around the immediate foreshore of Lake Hume.

The Panel noted some omissions in the MSS including that the future of rural land that is not required for urban development needed to be outlined in more detail. In its view, the exhibited MSS failed to identify Council’s intentions in assessing applications involving the use and development of land not required for future urban purposes.

Completion of the Wodonga Planning Scheme in accordance with the Panel recommendations was then undertaken and the Scheme was approved by the Minister of Planning and Local Government on 9 September 1999.

According to consultations undertaken as part of this present review, while many of the above matters as recommended by the initial Panel, have been undertaken (Gateway Island Master Plan and SUZ; Bonegilla Structure Plan; hillsides policy etc) other aspects of it are yet to be implemented such as DCPs, the use of legal agreements, controls around Lake Hume and the importance of the Murray River.

2.2 2003 Planning Scheme Review

Council undertook its initial review of the performance of the Wodonga Municipal Strategic Statement (MSS) in March 2003. At that time, the Planning and Environment Act required that the MSS needed to be reviewed every three years. The current requirement is that the whole planning scheme needs to be reviewed every four years.

The initial 2003 Review Report assessed the performance of the objectives and key strategic actions of the MSS, outlining how they had been implemented through the use of zones, overlays and local policies.

The general view of the performance of the Wodonga Planning Scheme at that time was that it had served well as a guiding document for land use and development in the City of Wodonga. The report found that in its first three years, the MSS had been a relevant document with statutory decisions generally serving to implement the strategic directions of the MSS. The conclusions of the Review Report were that the Wodonga MSS would require only a;
......minor update to reflect recent events and to incorporate the findings of recent strategic work undertaken.

It was felt that the key themes of the MSS would remain the same in terms of the direction for growth of the City and the major strategic initiatives to be actively pursued by the Council.

The 2003 Review Report identified a number of key issues that might be the subject of ‘further strategic work’ and subsequent refinements to the MSS and the planning scheme. These outstanding issues are discussed in Section 10 of this report.

The 2003 Review report concluded (with emphasis):

In conclusion, only minor refinements are required to update the MSS to make it more concise and specific to strategic land use issues. The further work identified in the attached report will address key issues identified in addition to assisting the advancement of key objectives to foster the further growth and development of the City and the protection and enhancement of the environment and lifestyle enjoyed by residents.

It is unclear whatever became of the 2003 Review Report. Seemingly there was no subsequent amendment and no fundamental change to the planning scheme as an outcome of the 2003 Review.

2.3 2006 Planning Scheme Review

At some stage during 2006, Council officers embarked on a more ‘root and branch’ review of its MSS and local policies. Seemingly, this review was not fully documented (or is unable to be located).

Unlike the initial review, the 2006‘review’ directly led to Amendment C57 which introduced a number of revisions and updates to the Wodonga Planning Scheme, particularly to the MSS as well as some changes to some zone schedules (MUZ and B1Z). An entirely new MSS structure was prepared contrary to the ‘minor update’ suggested by the 2003 review. That modified MSS (in Amendment C57) was exhibited from August to October 2007 and it attracted 21 submissions.

The 2006 Review noted that the MSS was about nine years old and was “...overdue for revision”. Other clues as to what motivated the 2006 review were identified in the Panel report that subsequently considered Amendment C57. According to that Panel report, the recurring planning issues at that time in Wodonga were:

- Population growth and development trends.
- Imminent relocation of train line from central Wodonga.
- Redevelopment of the Wodonga CBA.
- The activity centre hierarchy.
- Transport and infrastructure issues.
Native Vegetation management especially in the growth areas (now the NVPP).
Economic development and employment.
The 2006 review evidently also identified the need to undertake key strategic projects including:
• Prepare detailed local structure plans for Leneva and Baranduda.
• Prepare detailed preferred neighbourhood character assessments for relevant towns.
• Implement a proposed ‘rural lot review’.
Notably, while the first project has been completed (but not fully implemented other than at Clause 21.10), the last two have yet to be undertaken.
In its submission to the Panel for Amendment C57, the key influences identified by Council for the changes made to the MSS in 2006 included:

**Increased focus on Urban Design**
The revised MSS gives greater prominence to the urban form and design of the built form. This is linked to an objective of ensuring that development is more sustainable and socially responsive. Greater recognition is provided to the importance of the public realm and the need for development to acknowledge and contribute to the public realm.

**Central Business Area**
The impending removal of the Melbourne to Sydney rail line from central Wodonga will provide a large area for redevelopment and the potential transformation of the Wodonga CBA. The MSS provides a vision to guide this redevelopment following extensive strategic planning work.

**Sustainability & Environment**
The revised MSS seeks to achieve a balance between protecting the environment and facilitating development. There is an emphasis on addressing environmental issues early in the planning process, particularly to protect areas of high conservation value well ahead of potential development pressures. To a large extent, Amendment C94 (NVPP) has addressed this issue.

**Structure Plans**
A number of structure plans have been completed to provide a framework for the delivery of a better urban form.

**Inner City Residential Development**
Increased residential densities are encouraged in the central area of Wodonga as an integral part of Council’s objective in creating a more
vibrant mixed-use centre. The introduction of the CDZ in Central Wodonga assists in this regard (as will the new suite of residential zones.

Retail Activity Strategy

The revised MSS clarifies the retail hierarchy of the City, emphasising the primacy role of the Wodonga CBA and identifying key locations for other small centres and trading clusters, such as bulky goods. Consultations suggest that the new zone provisions may well challenge this hierarchy and could jeopardise strategic policy directions.

Industrial Land Strategy

The MSS describes the role and future planning objectives for each of the major industrial land resources of the City, namely Logic, Baranduda/Bandiana, Enterprise Park and East-side Wodonga.

Rural Living and Low Density Residential Development

The strategy for these different forms of rural residential development had changed and Council sought to protect land identified for future urban development. The strong MSS position is that future urban land will not be fragmented for rural living or large ‘englobo’ lot purposes.

The Review also suggested that there needed to be a rationalisation of Clause 22 with a reduction from twenty-seven policies to eighteen policies. Council submitted that many of the former policies were unnecessary and were trying to apply strategic direction or guidance on matters already detailed in the State Policy section of the Scheme. The remaining policies are intended to act as guide as to how Council will use its discretion in relation to specific planning applications.

2.4 Amendment C57

As noted, the 2006 review provided the basis for Amendment C57 which introduced a completely re-written MSS into the WPS. According to the Explanatory Report, Amendment C57 to the Wodonga Planning Scheme proposed to:

- introduce a revised version of the Municipal Strategic Statement (clause 21) replacing the version that was prepared in 1999;
- replace clause 22 – the Local Planning Policy Framework - with an updated set of local policies; and
- introduce a requirement for residential subdivision to provide a 10 per cent public open space contribution.

Amendment C57 attracted 21 submissions and the Minister appointed a Panel to consider submissions in April 2008. The Panel found that the proposed amendment was acceptable from a strategic planning perspective and was consistent with the Strategic Assessment Guidelines. The Panel found that there was strategic justification for the amendment.
The C57 Panel noted that reviews of the MSS in 2003 and 2006 concluded that the strategic directions in the current MSS were still relevant and what was required was an update, rather than a wholesale change in strategy.

The Panel noted that the revised 2006 version of the MSS incorporated a series of recent strategic studies including:

- the review of the Wodonga Central Area Master Plan;
- an assessment of industrial land requirements;
- extensive urban structure planning of the residential growth areas;
- further environmental studies.

The Panel concluded that Amendment C57 was the principal outcome of the first major review of the planning scheme and Council was to be congratulated for undertaking such a comprehensive review based on a thorough process of community and stakeholder consultation. There was a high degree of agreement from submitters on the strategic intent of C57.

The Panel acknowledged the extent of consultation and engagement processes undertaken by Council, particularly community forums and bus tours. The Panel concluded that the revisions to Clause 21 provide an ‘overdue update’ to the MSS.

The Panel also noted that the revised MSS sought to ensure a thorough assessment of issues of environmental significance. The Panel felt that the Wodonga Retained Environmental Network (WREN) strategy was a commendable approach to ensure habitat conservation through the identification of significant native vegetation ahead of potential urban development pressures. The principles underpinning the WREN Strategy gave equal weight to the need for additional land for residential development and to the achievement of social and environmental objectives.

The Panel expressed concerns that detailed controls had no place in local policy at Clause 22 with the more appropriate mechanism being in the zone and overlay controls. Numeric limitations on floor space or anything that suggests removal of Council’s discretion in the consideration of an application under the relevant planning control was not considered appropriate by the Panel. (See Section 2.3)

The Panel report made a number of recommendations on the mechanisms proposed by Council to manage and respond to the demand for rural residential allotments.

In terms of future growth, the Panel felt that Amendment C57 provided a valuable step in guiding decision-making in response to managing that future urban growth. It provided for a sufficient amount of urban land in an orderly manner following identification of significant remnant
vegetation, clarification about the extent of Residential zoned land and the availability of reticulated services.

The Panel supported Council’s strategic intent for the prime role of the Wodonga CBA and the implications for other centres in the Activity Centres policy. Amendment C57 provided guidance for the redevelopment of the Wodonga CBA in response to the impending availability of large areas of railway land and extensive strategic work by Council. It also provided for a ‘niche’ urban village at Enterprise Park.

In a structural sense, the Panel found that there was far too much repetition and duplication within and between clauses 21 and 22. For example it noted:

.....Leneva is dealt with at clause 21.10-8 and again at clause 22.13. Similarly, the Wodonga CBA is dealt with at clause 21.11-02 and at clause 22.09. The same precinct may be referred to in both clauses 21 and 22. There is sometimes overlap or duplication between a Strategic Action in clause 21 and an Implementation policy in clause 22. There is considerable scope for a much clearer and more succinct expression of local policy.

The Panel ultimately found that Amendment C57 represented a significant improvement to the Local Planning Policy Framework of the Wodonga Planning Scheme. The Panel concluded that Amendment C57 to the Wodonga Planning Scheme should be adopted with modifications.

Amendment C57 was approved in December 2008.

2.5 Major Planning Scheme Amendments (Local)

There have been 44 local amendments to the WPS since it was first approved on 9 September 1999. These are all listed in Appendix 1. While many of these amendments have been reasonably minor in nature, including various site specific amendments and corrections to anomalies, some of the more significant amendments approved since the last review (including C57) are as follows (in order of approval):

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C57</td>
<td>11 DEC 2008</td>
<td>Replaces the existing Municipal Strategic Statement (MSS) with a new MSS; replaces existing Local Planning Policies with revised Local Planning Policies; introduces requirements for contributions to Public Open Space for residential development; and floor area limits in the Schedules to the Mixed Use Zone and Business 1 Zone.</td>
</tr>
<tr>
<td>C54</td>
<td>30 APR 2009</td>
<td>Rezones approximately 100 hectares of land in Whytes Road Baranduda from Residential 1 Zone and Farming Zone to a Rural Living Zone,</td>
</tr>
</tbody>
</table>
includes a minimum lot size requirement of 2 hectares in the schedule to the Rural Living Zone applies an Environmental Significance Overlay (ESO3) and Vegetation Protection Overlay (VPO4) to parts of the land and along the roadside of Kincatington Road Baranduda and amends an existing VPO4 along Streets Road.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 Jul 2009</td>
<td>The amendment rezones approximately 263 hectares of land in a number of locations adjacent to Baranduda, to ensure the zoning of land is consistent with the directions of the Municipal Strategic Statement; the land is rezoned from a Business 1 Zone, Industrial 1 Zone and Residential 1 Zone to predominantly an Urban Growth Zone.</td>
</tr>
<tr>
<td>3 Sep 2009</td>
<td>Applies the Flood Overlay over the Jack in the Box Creek channel and environs, in accordance with areas identified in the <em>Jack in the Box Creek Flood Study</em> January 2006, by Cardno Willing.</td>
</tr>
<tr>
<td>26 Nov 2009</td>
<td>Amends zone and overlay boundaries to accord with the approved Development Plan for the White Box Rise Estate, rezones land from a Residential 2 Zone to a Business 1 Zone, Public Use Zone 7 to accommodate a community swimming centre, a Public Use Zone 2 to accommodate a new school and a Mixed Use Zone.</td>
</tr>
<tr>
<td>18 Mar 2010</td>
<td>Rezones Wodonga Country Club golf course from a Public Use Zone 7 to a Special Use Zone 2 and applies a Development Plan Overlay and Design and Development Overlay over a 6 hectare section of the site fronting the northern end of Parkers Road (between Clubhouse Place and Felltimber Creek).</td>
</tr>
<tr>
<td>8 Apr 2010</td>
<td>The amendment rezones the Stanley Street pool and preschool sites from a Public Use Zone No.7 to a Mixed Use Zone and 41 Elgin Boulevard from a Public Park and Recreation Zone to a Business 1 Zone.</td>
</tr>
<tr>
<td>1 Jul 2010</td>
<td>Amends clause 21.11.01 to reference Melbourne Road, Osburn Street and Thomas Mitchell Drive for potential large format retail uses. Rezones land at 150 – 176 Melbourne Road, Wodonga. No 2 Glenairne Street, Wodonga and No 2 Croyland Street, Wodonga, from a Residential 1 Zone to a Business 1 Zone.</td>
</tr>
<tr>
<td>Date</td>
<td>Action</td>
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<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>7 OCT 2010</td>
<td>The amendment implements the directions from the Municipal Strategic Statement rezoning approximately 260 hectares of land for urban development. This includes the rezoning of 3 hectares of land to a Business 1 Zone for the purpose of establishing the Riverside Estate Neighbourhood Activity Centre. Additional land is rezoned Mixed Use around the proposed centre and Residential 1 surrounding the eastern side of Huon Hill. A Design Development Overlay, Development Plan Overlay and Environmental Audit Overlay and Native Vegetation Precinct Plan are also applied to all or part of the site.</td>
</tr>
<tr>
<td>3 FEB 2011</td>
<td>Rezones land from a Rural Conservation Zone to a Residential 1 Zone to generally accord with the 240 metre contour at the south western side of Bears Hill. Adjusts the Environmental Significance Overlay 2 and the Development Plan Overlay 1 to accord with the new zone boundary. Rezones public land at Blue Bonnet Way and Peregrine Place from a Residential 1 Zone to a Public Park and Recreation Zone and applies a Vegetation Protection Overlay 4 to the land. Rezones private land in Ballara Drive, Wodonga to Residential 1 Zone.</td>
</tr>
<tr>
<td>12 MAY 2011</td>
<td>Amends the schedule to clause 52.28-3 to correct the land description for the Biralle Shopping centre to prohibit gaming machines within the shopping complex.</td>
</tr>
<tr>
<td>8 DEC 2011</td>
<td>Rezones land fronting Wodonga-Yackandandah Road, Jillamatong Drive, Ridge Lane, and Bromley Drive, Staghorn Flat, known as “Baranduda Springs Estate” from Rural Living Zone and Rural Conservation Zone to Low Density Residential Zone and part of Lot1 PS512093 from Rural Living Zone to Rural Conservation Zone, applies Development Plan Overlay – Schedule 17, and amends the boundary of Environmental Significance Overlay – Schedule 2 to provide for the future residential development of the land.</td>
</tr>
<tr>
<td>15 DEC 2011</td>
<td>Rezones land at Reid Street Wodonga from a Public Use Zone 6 and Public Use Zone 4 to a Business 2 Zone.</td>
</tr>
<tr>
<td>Date</td>
<td>Action</td>
</tr>
<tr>
<td>------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>9 FEB 2012</td>
<td>Rezones land formerly comprising the Wodonga Railway Station and associated rail land, to the Comprehensive Development Zone (CDZ); Introduces CDZ Schedule 1 – ‘Wodonga Central Comprehensive Development Plan’ to facilitate redevelopment of the land for a mix of uses and key road and public open space projects; Deletes the Design and Development Overlay 4 from the land; Applies the Environmental Audit Overlay and the Heritage Overlay HO10 to the ‘Wodonga Railway Station, Elgin Boulevard Wodonga’; Amends the Local Planning Policy Framework at Clause 21.11, Clause 21.12 and Clause 22.09 to include reference to the relocation of the Railway Station and rezoning of the land to the Comprehensive Development Zone 1; Adds Places Victoria to the schedule at Clause 66.04 as a referral authority for approval of permit applications and precinct plans under the Comprehensive Development Zone 1; and Introduces the incorporated document ‘Wodonga Central Comprehensive Development Plan 2011’ in the schedule to Clause 81.01.</td>
</tr>
<tr>
<td>14 JUN 2012</td>
<td>Changes the Municipal Strategic Statement as it relates to Valley Views Estate, Baranduda, rezones land at Valley Views Estate, Baranduda to LDRZ, introduces and applies the Development Plan Overlay to land at Valley Views Estate, Baranduda and introduces site specific controls to land at Valley Views Estate, Baranduda.</td>
</tr>
<tr>
<td>21 MAR 2013</td>
<td>Rezones land at Kinchington Road, Leneva from Farming to Residential 1 Zone and rezones part Lot 2 PS420756 from Farming to Rural Conservation Zone; Deletes Development Plan Overlay Schedule 1 and applies Development Plan Overlay Schedule 19 to Lot 1 PS645684, Lot A PS616586S, Part Lot 3 PS645684S.</td>
</tr>
<tr>
<td>15 AUG 2013</td>
<td>Rezones land adjacent to Mahers Road, Lees Lane and Newman Lane, Bonegilla from Township to Rural Living Zone and adjusts the boundaries of the Development Plan Overlay as it applies to the rezoned land. Clause 21.09, Clause 21.10, the Schedule to Clause 35.03 and Clause 43.04 have also been amended.</td>
</tr>
</tbody>
</table>
| 3 OCT 2013  | Inserts Leneva Valley and Baranduda Native Vegetation Precinct Plan, February 2013 as an
2.6 Major Planning Scheme Amendments (State and Regional)

There have also been many state and regional amendments to the WPS since it was first approved on 9 September 1999. These are also all listed in Appendix 1. While many of these amendments have also been reasonably minor in nature, some of the more significant state and regional amendments approved since the last review are as follows (in order of approval):

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>VC71</td>
<td>20 SEP 2010</td>
<td>Replaces Clauses 10 to 19 of the SPPF with new revised Clauses 10 to 19 and redistributes the existing policies under the following new SPPF themes: Settlement, Environmental and landscape values, Environmental risk, Natural resource management, Built environment and heritage, Housing, Economic development, Transport and Infrastructure.</td>
</tr>
<tr>
<td>VC74</td>
<td>25 OCT 2010</td>
<td>Amends Clause 52.27 to include a permit exemption for variation of liquor licence prescribed under the Liquor Control Reform Regulations 2009. Amends Clause 66 to make the Director of Liquor Licensing a referral authority and the Victoria Police a notice authority for an application under Clause 52.27 in association with a hotel, tavern or nightclub that is to operate after 1am.</td>
</tr>
<tr>
<td>VC78</td>
<td>15 MAR 2011</td>
<td>Removes the Minister’s decision-making powers regarding a Wind energy facility with a capacity of 30 megawatts or greater in Clause 61.01; amends Clause 19.01 and the application requirements and decision guidelines of Clause 52.32 to support consideration of local amenity impacts of a Wind energy facility.</td>
</tr>
<tr>
<td>VC79</td>
<td>8 APR 2011</td>
<td>Amends Clause 52.27 to require a planning permit to use land to sell packaged liquor; clarify the circumstances when a planning permit is</td>
</tr>
</tbody>
</table>
required under the Clause; and improve the readability of the Clause.

<table>
<thead>
<tr>
<th>Date</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>VC82 29 AUG 2011</td>
<td>Amends Clause 52.32 to identify locations where a Wind energy facility is prohibited, include additional application requirements and permit the use and development of an anemometer for more than three years.</td>
</tr>
<tr>
<td>VC83 18 NOV 2011</td>
<td>Introduces a new bushfire planning policy in the SPPF to replace Clause 13.05; Introduces a new Bushfire Management Overlay (BMO) to replace the Wildfire Management Overlay at Clause 44.06; Introduces a new particular provision for Bushfire Protection at Clause 52.47 that applies objectives, standards and decision guidelines under the provisions of the BMO; Introduces a new particular provision at Clause 52.48 that consolidates and updates planning permit exemptions for bushfire protection purposes.</td>
</tr>
<tr>
<td>VC90 5 JUN 2012</td>
<td>Changes the VPP to introduce a new Clause 45.09 – Parking Overlay.</td>
</tr>
<tr>
<td>VC100 15 JUL 2013</td>
<td>The amendment changes the Victoria Planning Provisions (VPP) and all planning schemes to introduce reformed commercial and industrial zones.</td>
</tr>
<tr>
<td>VC102 28 OCT 2013</td>
<td>The amendment changes the Victoria Planning Provisions and planning schemes to reflect the modifications introduced by the Planning and Environment Amendment (General) Act 2013.</td>
</tr>
<tr>
<td>VC104 22 AUG 2013</td>
<td>The amendment changes the Victoria Planning Provisions and planning schemes to introduce the reformed residential zones.</td>
</tr>
<tr>
<td>VC103 5 SEP 2013</td>
<td>The amendment changes the Victoria Planning Provisions (VPP) and planning schemes to introduce reformed rural zones.</td>
</tr>
</tbody>
</table>

2.7 Proposed local amendments currently on exhibition (as at November 2013)

Amendment C87 proposes to rezone 9 Strathmore Street and 8-10 James Street Wodonga from the Public Park and recreation zone to a Residential 1 zone.

The purpose of this amendment is to implement one of the recommendations of the City of Wodonga Playground Strategy 2010.

Amendment C87 is still with the Minister awaiting approval.
Amendment C93 proposes to introduce controls to limit future accommodation to nominated areas on Gateway Island. The amendment was made at the request of the North East Catchment Management Authority and restricts accommodation development on Gateway Island to 200 rooms pending the development of an emergency evacuation plan for the Island.

Amendment C93 was placed on public exhibition in July 2013. It is likely that a Panel will consider submissions to the amendment in December 2013.

Amendment C94 proposes to implement the outcomes of the Leneva Valley and Baranduda Native Vegetation Precinct Plan (formerly the Wodonga Retained Environment Network Strategy – WRENS). The amendment rezones large areas of land and includes the Precinct Plan as an Incorporated Document at Clause 81.

Amendment C94 was gazetted on 3 October 2013.

Amendment C97 proposes to include forty five properties as ‘individually significant heritage places’ and another thirty eight properties in a heritage precinct. The amendment implements the City of Wodonga Heritage Study.

Amendment C97 was placed on public exhibition in June to August of 2013. It is currently before Council to consider submissions. A Panel is expected to be set in early 2014 to consider those submissions.

Amendment C107 proposes to amend the schedule to Clause 61.01 to authorise the Minister for Planning to issue planning certificates on behalf of Council.

Amendment C107 was gazetted on 3 October 2013.

Amendment C108 proposes to rezone some VicTrack land that is surplus to requirement in the CBA area so as to facilitate development in accordance with the Wodonga Central Business Area Master Plan (2006) for a range of commercial and industrial uses.

Victrack are the proponents of the amendment and documents are currently being prepared for Council to consider.

Amendment C109 proposed to remove a redundant single development covenant from No. 1 McGaffins Road, West Wodonga so that the land can be developed as an emergency services facility for Ambulance Victoria.

Amendment C109 was approved by the Minister under Section 20 (4) in August 2013.

2.8 Planning process and resource reviews

As part of its planning scheme review, Council has also undertaken:

- An audit of Council’s planning permit processes.
- An assessment of Council’s statutory planning resources.
The audit of planning permit processes involved a detailed assessment of 25 randomly selected planning permit applications using the DTPLI permit audit tool (DPCD Continuous Improvement Review Kit 2006).

The audit report methodology and outcomes are included at Appendix 3 and it included a number of recommendations including an agreed protocol to improve the general condition of planning permit files. Other recommendations included

- Ensure that “process file cover sheets” and “initial assessment” sheets are correctly and consistently completed. In addition site visits should include the taking of photographs of the property where appropriate to identify and verify site visits prior to making decisions.
- A refresher “planning 101” workshop for all planners in application assessment, plan reading, understanding permit triggers and referral processes.
- Some resources/training dedicated to front counter personnel to improve the quality and acceptance of permit applications.
- Training of one front counter personnel to specialise in planning matters and the legislative requirements for accepting permit applications.
- Improved file handling, processing and filing of bulky subdivision files. These files are unwieldy and are hard to follow historically. They often break apart and the current file packaging should be reviewed. There is also confusion as to what is a copy of a plan and what is the original of that plan. Current plans and superseded plans are similarly confusing.
- Formal protocol and methodology for receiving and recording internal referral responses to be agreed upon and implemented. Best practice is that there is just one point of contact.

The overall conclusion of the audit report was that:

File record keeping was poor. This was more so but not restricted to the large subdivision files, where information was out of date, poorly kept, or not kept at all, poorly presented and correspondence in instances had no flow or date order of presentation within the file.

Statutory time frames are well maintained in consideration of the poor standard of applications and the failure to locate the basic provision of supporting information and plans. The practice of accepting all applications presented at the front counter should be considered as a bad practice and places strain on resources where limited resources exist.

Generally speaking, the legibility and flow of the planning files appears poor and is not well regarded by the auditor. Incomplete, or absent note taking and process tracking have compromised the legibility of the files.
Accurate tracking of applied permit conditions and indeed the need for some permits is questioned, due to at times inaccurate and incomplete consideration of the provisions and exemptions has occurred over time. 2013 has seen a constant stream of ministerial sponsored change within the planning system and incomplete or inaccurate assessments are likely to be made in this environment where resources and ability to keep abreast of these changes is challenged.

As previously stated the breadth of application, complexity and variation in the Wodonga Municipality, is wide and it should also be stated that overall the conditioning of permits is of good quality and this is reflected in Wodonga’s high success rate at dispute (VCAT) and or the low rate of challenge at VCAT.

The subdivision files are messy and unwieldy making for review and amendment very uninviting. Constant amendment to development plans of subdivision, or permit conditions may require the dedication of a single officer to take charge of subdivision.

In November 2013, the state government issued two new Practice Notes that will have a bearing on the assessment of permit applications for one or more dwellings on a lot. **Practice Note 15** “Assessing an Application for One or More Dwellings in a Residential Zone” and **Practice Note 16** “Making a Planning Application for One or More Dwellings in a Residential Zone” provide guidance for applicants and Councils on how to assess such applications. Important aspects of the new Practice Notes include the relevance of the neighbourhood and site description, the importance of the objectives of Clauses 54 and 55, the need to consult prior to an application and the relevance of decision guidelines to the assessment.
3 ADOPTEO STRATEGIES AND POLICIES

This section of the report outlines how the WPS can be updated and revised by incorporating material from other documents and strategies. Many of these documents, especially at the local level, are yet to be included in the WPS.

3.1 State Policies and Initiatives

Since the 2006 Review, the State Government has introduced a number of modified planning policy directions and initiatives. These include (among others) the introduction of a modified suite of rural, residential, commercial and industrial zones; a modified native vegetation framework; a revised State Planning Policy Framework (SPPF); a foreshadowed change to the LPPF; revised wildfire (bushfire) provisions; growth area corridor plans; Precinct Structure Plans; a modified Practice Note for Rural residential development; and proposed revisions to the Development Contributions system.

The State Government also released a number of ‘process’ type reports since the last review of the WPS including ‘Cutting Red Tape’ (2006); and the Ministerial report ‘Making Local Policy Stronger’ (2007).

Current Government initiatives that have been developed or are being considered include:

- Modifications to the Planning and Environment Act.
- The review of the development contributions system.
- Recommended separation distances for industrial residual air emissions (EPA March 2013).
- Regional Growth Plans (including the Hume Regional Growth Plan).
- Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines (2013).
- New time frames (Ministerial Direction 15) for the Planning Scheme Amendment Process
- ‘VicSmart’ system which introduces standard State-wide requirements for low impact planning permit applications

Some of these initiatives will have implications for the WPS and will require consequential amendments, especially the modified suite of rural, residential, commercial and industrial zones.

In addition, in 2011 the State Government announced an initiative to provide planning resources to rural and regional councils to undertake a range of planning tasks. The project is in recognition of resourcing constraints and workloads that affect many rural and regional councils and is known as the ‘Flying Squad’ project. Some of the recommendations of this review might be suitable candidates for assistance under the ‘Flying Squad’ program.
Notable state initiatives since the last review include the following.

3.2 Planning and Environment Act

The *Planning and Environment Amendment (General) Act 2013* passed both houses of parliament in February 2013 and it came into operation on 28 October 2013. The key reforms in the ‘Amendment Act’ include:

- abolish Development Assessment Committees;
- provide for a Planning Application Committee to work with councils to deliver better local planning decisions;
- provide for two types of referral authority that will be set out in planning schemes being a **determining referral authority** who has the power to require a permit application to be refused or for certain conditions to be included in a permit; and a **recommending referral authority** who may comment on an application.
- provide for reporting to the Minister by planning authorities, responsible authorities and referral authorities to improve the transparency of the planning system;
- improve the processes for amending planning schemes and assessing planning permit applications by reducing delays and speeding up information exchange;
- improve the decision-making process at the Victorian Civil and Administrative Tribunal;
- **improve the operation of planning agreements by expanding the options for amending and ending agreements; (emphasis added)**
- make miscellaneous changes to improve the operation of the Act which will reduce uncertainty and delays, and deliver better planning outcomes;
- amend the *Subdivision Act 1988* in relation to public open space and include consequential minor changes to the *Subdivision Act 1988* and the *Local Government Act 1989*;
- ensuring that if a planning scheme specifies the level of public open space contribution in Clause 52.01, there is no power to vary or reduce it in the event that section 18(1A) applies;
- confirm the right of the Proponent to be heard in a Panel hearing;
- give Planning Panels the option of holding ‘Directions Panels’ whereby a number of Directions Hearings are conducted on the one day;
- making it mandatory for the Responsible Authority and the Planning Authority to take social effects and economic effects of the use or development of the land into account when preparing an amendment to a planning scheme and when issuing planning permits.

This last provision is important as previously there was only a requirement to consider significant environmental matters with discretion for Council as to whether social and economic effects were to be considered.
3.3 Amendment VC102

Amendment VC102 amends the VPP and planning schemes as a result of above amendments to the Planning and Environment Act 1987 (PE Act) and Subdivision Act 1988 (Subdivision Act) made by the Planning and Environment Amendment (General) Act 2013 (General Act). In particular, Amendment VC102 relates to amendments in the General Act to:

a) provide that a planning scheme may designate a Minister, public authority or municipal council as an acquiring authority for the purposes of the PE Act for land reserved for public purposes
b) provide that if a planning scheme designates a person or body as an acquiring authority for land reserved for public purposes, that authority is liable for compensation payable under the PE Act which arises from that reservation
c) enable planning schemes to specify two types of referral authority – a recommending referral authority and a determining referral authority
d) create separate provisions in the Subdivision Act for public open space contribution requirements in planning schemes and requirements for imposing open space contributions under section 18 of that Act.

The amendment also gives effect to the Victorian Government’s commitment to altering the referral authority status of catchment management authorities to enable local councils to make decisions on permit applications and permit conditions. The amendment designates catchment management authorities as a ‘recommending’ referral authority. A recommending referral authority can comment on a permit application but, unlike a determining referral authority, it does not have the power to require the application to be refused or for certain conditions to be included in a permit. This may have implications for those agencies that are no longer able to make determinations and may encourage the to specify conditions which could be included in overlay schedules.

3.4 Development Contributions

In May 2012, the Minister for Planning announced the Government’s preferred framework for development contribution plans which outlined a new system of standard levies that can be selected and applied to different development settings. The new system provides Councils with a set of standard development contribution levies for different development settings based around five infrastructure categories:

- Community facilities
- Open Space facilities
- Transport infrastructure
The Minister for Planning appointed an Advisory Committee to provide advice on the framework for the new development contributions system and on the establishment of the standard levies. The Advisory Committee reported in December 2012 and May 2013 and the report is with the Minister awaiting approval.

### 3.5 New VPP Zones

In March 2013 the State Government released three new residential zones for Victoria to replace the existing residential zones. The government provided some criteria for Councils to use in determining where the residential zones might be applied as follows:

- **Residential Growth** with heights of up to 4 storeys, with townhouse/apartment dwellings to be located around activity centres and adjacent to train stations.

- **Neighbourhood Residential** with heights of 2 storeys, with single dwellings/dual occupancies best suited to heritage precincts (HO), environmentally significant areas (ESO), landslip areas (EMO) and flood prone areas (LSIO).

- **General Residential** with heights of 2-3 storeys, single/dual/villa/townhouses suited to all other locations.

All Councils have until June 2014 to apply the new residential zones and it is understood that a comprehensive analysis of the areas suggested for the new residential zones will be required to confirm how they are applied. Consultation with the community is also required to inform Council’s approach. If this work is not undertaken the State Government will simply replace the existing Residential 1 Zone with the new General Residential Zone by June 2014.

In April 2013, the State Government also released changes to the existing industrial zones and introduced two new commercial zones to replace the existing business zones. Unlike the residential zones, the Minister for Planning undertook the translation of the business zones to commercial zones. These changes were implemented into the Wodonga Planning Scheme in July 2013.

In September 2013, the state government completed its zone review and implementation when it released changes to the existing rural zones.

### 3.6 Practice Notes

In November 2013, the state government released five new Practice Notes that are aimed at explaining the role of recent zone changes or which explain how certain applications will be assessed. The five new Practice Notes are:
Practice Note 15 “Assessing an Application for One or More Dwellings in a Residential Zone”;
Practice Note 16 “Making a Planning Application for One or More Dwellings in a Residential Zone”.
Practice Note 37 “Rural Residential Development”.
Practice Note 42 “Applying the Rural Zones”.
Practice Note 62 “Green Wedge Planning Provisions”.

3.7 Plan Melbourne

The State Government released its ‘Plan Melbourne’ strategy in October 2013. Plan Melbourne is a strategy to house, employ and move more people within the metropolitan area. Plan Melbourne aims to provide a clear vision for the future of Melbourne that responds to the pressures of population growth, the drive for economic prosperity, the need for liveability, and the protection of environment and heritage assets.

The metropolitan planning strategy also addresses Melbourne’s infrastructure, housing, employment, transport and environment challenges in an integrated approach bringing together land use, transport, social and community infrastructure. This vision for Melbourne is underpinned through the seven outcomes of the Plan Melbourne Strategy:

1. Delivering jobs and investment: Create a city structure that drives productivity, supports investment through certainty and creates more jobs.

2. Housing choice and affordability: Provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.

3. A more connected Melbourne: Provide an integrated transport system connecting people to jobs and services and goods to market.

4. Liveable communities and neighbourhoods: Create healthy and active neighbourhoods and maintain Melbourne’s identity as one of the world’s most liveable cities.

5. Environment and energy: Protect our natural assets and better plan our water, energy and waste management to create a sustainable city.

6. A state of cities: Maximise the growth potential of Victoria by developing a state of cities which delivers choice, opportunity and global competitiveness.

7. Implementation: Delivering better governance: Achieve clear results through better governance, planning, regulation and funding options.
3.8 **SPPF Review**

The State Policy Planning Framework (SPPF) is a foundation element of the Victorian planning system and the Victoria Planning Provisions (VPP). It sets the key policy directions for state planning issues. A review of the SPPF is presently being undertaken so as to ensure that all state policy matters align and integrate with the key strategic directions. It is particularly required to ensure that it aligns with the newly developed Metropolitan Planning Strategy (*Plan Melbourne*) and the eight Regional Growth Plans.

An Advisory Committee has been established to advise the state government before the end of 2013 on the content and structure of a revised SPPF. The Advisory Committee is also to apply any consequential changes arising from recent legislation and to align and integrate with the review of the following state policy matters:

- The Vision for Victoria;
- The proposed Metropolitan Planning Strategy;
- The eight Regional Growth Plans (Central Highlands, G21 - Geelong Region Alliance, Gippsland, Great South Coast, **Hume**, Loddon Mallee North, Loddon Mallee South, Wimmera Southern Mallee);
- The reformed commercial, industrial, residential and rural zones; and
- The Development Contributions system

3.9 **LPPF Review**

The Local Policy Planning Framework (LPPF) is the other central element of the Victorian planning system that was introduced at the same time as the Victoria Planning Provisions (VPP). The LPPF consists of two parts:

- A Municipal Strategic Statement (MSS) at Clause 21; and
- Local Planning Policies at Clause 22.

The LPPF is intended to give local expression to the range of state policy issues identified in the SPPF. The MSS identifies key local issues and includes objectives and strategies to address these issues. The MSS also identifies the implementation tools (zones and overlays) that will be used by Council to deliver the objectives and strategies.

Local policies are another form of implementation tool to apply in addition to zones and overlays. Local policies enable the Council to indicate how they will typically exercise the discretion provided on specific use and development applications.

As part of its SPPF Review, the state government has now asked the same Advisory Committee to advise on how a revised LPPF structure might dovetail with any possible new SPPF structure. In particular, the
committee has been asked to ensure that state and local policy are aligned especially in the context of Plan Melbourne and Regional Growth Plans.

The Committee has been specifically asked to advise on:

- *The role, structure and format of a revised LPPF, including MSS and local policy. The revised MSS must align with and compliment the revised SPPF.*
- *How a revised LPPF could be implemented across Victoria.*

The committee is scheduled to advise the Minister by April 2014.

### 3.10 Hume Regional Plan

The draft Hume Regional Growth Plan is a regional approach to land use planning in the Hume Region, covering the municipalities of Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga. The draft plan (September 2013) identifies opportunities to encourage and accommodate growth and manage change in the region over the next 30 years, building on the directions of the Hume Strategy for Sustainable Communities 2010–2020.

The vision for the Hume Region is:

> "The Hume Region will be resilient, diverse and thriving. It will capitalise on the strengths and competitive advantages of the four sub-regions, to harness growth for the benefit of the region and to develop liveable and sustainable communities."

The draft regional plan identifies:

- locations where future development will be supported;
- environmental, economic, community and heritage assets that should be conserved, maintained or sensitively developed; and
- key regional priorities for future infrastructure planning and development to support growth.

The draft plan has been released for public consultation and a final plan will follow in late 2013.

According to the draft regional plan, in 2011, the region had a population of 276,300 people. It is expected to grow to around 354,000 by 2041, an increase of approximately 80,000 people. This estimate excludes population growth in those areas of Mitchell Shire within the recently expanded urban growth boundary for metropolitan Melbourne.

Unlike many other regions, Hume is not dominated by a single city. Instead, it contains three large regional cities and a number of smaller regional centres, as well as a range of other settlement types including townships and villages, alpine resorts, rural residential locations and farming areas. The southern part of the region lies within the peri-
urban influence of Melbourne. The regional cities and centres act as hubs, providing services to networks of smaller settlements.

The draft plan notes that the regional economy is based on access to natural resources such as water and productive land, environmental assets and proximity to major transport links. Agriculture, manufacturing and tourism are important industry sectors. The draft Plan notes that Hume’s economy relies heavily on agriculture and manufacturing, including processing of farm produce. Economic forces and policy changes at international and national levels are impacting on businesses in the region, providing challenges and opportunities.

The draft Plan also acknowledges that the Hume Region contains a rich array of environments and heritage places that are important for their intrinsic environmental and cultural values and their contribution to the economy. The plan seeks to recognise and promote environmental and heritage assets and maximise the regional benefit from them, while planning for the potential impacts of climate change and natural hazards. It focuses on protecting and enhancing landscapes, terrestrial habitat, waterways, soils, the public land estate and Aboriginal cultural heritage and historic heritage.

The draft Plan seeks to focus, manage and direct future growth and development to take advantage of regional strengths and consolidate and build on existing settlement networks. Growth will be focused in the regional cities and will be supported in other settlements that can provide appropriate land, infrastructure and services.

Urban growth locations plan have been selected on the basis of available physical and social infrastructure, access to employment, protection of environmental assets and avoidance of natural hazards. Increasing the diversity and affordability of housing will improve choice, provide for the needs of older people and those on low incomes and help to attract new residents to the region.

In the **Upper Hume** sub-region, major urban growth and development will be focused in Wodonga. The draft Plan notes that the city has over 15 years supply of residential land, either zoned or identified for future development, as well as substantial infill opportunities. The urban growth framework for Wodonga shows strategic opportunities for residential, industrial and commercial development. Seven existing growth fronts, in combination with medium to long-term developments planned for the Baranduda-Leneva area can accommodate up to 24,000 additional people over the next 20 to 50 years. Wodonga will continue to be a major economic driver for the region and beyond and will build on existing strengths in freight and logistics, manufacturing, defence, education, health, business services, major sporting events and arts and culture. The plan also acknowledges the influence of the combined urban area of Albury-Wodonga (recognised as one of Australia’s 18 major cities) in the Upper Hume sub-region. Other urban centres in Upper Hume will continue to grow consistent with retaining
their character and environment, particularly heritage townships, lifestyle settlements and tourist localities.

Some smaller settlements may experience population decreases and the plan encourages an integrated approach to planning for and servicing these communities.

Rural residential uses will be provided for in defined areas close to existing settlements to ensure this form of development does not impact adversely on productive agriculture or other broadscale rural uses.

The draft Plan seeks to support system improvements for the movement of people and freight and to plan strategically for future infrastructure needs.

Social infrastructure is acknowledged as being critical to developing vibrant and sustainable communities such as facilities providing educational, health and community services and opportunities for leisure and recreation. Provision of energy supplies, information and communications technology, water supply and sewerage systems and waste disposal also needs to be integrated with planning for urban growth.

The key planning directions of the draft Plan are to be implemented through municipal planning schemes. The Plan identifies specific actions, including detailed planning studies and cooperative programs. Implementation of the plan will be integrated with the overall implementation of the Hume Strategy.

Like the Council Plan and the Wodonga Planning Scheme, the Hume Regional Growth Plan will be reviewed every four to five years.

### 3.11 Native Vegetation

In September 2012, the state government announced a review of Victoria’s native vegetation permitted clearing regulations. The aim of the review was to improve and strengthen the regulatory system to deliver better outcomes for the environment and the community.

Reforms to the native vegetation permitted clearing regulations have now been announced (September 2013) and will ensure a stronger focus on the value of native vegetation for statewide biodiversity and a reduced regulatory burden for landholders. The priority reforms for native vegetation are:

- clarify and amend the objective of the permitted clearing regulations;
- improve how the biodiversity value of native vegetation is defined and measured; and
- ensure offsets provide appropriate compensation for the environment.
The native vegetation reforms commenced following amendments to the Victoria Planning Provisions in September 2013.

### 3.12 Local Strategies and Initiatives

Apart from these state initiatives, Council has also prepared a range of documents and strategies since the 2003/2006 MSS Reviews. Many of these strategies were referred to in the consultations and submissions regarding the WPS review.

Those that are relevant to the WPS and that might provide a basis for updates and revisions are discussed below.

- **Wodonga Council Plan 2013-2017**
- **CBA Economic Options Report 2013**
- **CFA – Landscaping for Bushfire**
- **CFA – Planning for Bushfire**
- **Environmental Strategy 2012-2021**
- **Landscape Plans for Planning Applications**
- **Youth Friendly City Framework 2013**
- **IDM 2011**
- **Leneva – Baranduda Growth Area Framework Plan (Draft) 2012**
- **Leneva Valley and Baranduda Native Vegetation Precinct Plan (Feb 2013)**
- **Transforming Wodonga’s CBA to a Regional Capital Activity Area**
- **Public Open Space Strategy**
- **Active Travel Report**
- **Living Longer, Loving Life**
- **Economic Development Strategy 2011**
- **Wodonga Integrated Transport Strategy**
- **Wodonga Activity Centre Strategy Review (Draft) 2012**
- **Strategic Destination Marketing and Development Plan 2011-2014**

*Business and Organisation Survey and Property Owners Survey 2013*

- **Our People, Their Voices**

The following is a brief overview of some of the more significant strategies that have been adopted.

### 3.13 Wodonga Council Plan 2013-2014 to 2016-2017

The *Planning and Environment Act* requires that the WPS be consistent with the current Council Plan. The Plan includes Council’s Vision, Mission and Values and identifies three ‘key areas’ being:

- **Our city**
- **Planning for growth and development**
Our people Providing a great lifestyle  
Our future Managing our business to support our community

For each of these ‘key areas’, the Council Plan includes strategic objectives supported by strategic indicators and targets. Important objectives that may be relevant to the WPS include:

- Plan for Wodonga’s growth by ensuring land and infrastructure is sustained for residential, commercial and industrial development.
- Plan for a central business area which is economically and socially vibrant.
- Create employment opportunities to support Wodonga’s growing population.
- Plan for the sustainable growth of the city.
- Position Wodonga as a capital and regional hub for North East Victoria and strengthen its position as a regional, national and international hub for economic activity.
- Position Wodonga as a visitation destination offering a wide range of arts, cultural and community experiences.
- Maximise the value of Wodonga’s heritage and cultural precincts.

The Council Plan is also notable for its linkages to Council’s Public Health and Wellbeing statement.

Although there are no inconsistencies between the MSS and the current Council Plan, there is clearly scope to update Clause 21 (Strategic Vision) to reflect the relevant elements of the Plan.

3.14 Strategic Resource Plan 2013-2014 to 2022-2023

Council is required to prepare a Strategic Resource Plan (SRP) which outlines the resources required to achieve the strategic objectives identified in the Council Plan. Notably, the SRP commits Council (at Section 11.4.7) to a review of the Wodonga Planning Scheme ‘….including the Municipal Strategic Statement (MSS).’

Once again, there is clearly scope to update Clause 21 (Profile and Strategic Vision) to reflect the relevant elements of the Plan. In particular, the ‘Community snapshot’ at Section 1.2 of the SRP provides updated material that would assist in updating the Municipal Profile in the MSS.

3.15 Wodonga – Living Longer, Loving Life

The City of Wodonga Aged Services has identified ten key priority areas for attention, some of which will have direct implications for the MSS. The ten areas are CBD and shopping precincts; community buildings; housing/accommodation; independence; information; medical services; safety, health and wellbeing; environmental leadership; information/education; active transport.
Some of the issues referred to in the document have direct MSS relevance including an affordable housing strategy, walkability plan, disability access plan and a landscape strategy.

3.16 **Infrastructure Design Manual (IDM)**

A key clause in the VPP is Clause 56 which is a mandatory inclusion in every scheme in the state and which deals with ‘Residential Subdivision’. This clause was introduced into all schemes in about 2002 and it contains objectives and standards for a variety of subdivision related issues including lot layout, road design, drainage, open space, landscaping, mobility, stormwater management and utilities.

In September 2004, Campaspe, Greater Shepparton and Greater Bendigo Councils began to develop a common engineering manual that had more of a ‘regional’ focus instead of a ‘metropolitan’ focus. The outcome was the Infrastructure Design Manual (IDM) which documented infrastructure standards that could be uniformly used in regional centres. In December 2006 a draft IDM was exhibited for a seven week consultation period and was subsequently adopted. Nearly 40 rural and regional Councils have now adopted and use the IDM, including Wodonga.

There is clearly scope to include key aspects of the IDM in the MSS and in the WPS.

3.17 **City of Wodonga Environment Strategy 2012-2021 (Draft)**

The Environment Strategy addresses the Shire’s environment themes under the headings of Ecosystems, Energy, Infrastructure, Water, Waste and Food. Under each of these themes is an overview, objectives, targets, policies, action lists and review processes.

Elements of this material, particularly the policies and actions lists, are relevant to the planning scheme and could be used to revise/update the environmental objectives and strategies in the MSS as well as the descriptive material. In particular, the impacts of climate change on design and development need to be acknowledged and planned for.

3.18 **City of Wodonga Public Open Space Strategy**

The Strategy provides strategic directions and priorities for the provision of recreation and leisure services for the short, medium and long-term. The Strategy closely links with the Council Plan.

3.19 **City of Wodonga Economic Development Strategy (2011 to 2013)**

The Economic Development Strategy has a focus to grow, create and maintain Wodonga’s economic base in a sustainable manner. It links
with the Council Plan regarding a strong and resilient community and it analyses the strengths, challenges and opportunities facing Wodonga.

There is clearly scope within the new MSS for reference to the Economic Development Strategy especially regarding the CBA and the Logic Precinct.

**3.20 Wodonga Activity Centre Strategy Review**

This strategy was prepared to provide a high level assessment of the existing activity centre hierarchy in Wodonga. The Strategy Review makes recommendations on a future hierarchy and on the role and size of activity centres in a retail and residential sense.

This important review is on-going and is not likely to be finalised until mid-2014. The review will also inform the Leneva Growth Area Framework Plan and may lead to modifications to the zones, overlays and schedules in some commercial and residential areas.

**3.21 Wodonga CBA Revitalisation Plan**

The ‘Emerging Vision’ provides a blueprint for how the CBA could be transformed into a regional capital over the next decade or so.

While there is scope to include key aspects of the Vision in the MSS and in the WPS as well as changes to zones and overlays, the CBA Strategy review will provide the most up to date direction by mid 2014.

**3.22 Strategic Destination Marketing and Development Plan 2011-2014**

This strategy was prepared to address management and marketing for the wider Albury/Wodonga area. It has been developed to provide directions for tourism and development in Wodonga and to align Council priorities with the needs of the tourism industry.

Some of the issues referred to in the document have direct MSS relevance including economic development and tourism but there is no reference to it anywhere in the WPS.

**3.23 Wodonga Integrated Transport Strategy**

The Wodonga Integrated Transport Strategy (WITS) addresses Councils obligations under the Transport Integration Act 2001 and will guide future investment in the transport network in Wodonga. The WITS identifies a number of key policy directions and responses and is under consideration. The WITS is to be included in a suite of works as part of the CBA Revitalisation Plan.

**3.24 City of Wodonga Playground Strategy (2010)**

The Playground Strategy provides Council with a guide to the development of play spaces for the future. It has already been used in planning scheme amendments (Am. C87) and Council seeks to equitably distribute good quality playground areas throughout the City.
3.25 Leneva-Baranduda Growth Area Framework Plan (Draft 2012)

The Growth Plan has been prepared to guide the future development of approximately 20 square kilometres of vacant land in the Leneva Valley and Baranduda area, which has been identified as the future growth area of Wodonga.

The Growth Plan will provide the residential land requirements for Wodonga for the next 50 – 70 years. The Growth Plan provides a framework for development including guidelines for the development of a series of Precinct Structure Plans (PSPs). The Growth Plan builds on the Leneva Structure Plan (2006) and the Leneva Valley Design Guidelines (2010) and has its origins in the early purchasing patterns of the AWDC.

On 15 October 2013, the Minister for Planning announced that the state government would assist Council with its long term planning for the Leneva-Baranduda growth corridor with a grant of $250,000 to be put towards the structure planning for the area and the implementation of a new Urban Growth Zone. The Minister stated that the funding would allow Council to work with the state government and with the new Metropolitan Planning Authority to ‘...deliver one of the largest regional growth fronts in Australia.’

There is clearly scope to include key aspects of the Growth Area Framework Plan in the MSS and in the WPS.

3.26 Leneva and Baranduda Native Vegetation Precinct Plan (February 2013)

The Native Vegetation Precinct Plan (NVPP) was transposed from the conservation strategy ‘Wodonga Retained Environmental Network Strategy (WRENS 2006)’. The NVPP ensures that urban development of the land to the south east of Wodonga (in the Leneva - Baranduda Growth Area) occurs in an ecologically sound way. It also ensures that the objectives of Victoria’s Biodiversity Strategy, Victoria’s Native Vegetation Management – A Framework for Action (DNRE 2002) are achieved. These lands are to be managed for biodiversity conservation into perpetuity. The NVPP was inserted into the WPS by Amendment C94 in October 2013.

3.27 Wodonga Youth Strategy

The Wodonga Youth Strategy 2010-2014 provides the strategic direction for all programs, activities and events for young people, aged nine to 24 years, in Wodonga. The document adopted by Council in 2009, recognises and values young people as active citizens, while addressing their unique needs and challenges. The strategy will be updated in 2014.
3.28 Agency Documents and Strategies

Various agencies have prepared documents and strategies since the 2003 and 2006 MSS Reviews that were referred to in various submissions. Those that are relevant to the WPS and that might provide a basis for updates and revisions include those listed below.

3.29 North East Regional Catchment Strategy (May 2013)

This Strategy is the primary integrated planning framework for land, water and biodiversity management in North East Victoria.

Some of the background information and actions are relevant to the WPS and could be used to inform an updated and revised WPS including the River Health Strategy and related documents.

3.30 Planning for Bushfire Victoria (CFA)

The CFA has developed the Planning for Bushfire guide to support the implementation of the Bushfire Management Overlay (BMO). The guide explains bushfire planning provisions in detail and describes how to apply these when completing or assessing a planning permit application in a BMO.

3.31 Landscaping for Bushfire (CFA)

The CFA has also developed the Landscaping for Bushfire: Garden Design and Plant Selection guide for new and established houses in high fire risk areas including areas within the Bushfire Management Overlay. While the focus of the guide is residential homes and gardens, the design principles have application for larger developments and subdivisions.

Recommendation:

That the MSS be updated to incorporate relevant strategies, policies and implementation measures arising from the above adopted strategies, especially the Council Plan and the Hume Regional Growth Plan.
4. **Consultations on the Performance of the Wodonga Planning Scheme**

This section of the report assesses the performance of the WPS in terms of the stakeholder consultations.

The following is an overview of the key issues that were raised during the consultation that was undertaken during the review with planning staff, other Council staff, agencies, key stakeholders and frequent users of the planning scheme.

While most of the submissions raised important issues that were relevant to the review, some raised issues that:

- are already addressed in the WPS; or
- are not related to land use planning and are therefore beyond the scope of the WPS to address.

For ease of reference the outcomes are presented under various 'issues' that emerged during the consultations.

A list of those who attended the consultations is included at Appendix 5.

### 4.1 Consultation Issue – Structure of the LPPF

It was common ground that the existing LPPF is poor from an end-user perspective and is hard to navigate. It is too dense, too bulky and very repetitive with examples of the same issue repeatedly emerging in different clauses. For instance, the strategic directions for the Wodonga CBA are included in Clauses 21.05-9, 21.06-1, 21.11-02, 22.09 as well as in the CDZ schedule.

The LPPF does not align with the SPPF, nor is it reflective of 'best practice' examples elsewhere. In fact the LPPF structure is unlike any other in the state.

Partly because of its poor structure, the MSS is not used much by staff or stakeholders with the zone and overlay schedules being the main (and preferred) reference. That said, some aspects of the MSS (urban design principles etc) are accessible and are well used by some.

It is clear that many of the local policies could be merged into the MSS or absorbed by the schedules in order to remove repetition and have the one transparent control.

A more detailed analysis of the LPPF structure is included at Section 5.2.

### 4.2 Consultation Issue – Content of the Municipal Strategic Statement

Despite its relatively recent introduction, there was a general view that the content of the MSS is already out-dated and is therefore of limited use in day-to-day decision making. This view was shared ‘across the
board’ by Council planners, staff, agencies and by stakeholders. There was a sense that the new MSS was developed by a small group about six or seven years ago with a strong ‘new urbanism’ theme. This was reflective, at the time, of the strong direction in the (then) Council Plan for urban design to be the major tool for producing desired social outcomes with an emphasis on local neighbourhood character outcomes. There is the feeling that this is no longer reflective of the important and recurrent planning issues in Wodonga.

As noted above, the MSS was criticised for being poorly structured and difficult to navigate using very loose and general language that is open to wide interpretation. Stakeholders advised that they do not regularly refer to the MSS at Clause 21 or local policies at Clause 22 when seeking approval for land use and development. There is anecdotal evidence from the file audit (See Section 2.8) that the lack of reference to the LPPF in applications delays the processing of permits with repeated requests for further information or strategic justification.

There is a need for clear ‘visions’ for issues including land use, healthy design, liveability, preferred neighbourhood character, environment and sustainability which are all underdone at present. An issue for the wider Council staff was the need for the MSS to keep up to date with all of the work that is and has been undertaken by wider staff and other departments. An example of this is the ‘Healthy by Design Guidelines’ (liveability).

Some parts of the MSS are relied upon for background information in support of (say) a VCAT or Panel submission, while others (such as the CBA) are out of date. There is much repetition in the MSS and as already noted, the CBA is referred to in at least a half a dozen places (including MSS, local policy, zone or overlay).

Very few of the framework plans are used as once again, they are mainly out of date or have been ignored.

Overall, there is the impression that development has proceeded in Wodonga despite the MSS, and not because of the MSS. The development community, the Council staff and the Council itself seems to place much greater reliance on the zone/overlay package than on the MSS or local policies.

Other MSS ‘content’ issues raised in consultations included:

- The need for a separate clause that lists ‘further strategic work’ and ‘reference documents’.
- Staff are unclear where much of the content in the existing MSS has come from.
- Need to distinguish between unencumbered and encumbered open space especially drainage reserves.
- Gaps that need to be filled based on strategic work that has been completed.
- Need to update the MSS to reflect the changes brought about by the new suite of zones.
• Needs to be less reference to Albury Wodonga and more reference to just Wodonga (or the Hume region).

A more detailed clause by clause analysis of the MSS is included at Section 5.3.

4.3 Consultation Issue - Local Planning Policies

Council planners indicated that some of the LPPs are not used because they are out of date or have been made redundant by zone and overlay provisions (i.e. sheds in residential zones). Submissions proposed various detailed changes to particular LPPs, and made the general observation that ideally policy statements should be firmer (i.e. use ‘must’ rather than ‘should’).

Overall, there was a feeling that Clause 22 needed to provide clear direction on the discretion that is available for permit applications for land use or development especially in the Residential, Commercial and Farming zones. At the moment it is not providing this direction.

A more detailed analysis of the local policies is included at Section 6.

4.4 Consultation Issue - Zones

There was very little comment on the choice of the zones in the WPS suggesting that the zone selections are ‘about right’. It was acknowledged that a major challenge awaits Council in terms of applying the new suite of residential zones (due by July 2014) and in reviewing the application of the new commercial, industrial and rural zones.

There was a general view that with greater flexibility in the new zones, the interpretation and application of these new provisions will require more policy guidance as they are implemented.

A more detailed analysis of the zones is included at Section 8.

4.5 Consultation Issue - Overlays

There were many submissions that commented that, unlike the zones, the choice and use of overlays in the WPS was problematic.

Council planners advised that the use of the DPO and the DDO in growth areas (and sometimes in exactly the same area) causes confusion/conflict in requirements and decision making. While there is scope to rationalise some of the provisions in the DPO schedules, it seems that this overlay is less likely to be used in the future with Precinct Structure Plans more likely to be applied to growth areas such as Leneva and Baranduda.

In non-urban areas the reason for the choice of the ESO and/or the SLO was unclear and a rationalised, simplified approach is an option. It may even be that a zone schedule (especially the Rural Conservation Zone) could suffice instead of an overlay.
Waterway overlays (either in an environmental sense or a flooding sense) seem haphazard. NECMA advised that it had been involved in the WRENS process with waterways of high value included in the strategic planning discussion. NECMA acknowledged that there was a need to update its flood mapping and understands that this will be a Council initiative. Surprisingly, the flood overlays (especially the LSIO) do not contain a detailed schedule with ‘none specified’ triggering permits and referrals for all development. While this does not seem to be a pressing issue for the CMA (presumably with few referrals), best practice elsewhere (see GBCMA) now includes very clear flooding schedules which exempt some applications and which rationalise referrals.

Quite apart from the LPPF, the consultations suggested that the large number of DPOs might be able to be consolidated. Council is committed to deleting them as they are developed.

A more detailed analysis of the overlays is included at Section 8.

4.6 Consultation Issue – Strategic Approach

Agency staff attended a workshop with Council on 18 September 2013 as part of the review process. The workshop was notable for its discussions of strategic planning issues rather than on statutory planning issues, especially referrals.

All agencies represented commented on the degree to which their role was assisted if Council engaged them early in the strategic planning process. Wodonga City Council was commended for its commitment to this process. The Education Department was particularly impressed that it was asked to be involved at the early strategic planning phase. The department got involved in the Leneva Structure Plan very early and all parties agreed that the Leneva process was a good one with education, police and the community all involved (much the same as if it were a PSP). All of the agencies stated that they wanted to be a ‘player’ at the initial strategic level.

That said, North East Water provided an example of the importance of this issue and where this level of coordination had not been evident. It works to a 5 year water plan and were surprised when a number of different development fronts emerged in the town without their knowledge and without real regard to its plan. Evidently the Leneva Plan caused some problems with aspects including roadside vegetation on land where NEWater wanted to use that land for trunk mains. North East Water are concerned that it is not always a player in major land rezonings. It seems that Council has been more reactive than proactive with North East Water in terms of growth area planning especially water infrastructure. The EPA also expressed some concerns in relation to a lack of consultation during the strategic planning for the railway land in central Wodonga.
One agreed outcome of the consultations was the need for all players (especially Council and agencies) to meet on an annual basis to make sure that all parties are ‘in the loop’ on issues of strategic importance.

Recommend: That Council facilitate an annual forum with key stakeholders to discuss and consider strategic planning issues.

Recommend: That the schedule to all overlays be reviewed and updated.

Recommend: All relevant agencies need to be listed as either ‘determining’ or ‘recommending’ referral authorities.

### 4.7 Consultation Issue - Settlements

Perhaps the single major issue to arise during consultation was the mixed messages and the consequent level of confusion that faced all stakeholders when considering some of the ‘settlement’ aspects of the MSS, local policies and other parts of the scheme. Quite apart from the fact that the current Central Business Area Structure Plan and the Leneva Structure Plan are out-dated and of little use or relevance, there is confusion embedded throughout the scheme. For instance, the Mixed Use Zone policy for Enterprise Park identifies a shop floor limit of 3000m² (at 22.14) whereas the MUZ schedule specifies 4000m². Interestingly this schedule has now been deleted with the change to the residential zones.

Similarly, at the North Leneva Town Centre, the floor area for a shopping centre is included as 3000m² in the MSS, 15,000m² in the North Leneva Valley Design Guidelines and 50,000m² (by 2026) in a Section 173 agreement as part of the rezoning process. Figure 1 in the MSS (Growth Strategy) further confuses the issue by nominating an area of 30,000m² for this centre. Other aspects of Figure 1 that have caused confusion include reliance on dates for sequencing notwithstanding that these have been ignored and are of little relevance. There is clearly a need to devise a new Framework Plan based on contemporary strategic analysis.

The current MSS Structure Plan for the growth corridor was also found to be in conflict with other documents such as the NVPP and the North Leneva Design Guidelines (2009). The current structure plan lacks a degree of robustness, available background information or a transparent methodology as to how the plans were formulated. In addition, Council’s failure to undertake any form of review or consultation prior to the testing of the structure plan in the market place by land speculators and developers revealed its short comings.

It was suggested that the failure to test the plan and associated policy, created a run of land speculation and rezoning requests made it difficult to better control land release and urban design.

A recent media release from the Minister for Planning the Hon Mathew Guy MLC on the 15th October 2013 revealed that funding has now been granted to the wider review process (structure planning) to deliver one
of the largest regional growth fronts in Australia. The Growth Area is based on the skeleton of the original structure plan and funding will go toward the structure planning framework of the Leneva growth corridor area, as well as the possible implementation of the Urban Growth Zone for the area. As of this will inevitably lead to significant modifications to the WPS.

4.8 Consultation Issue - Land Uses

Residential

There were repeated concerns expressed about the quality and style of residential development in Wodonga. While this includes concerns about the location, design and impacts of medium density housing, it also applies to single dwelling development that occurs in response to Development Plan Overlays. There were various suggestions such as preparing Neighbourhood Character Overlays, better Design and Development Overlays or Development Plan Overlays with residential design guidelines.

Public Open Space

Some submissions sought more public open space in and (especially) between neighbourhoods, including a higher figure than the 5% of POS subdivision contribution in the existing schedule to Clause 52.01. Submitters noted the need for adequate POS in planning for new growth areas and for the need to ensure that areas set aside for open space are not encumbered by other uses such as detention basins or drainage reserves.

Liveability

Many submissions from wider Council staff (and some agencies) raised the prospect of a more formal role in the WPS for ‘Health and Wellbeing’ principles. Staff referred to the Latrobe PS and its inclusion of this as a stand-alone issue. There was also considerable discussion about the more practical examples of strategies aimed at encouraging walking and cycling opportunities with and between neighbourhoods, all of which are supported by the Council Plan and the Public Health and Wellbeing Plan.

Rural living and low density residential

Rural living and low density residential development were not very contentious in submissions and discussions given that there is very little of this market in Wodonga especially when compared with neighbours at Towong and Indigo which have a greater capacity to cater for this share of market demand.

There was support for providing some additional opportunities for this type of development on the basis that it provides lifestyle opportunities and competitive advantages for the municipality. However other submissions noted that it raises a range of issues, particularly when it is more remote from towns, public transport and existing services.
There is also scope to review the land zoned Rural Living and Low Density Residential in light of the modified zone provisions (especially minimum lot sizes).

**Agriculture and rural areas**

Issues associated with the Shire’s rural areas were also not very contentious and it seems to be acknowledged that agriculture plays a relatively minor role in land use planning (although it plays a more significant ‘visual amenity’ role).

Submissions noted that there is continuing pressure for small lots and dwellings in the Farming Zone, but there were differing views about whether or not (and how) this demand should be met. Some think that there should be greater flexibility and innovation in excisions and small lot subdivisions, particularly in terms of on-farm retirement, succession planning and recapitalisation. Others support the retention of large holdings as a means of supporting agricultural productivity and avoiding ‘right to farm’ issues.

Without question, the existing scheme provisions need to be reviewed in light of the recent changes in the rural zones, especially the small lot and dwelling provisions in the modified Farming Zone.

### 4.9 Consultation Issue - Environment

There was a concern that environmental issues are haphazardly addressed in the WPS, particularly in the MSS and through the inconsistent application of environmental type overlays. In particular, it was felt that there is a need to pick up on the five themes of the Environmental Strategy (2012-2021).

**Waterways**

Some staff and agency submissions sought greater protection for waterways, including public open space corridors, and the application of expanded Environmental Significance Overlays along all waterways. Middle Creek was highlighted as a key waterway that needs to be recognised in the MSS and be subject to the Environmental Significance Overlay.

There were different views about how waterways should be protected in the scheme, particularly the width of any buffers (ESO). NECMA (and others) noted that there is a need for a Waterway strategy including clear statements distinguishing encumbered and unencumbered land for open space purposes.

It was identified that there is a ‘hole’ in the scheme with no permit triggers and therefore no referral mechanisms near some waterways. While a ‘local policy’ on waterways was suggested, the use of an ESO (or similar) is preferred as it triggers a permit application.

**Vegetation**
Submissions from DEPI and others noted that additional Vegetation Protection Overlays might be required for roadside vegetation and other areas of remnant vegetation and biolinks, especially in the growth areas. That said, the recent approval of the Native Vegetation Precinct Plans (formerly WRENS) is a significant step forward in terms of the long term protection of vegetation within the growth areas, especially Leneva, notwithstanding that NEWater have stated a preference for laying services within roadway reserves..

**Landscape Protection**

Submissions acknowledged that the protection of the hillsides around Wodonga is a foundation strategy for the community. This has been the case for many years and was confirmed by the 1998 new format planning scheme Panel. While it is implemented by Significant Landscape Overlays for some hills and other landscape features, there is a need to have a consistent approach to all nominated hills.

### 4.10 Consultation Issue - Infrastructure

**Development Contributions Plans (DCP)**

There was in-principle support for the introduction of Development Contributions Plans to ensure that required services and infrastructure are funded and provided in a more transparent manner than they are at present (which is usually via permit conditions and legal agreements under Section 173 of the Planning and Environment Act). It was acknowledged that the whole DCP issue has been in a state of flux for some time and that the recent Advisory Committee report will provide greater direction. That said, the issue of DCPs has been a ‘further strategic work’ item in the WPS for many years with little evident progress.

There is still some confusion about the inheritance of developer contributions for community facilities and open space arising from previous agreements with AWDC. These agreements were known as ‘developer credits’ and Council has honoured these credits on subsequent land sales. None of these agreements are in the planning scheme. Permits were tendered with a wide variety of DCP obligations (usually linked to a legal agreement) including one that contained dollar specific amounts for works but which contained a cross reference to a clause in the MSS that may or may not still be there.

Council acknowledge that this is a critical issue and are preparing ‘off the shelf’ DCPs in the absence of more specific information. There was discussion as to whether Leneva needs a DCP or whether it might be embedded in the PSP.

**Infrastructure Design Manual (IDM)**

Council has recently adopted this document (2012) which is now used by numerous regional and rural Councils as an alternative to the ‘metropolitan’ standards of Clause 56. While the IDM is supported in principle, submissions alerted Council to confusion and inconsistency
between aspects of the IDM and other existing controls such as DPOs, DDOs and standard permit conditions.

While it was common ground that the IDM needs to be reflected in the MSS, DDO and DPO, the IDM can sometimes be an example of an ‘overkill’ when clause 56 might otherwise be adequate. Issues of overlap or confusion included street widths, footpaths, ease of manoeuvres associated with rubbish collection requirements, etc.

4.11 Consultation Issue - Economic Development

Wodonga is a pro-development Council with constant references to the Economic Development unit for land use decisions and policy.

Submissions highlighted the ‘open for business’ flavour of the MSS and commented that this needed to be balanced with amenity, orderly planning and environmental considerations. At present, the economic development discussions are dominated by the central area and by the Logic centre.

While tourism opportunities within the municipality are noted, many believed that the WPS should be more supportive of tourism, especially given the outcomes of the Strategic Destination Marketing and Development Plan.

4.12 Consultation Issue - Heritage

There were a number of submissions that noted that the WPS doesn’t provide enough heritage protection although it was acknowledged that the current Amendment C97 adds significantly to an understanding of heritage protection arising from the Wodonga Heritage Study. This amendment is an example of a remaining strategic action from the 2006-2010 Council Plan.

4.13 Consultation Issue – Use of legal agreements

The constant use of Section 173 agreements as part of permit conditions was noted by both planning staff and stakeholders. Apart from the need for sunset clauses, there seems to be a practice of using legal agreements as a default condition of permit. Legal agreements are costly and cumbersome and are hard to unbundle when they have served their purpose.

Section 173 agreements are acknowledged as a less laborious method of gaining contributions than a fully blown DCP. They also allow for the application of other requirements for development that otherwise may be challenged at VCAT or applied as part of a planning scheme amendment. The proliferation of 173 agreements is more a reflection on the shortcomings of the subordinate legislation that is the Planning Scheme and the process for having a DCP incorporated into the Planning Scheme.
4.14 Consultation Issue - Bushfire

There is major confusion as to the provisions of the new BMO and how it is to be implemented. This is fundamentally a State policy issue for bushfire management and consideration. Assessment and requirements to comply, such as defendable space, with the policy are reflected in the requirements of the VPPs. Strategic planning is required to better reflect the new requirements and to identify where development is not appropriate. As of December 2013, the new BMO mapping is still unresolved and continues to cause confusion.

4.15 Consultation Issue - Referrals

Agencies agreed there are further opportunities for them to have agreements with Council about applying standard conditions in lieu of planning permit referrals. That said, the number of referrals did not emerge as a strong area of concern.

However there are inevitably some issues of fine detail that can be improved. There are referrals embedded in some overlays although some of these are not reflected in 66.04. Examples of this include DNRE/NECMA in ESO1, Heritage Victoria (DPO10), VicRoads (DPO1) and even local policy at 22.11 (VicRoads).

DEPI noted that it had a good relationship with Council on the recurrent issues in the scheme and that native vegetation was well covered especially in the developing areas. While the WRENS process has been a long one, it has been worth it now that the Native Vegetation Precinct Plan has been finalised and incorporated. This has the added advantage (via Amendment C94) of not requiring endless referrals. In that same context Towong Shire noted that it (like Wodonga) has an ESO1 near Lake Hume which protects high quality agricultural land. It has now dispensed with referrals and this approach has application in Wodonga as well.

All referral mechanisms will also need to be reviewed in light of the recent changes to the Act which allows nomination of different categories of referral authorities.

Recommend: Clause 66.04 needs to be updated.

Recommend: That exemptions from referral in ESO1 be considered to align with Towong.

4.16 Consultation Issue - Implementing policies and strategies

Submissions raised frustrations that various policies and strategies that have been finalised should be implemented through the WPS. There are discussed in section 3 of this report. It is appropriate to absorb these adopted strategies into the scheme and there is clearly scope to do this with a re-write of the LPPF or in framing new schedules.
4.17 Consultation Issue - Corrections and anomalies
Various submissions identified zoning and overlay errors and inconsistencies that need to be reviewed and potentially addressed.

4.18 Consultation Issue – Transport
DTPLI/ Vic Roads made submissions and noted that the Hume Highway Environs policy at Clause 22.11 has now served its purpose and should be removed, especially in light of the findings of the Mitchell C87 Panel on the same issue.

Clause 52.29 referrals seemingly work well enough, although the agencies are often at VCAT on access issues.

There is a need to identify the Arterial road network in the MSS and to prioritise freight links especially as there will be long term maintenance issues associated with freight. The agencies urged Council to ‘think arterial and not just local’. Like others, DTPLI and VicRoads want to be involved in strategic planning and they urged Council not to overlook the City of Albury in its deliberations.

4.19 Consultation Issue – Statutory Interpretation (1)
There was considerable discussion among all parties about some of the difficulties in interpreting the controls in the existing scheme. A common example is where there are two or three different controls, some in the scheme, some outside the scheme (including on Title) and some embedded in legal agreements. A summary of the approvals required for development in the White Box estate provides a common example. (See Appendix 4).

In the example case, and having considered DDO6, DPO11, a Development Plan and some guidelines, it was concluded that while a permit was required for buildings and works because the location of garages didn’t comply with the DDO schedule requirements, any permit must be “generally” in accordance with the approved development plan. The proposal was not ‘generally in accordance’ due to the significant reduction in density and therefore a permit could not be granted until such time as an amendment to the development plan had been approved.

4.20 Consultation Issue – Statutory Interpretation (2)
It was also suggested that more thought within Council and DTPLI will need to be given to how the IDM works within the Planning Scheme. It appears Council officers, developers, landowners and others are confused as to its status and as to how it will be applied. Little thought seems to have gone into how the IDM requirements affect the planning process and it is sometimes unclear which document is to be relied upon for decision making purposes.

Taken literally, for subdivisions where a DPO applies, applicants will be required to prepare and submit for approval, a Development Plan, an
Outline Development Plan and a planning permit. Submissions noted that at present there is no formal adoption of the IDM in the Planning Scheme it appears difficult to understand how a Council would require an application to comply with the IDM.

The language in the ODP section of the IDM is also clumsy in a planning sense. The opening line states "Any ODP submitted for consideration by Council shall be prepared in accordance with the planning scheme requirements and should, as a minimum, include the following" (emphasis added). Based on the use of ‘should’, it appears that this statement is intended to list the range of matters that may be required to be addressed dependent on site specific circumstances. However based on recent advice by Council engineers it seems that Council’s view is that all items apply to any application.

It was not disputed that the IDM is an excellent engineering tool for Council, however it is considered that the schedules to the DPO provide the relevant planning considerations for a Development Plan. There is a risk that the IDM would make the DPO largely irrelevant by generalising the requirements to any subdivision proposal. Some of the requirements in the IDM present significantly greater detail than necessary under the current DPO schedules, and in some cases may even be duplicated by clause 56.

The current application requirements for subdivision in the planning scheme and elsewhere (e.g. the IDM) relating to engineering matters needs to be reviewed to ensure firstly that they are not repetitive, secondly they are relevant to whatever is being proposed and thirdly that they are not inconsistent with other guidelines such as the ‘Public Transport Victoria Guidelines for Land Use and Development’.

### 4.21 Consultation Issue – Further Strategic Work

A range of ‘further strategic work’ items were identified during consultations. Some of these are under preparation while others emerged as ‘gaps’ during the consultations. These items include:

- Change to state native vegetation policy. This will change the SPPF and Clause 52.17 and the existing framework will be deleted and a new set of guidelines will be inserted. The objective of ‘net gain’ is replaced by ‘no net loss’ with a different way of achieving that objective. Council may need to start looking at ‘over the counter’ offsets and a whole range of standard conditions for low risk applications.
- Roadside Management Plans may need to be reviewed.
- CFA concerns relating to development and proximity to native vegetation especially at the amendment/conceptual stage.
• DTPLI requested that future improved connections to Albury Airport should be included as a strategic issue especially given the importance of Albury Wodonga as a freight destination.

• VicRoads noted that there may be a second river crossing from NSW into Victoria and Figure 12 in the existing MSS may need to reflect this.

• Local flood mapping – Council has engaged a consultant to do a study at Middle Creek and this needs to be finished and implemented by zones and overlays.

• Council needs to work out how and where to apply the new residential zones based on a housing strategy by June 2014.

• The Wodonga Integrated Transport Strategy is to be completed by the end 2013 and implemented in a new LPPF.

• Vic Freight State Strategy August 2013

• Hume Regional Growth Plan (Council September 2013)

• Hume Region Planning for freight

• Waterways Strategy being prepared by NECMA during 2014

• Lake Hume Land and On-Water Management Plan - Wodonga, Hume, Towong and Indigo Councils. (Adopted and needs to be implemented).

4.22 **Consultation Issue – Other Matters**

Others issues raised in consultations included:

• Issues such as peak oil, climate change, biodiversity decline, resource scarcity, sustainability, health and well-being are inadequately dealt with in the current WPS.

• A need to base any policies on adopted strategic work.

• Use of design guidelines as a de facto control over built form and use (See White Box Estate).

• The council plans have no or little meaningful staff input.

• Need to get the Logic development out of clause 22 and into clause 21.

• Access to arterial network and vegetation issues in road reserves.

• WCC has a lot of public reserve land set aside for biodiversity values and are unfunded. These lands should be made cost neutral.

• The need for an MOU for water quality risk areas.

• The Wodonga section of the Lake Hume catchment is not covered by an ESO.
5 ASSESSMENT OF CLAUSE 21 OF LOCAL PLANNING POLICY FRAMEWORK (MSS)

5.1 LPPF Overview

This part of the report provides an overview of the main elements of the Local Planning Policy Framework (LPPF) in the Wodonga Planning Scheme, together with a general review of its format and content.

The key elements of this part of the report include:

- A review of the structure of the LPPF, particularly the delineation between “objective”, “strategy”, “implementation” and “policy”;
- The identification of any elements of the LPPF that are redundant or unnecessary;
- A broad assessment of the extent to which the planning scheme implements the MSS; and
- A review of the usability of the LPPF.

A review of the LPPF’s consistency with the State Planning Policy Framework is provided at Section 7.

The Wodonga Municipal Strategic Statement (MSS) was introduced as an entirely new MSS by Amendment C57 in December 2008. The MSS consists of 64 pages and includes the following major elements:

- Planning for the Future
- Wodonga’s Vision for the Future
- Context for the Municipal Strategic Statement
- Profile of the City of Wodonga
- Strategic Issues
- Key Strategic Principles
- Strategic Directions
- Regional Cooperation
- Environment and Natural Resources
- Future Urban and Residential Use
- Economic Development
- Infrastructure
- Social
- Monitoring and Review
- Reference Documents

The LPPF (currently) contains 18 Local Planning Policies over 31 pages and these are addressed in detail at Section 6. Two new policies are proposed to be added (‘Heritage’ and ‘Gateway Island’) following completion of Amendments C93 and C97. Each Policy contains sections describing the Policy Basis, Objective and Policy.
5.2 MSS Structure

This section provides a discussion of the structure of the MSS, particularly in terms of its clarity and usability.

The Departmental Practice Note (No. 4), “Writing a Municipal Strategic Statement” (September 2010) provides a recommended format and a convenient set of headings that should be used in developing an MSS. Although the use of the format is not mandatory, it has benefits in terms of consistency with the SPPF and for ease of use and reference.

The following table highlights the key headings proposed in the Practice Note format together with those used in the Wodonga MSS.

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<th>Practice Note Format</th>
<th>Wodonga Format</th>
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<td>21.01 Summary of the Strategy</td>
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<td>21.02 Key Issues and Influences</td>
<td>21.02 Vision</td>
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<tr>
<td>21.02 Key Issues and Influences</td>
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<td>21.05 Local Area Plans</td>
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It is evident from the above analysis that the format of the Wodonga MSS bears little relationship to that of the Practice Note.
Rather than using the SPPF sub-headings of “Settlement”, “Housing”, “Economic Development”, “Infrastructure” etc, the MSS uses a combination of thematic, general and specific sub-headings. The format within each of these sub headings also varies from the Practice Note format in that it rarely includes an “Overview” or “Key Issues” sections; it never articulates “Objectives”; it (sometimes) contains “Strategic Actions” (but no ‘Strategies’); and it does not include any explicit “Implementation” actions.

Significant structural changes are required for the MSS to be consistent with the Practice Note.

The intended functions of the various sections included in the Practice Note format are as follows.

**Municipal Profile**

This should briefly cover the key characteristics of the municipality and its regional context.

**Key Influences**

The key influences on the future of the municipality should be identified, including opportunities and advantages, as well as specific problems and constraints to be overcome.

**The Vision**

The vision is a description of the main features influencing the future of the municipality, taking into account the State and local strategic directions and key influences. The vision should include a strategic framework plan which reflects the vision, so that the links between the planning scheme maps and the objectives and strategies expressed verbally in the MSS are clear.

**Objectives – Strategies - Implementation**

The objectives, strategies and means of implementation should be grouped in an ordered and logical framework so that subjects can be readily identified. It is useful if each group includes a brief overview of the key issues drawn from earlier sections of the MSS. It is important that this section clearly sets out how strategies flow from the objectives and how implementation of the strategies will be achieved.

There are significant variations in the approaches that were adopted by all Councils when preparing their initial planning schemes, reflecting the on-going uncertainty about how to best accommodate the changes required by the planning reform process. One of the characteristics of many schemes, however, was the inclusion of a lot of background information that has proved to be of little assistance in the administration of the schemes. Many planning scheme reviews have focussed on reducing the level of unnecessary and irrelevant information, thereby improving the clarity and usability of the schemes.
As noted above, the Wodonga MSS is particularly notable for its lack of specific objectives. That said, and while there are no explicit ‘objectives’, some “key objectives” are implicit in the MSS. For example a ‘strategic issue’ raised at 21.05-6 (Wodonga CBA) is:

An emphasis needs to be placed on the design of new development to ensure it contributes to the streetscape and adds to a character that distinguishes Wodonga from other retail centres. Streets in the CBA are to be lined with glazed shopfronts rather than car parking areas or blank walls.

This ‘issue’ really contains a number of separate Objectives being:

- To ensure that design contributes to the streetscape.
- To use design to facilitate a different character for the Wodonga CBA.

Examples of this level of confusion are evident right throughout the MSS.

It is important that the “objectives” are clear and focussed because they form the basis for the subsequent “strategies” and “implementation”. It should also be borne in mind that the Practice Note establishes that “Objectives should set out the aims for the future of an area in response to the key influences.”

The Practice Note also provides for “strategies” to be listed under their respective “objective”, rather than be listed as a discrete group. Adopting this approach clearly demonstrates the linkages between the “objectives” and “strategies” and should reflect the strategic process that underpins the development of strategies and implementation proposals.

In that context, there is a need to thoroughly review all of the “Strategic Actions” in the MSS to ensure that they serve their intended purpose, that they have a basis in the “key issues” and “objectives” and that they are reflected in the “implementation” proposals. It is apparent that many of the “strategies” are really “objectives”, while others aren’t relevant to the planning scheme and should be deleted.

The Practice Note defines strategies as “...the means by which the current situation will be changed so that the objectives are achieved.”

Using the above example (Clause 21.05-6), ‘Strategies’ that are identified include:

- Ensure that streets are lined with glazed shopfronts.
- Discourage car parking areas or blank walls

Throughout the MSS, Council has also not consistently or clearly adopted the normal approach for ‘implementation’ which is to list the zones and overlays which it will apply to implement its strategies and objectives. Instead, the Council has an endless list of “strategic actions” some of which are repetitive of the SPPF.
As an example, and despite having no clear objective at Clause 21.10-3 (Central Wodonga), a strategic action is “to apply a residential 2 zone where redevelopment and increased densities are to be encouraged”. This is an implementation measure.

For the most part, zones, overlays and policies are not listed in the MSS and when a specific issue arises it is unclear which VPP tool is to be used to achieve this.

There is also no explicit suggestion at any stage of a link to any of the eighteen local policies at Clause 22. The reader of Clause 21.10.3 (Central Wodonga) or Clause 21.11-02 (Wodonga CBA) is none the wiser that there is an important local policy at Clause 22.09 that is directly relevant to development in the Wodonga CBA area.

Many schemes include further strategic work or “supporting actions” at the end of the implementation section. This is a helpful inclusion as it provides the work program for the future arising out of the gaps which have emerged from the full consideration of each issue.

The use of this section is considered important as it is the rolling strategic work program for the Council. It needs to be consistently applied to all sections of the MSS. In the Wodonga MSS, an further work is once again listed as a ‘strategic action’. For example, Clause 21.10-06 (East Wodonga) lists as its first action a further work item being "Complete and implement Structure Plans for all future development areas of East Wodonga."

Finally, in a structural sense, it is noted that the MSS also includes a Clause listing Reference Documents and although this is not provided for in the Practice Note Format, many Councils have included a consolidated list of Reference Documents. Alternatively, some have included references to these documents within the body of the MSS (or local policies) and in association with the discussion of the relevant issue. Notably, there are examples in the Wodonga MSS where reference documents are mentioned somewhere in the LPPF but are not included in the list of reference documents in the MSS.

For greater clarity and consistency with the SPPF, the existing issues could easily be grouped according to the nine Statewide SPPF headings of:

- Settlement;
- Environmental and Landscape Values;
- Environmental Risks;
- Natural Resource Management;
- Built Environment and Heritage;
- Housing;
- Economic Development;
• Transport; and
• Infrastructure.

Based on recently approved LPPFs, it is suggested that the following structure be applied within each sub heading:

• Overview
• Key Issues
• Objective
• Strategy
• Implementation (Zone, Overlay, Policy, Guideline)
• Other Actions (Further Strategic Work)
• Reference Documents

It is suggested that the MSS would benefit from a complete restructure in accordance with the Practice Note and the above principles. The changes outlined above would improve the usability of the MSS and provide a more consistent format with the SPPF and other planning schemes. **Appendix Two provides an example of how one clause could be restructured in a ‘policy neutral’ sense.**

*Recommendation:*

That the structure of the MSS be reviewed to achieve greater consistency with the structure recommended in the Practice Note.

### 5.3 MSS Content

The following sections provide a discussion of each of the clauses in the Wodonga MSS, and where appropriate, provide recommendations about how their focus and content can be improved. This material should be considered in light of the recommended structural changes discussed above.

**Clause 21.01 Planning for the Future – A Summary of the Strategy**

This Clause has 3 pages and provides a summary of the major strategic themes in Wodonga as at about 2006/2007. It includes a ‘Growth Strategy Plan’ that outlines expectations to 2036. While the themes, issues and directions are important, consultations indicate that the material in this clause is out of date. It was last analysed over five years ago and much has changed in that time.

In accordance with Practice Note Nos. 4, this clause should be a brief profile of the city rather than providing detailed strategic direction.

Consultations suggest an update of the background information, particularly census material. It is generally not used except for the Growth strategy plan (although it is difficult to read). Council has not always followed the growth strategy plan (eg Killara and Leneva) in terms of the land sequencing and in C82 at Leneva it rezoned land out
of sequence. More importantly, it appears that there is no strategic background framework for the Growth Plan anyway (other than a reference in the Explanatory Report for C57). The growth plan contains mixed messages. While some developers base economic decisions on the basis of the Growth Plan, planning staff don’t rate it highly.

Recommendation:

That Clause 21.01 be edited and replaced as the Municipal Profile.

Clause 21.02 Wodonga’s Vision for the Future

This Clause of one page provides a brief strategic land use vision for Wodonga. It is unclear where the vision came from (the former Council Plan?) and it appears unrelated to any strategic plan or map (including the Growth Strategy at 21.01). A ‘Vision’ is an important part of the MSS as it is the link between the Council Plan and the Planning Scheme.

It needs to be supplemented by a realistic Strategic Framework Plan which can provide a useful overview of the key land use themes in Wodonga. As well as updating the Growth Strategy plan where necessary, there is also scope to improve its legibility. A useful addition would be to include references to relevant strategies and policies that are found elsewhere in the MSS. For example, it could be used to identify issues such as the hillsides and environmental lands including vegetation and biodiversity, residential growth areas the central business area and activity centre hierarchy.

Consultations indicate that the clause is occasionally used in reports and VCAT submissions, but that, once again it needs to be updated to reflect the new 2013-2017 Council Plan and to include reference to the Health and Wellbeing Plan. Some suggested that its breadth needed to be expanded to include other ‘foundation’ Council documents such as Emergency Management Plans and the Leneva Valley and Baranduda NVPP.

Recommendation:

That Clause 21.02 be updated and reviewed with a new Strategic Framework Plan (to replace Figure 1) that spatially reflects the important land use directions for the City and includes the relevant features of adopted strategic work.

Clause 21.03 Context for the MSS

This Clause of 3 pages includes a long list of national, state, regional and local influences on the development of Wodonga. While interesting, the clause contains information that would usually be in a background document or, if important enough, be included in the Municipal Profile. It is rarely relied on by applicants or decision makers.

Consultations indicate that the clause is not relevant and is never used. The clause can be deleted and any relevant aspects of it included in a rebadged ‘Profile’.
Recommendation:
That Clause 21.03 be deleted with any relevant material included in Clause 21.01.

Clause 21.04 Profile of the City of Wodonga
This Clause of 3 pages effectively includes the Municipal Profile with considerable information on population, age, housing details, economic profile and physical profile.

While dated and lengthy, this sort of material is relevant at a high level and could be condensed into Clause 21.01 as the profile.

Consultations suggest that much of the material is quickly out of date and is rarely used or relied on. Staff suggested a better approach may be to devise a ‘hot link’ in the MSS or an electronic link. Some queried why the material was in the MSS anyway and that much of the material should stay in background reference documents.

Recommendation:
That Clause 21.04 be updated, edited, reduced and repositioned as the ‘Municipal Profile’ at Clause 21.01.

Clause 21.05 Strategic Issues
This clause of 4 pages relies on consultations undertaken about eight years ago and it identifies thirteen ‘Issues’ ranging from the thematic (Facilities and Presentation) to process (Albury Wodonga Corporation) to the specific (Wodonga Central Business Area) to implementation (Rural Land and Rural Residential Development).

While many of these issues remain relevant, consultations indicated the clause is of limited value with a high degree of overlap with other clauses (Eg 21.05-6; 21.11.02 and 22.09). The three Leneva documents are another example.

The detail in the clause needs to be reviewed, updated and redistributed into a new MSS structure.

Recommendation:
That the clause be deleted and its ‘Issues’ be distributed in a restructured MSS into their respective SPPF sub headings as ‘key issues’.

Clause 21.06 Key Strategic Principles
It is difficult to determine what this clause (of two pages) achieves that hasn’t (or couldn’t) be addressed in the preceding clause. Once again, there are elements of it that are relevant (although rarely used) that might be included in a restructured MSS as explicit ‘strategies’ under the appropriate SPPF heading. It is unclear where much of the material comes from.

Consultations were mixed on this clause. On the one hand, elements of it are used in reports and VCAT decisions although it is rarely used
as a basis for decision. Others think that some of its higher level directions help inform outcomes.

Recommendation:

That the ‘Principles’ be distributed in a restructured MSS into their respective SPPF sub headings as ‘strategies’.

Clause 21.07 Strategic Directions

This clause is no more than a one page ‘contents’ list for the rest of the MSS. It identifies the six issues that will be subsequently addressed. There is no need for the clause.

Recommendation:

That Clause 21.07 be deleted.

Clause 21.08 Regional Cooperation

This clause of 5 pages contains a framework plan for the development of the Albury Wodonga region and it also contains specific references to regional or ‘shared’ features including Gateway Island, regional parklands and waste management. “Strategic actions” and plans are provided for some (but not all) of these features. Notably, there are no objectives or means of implementation included in this clause (or any other clause).

Consultations indicate that it is never used although its references to Gateway Island are important given the importance of this issue. At the very least, the references to Gateway Island including removal of the Master Plan are required. Amendment C93 will update this aspect.

While elements of the clause remain important, they will need to align with the outcomes of the Hume Regional Growth Plan. Important elements should then be included in either the profile or under the most relevant SPPF headings.

Recommendation:

That Clause 21.08 be redistributed to the Municipal Profile and/or its most appropriate SPPF heading.

Clause 21.09 Environment and Natural Resources

The clause of 4 pages has a lengthy discussion on catchment management but contains no objectives or strategies. Embedded in the discussion are some ‘other actions’ and ‘implementation’ measures. By contrast, the discussion on Native vegetation, The Hills, Agriculture and Lake Hume all contain ‘strategic actions’ which contain mixtures of objectives, strategies, implementation, further strategic work and other actions.

Consultations indicate that while there is no issue with the detail of the material, its haphazard application makes it difficult to navigate and therefore implement. Aspects of it are used and Clause 21.09-2 justified the WRENS. Elements such as references to the 30m buffer on
waterways are also important. Others felt that while it justifies the use of zones and overlays, it doesn't really spell out clearly enough which of these will be used. Like elsewhere in the MSS, the implementation is poor. The clause uses very broad language that is open to interpretation such as ‘sustainability’ and ‘manageable’. Staff feel that the clause should be retained but made ‘more pointy’. Like other clauses, the clause contains a mix of policy, narrative, some actions, some directions and then some ‘filler’ words.

Recommendation:

That the clause be distributed in a restructured MSS into its respective SPPF sub heading as ‘overview’ ‘key issue’ ‘objectives, ‘strategies’ and ‘implementation’.

Attached at Appendix 2 is an example clause of a ‘policy neutral’ conversion of disparate parts of the existing MSS into a restructured and consolidated clause in a ‘policy neutral’ new MSS.

Clause 21.10 Future Urban and Residential Use

This lengthy clause of 14 pages purports to provide direction on the development of new residential estates within the municipality. It contains themes of “sustainable neighbourhoods”, Central Wodonga, Wodonga West, Huon Creek Valley, East Wodonga, White Box Estate, Leneva, Baranduda, North Leneva, Killara, Bonegilla, rural residential development and ‘a residential growth strategy’ (inclusive of an out of date lot supply table).

As noted elsewhere in the MSS, some elements contain ‘strategic actions’ which include mixtures of objectives, strategies, implementation, further strategic work and other actions. There are framework plans for Leneva, North Leneva and rural living areas.

Apart from repetition within the clause (and elsewhere), consultations suggest that much of the material is already dated including the Structure Plans which have been (or are being) overtaken by subsequent amendments.

As elsewhere, consultations queried where the material in the clause has been sourced. That said, the clause is of some assistance with some measures enshrined in legal agreements including contributions or provision of playgrounds and other social infrastructure, limits to retail floor space and contributions for physical infrastructure such as works to arterial road networks. The clause has been used as the basis for some decisions (including refusals) and it at least gives some strategic direction for each area. Staff feel the clause could be improved with a better Strategic Growth Area Framework Plan.

Recommendation:
That the clause be distributed in a restructured MSS into its respective SPPF sub heading or into a new ‘Local Areas’ section including an ‘overview’ ‘key issue’ ‘objectives, ‘strategies’ and ‘implementation’.

**Clause 21.11 Economic Development**

This clause of nine pages addresses both places and themes including Activity Centres, the Wodonga CBA, Tourism, Industry, Logic, Baranduda, Bandiana and Enterprise Park. Structure Plans are provided for the CBA, Logic and Enterprise Park.

Once again, some (but not all) elements contain ‘strategic actions’ which include mixtures of objectives, strategies, implementation, further strategic work and other actions.

Consultations suggest that while some of the material remains relevant (the activity centre strategy), other aspects of that same strategy are now dated such as the prescriptive floor area figures. The Wodonga CBA plan is now dated and is under review. Its use is limited and the zone on the land (CDZ) provides much greater direction. The Logic and Enterprise Park Structure Plans read more like zoning plans.

Consultations indicate that the clause is used a lot of the time and is also used by developers. The Activity Centre hierarchy is still well used although it is being reviewed especially as the recent zone reforms may have had an impact on the strategic intent of the hierarchy. Similarly, the Economic Development Strategy is being prepared in the next 12 months. There is a need for an industry update and clearly the new zones will have considerable impact. Staff felt that the references to the Enterprise Park (residential and industrial elements) are confusing especially with the local policy at Clauses 22.14 and 22.15.

**Recommendation:**

That the clause be distributed in a restructured MSS into its respective SPPF sub heading or into a new ‘Local Areas’ section including an ‘overview’ ‘key issue’ ‘objectives, ‘strategies’ and ‘implementation’.

**Clause 21.12 Infrastructure**

This clause of six pages addresses road, rail, water, waste water, development contributions and community facilities. Framework Plans are provided for roads and rail facilities.

The clause is more of a narrative of the infrastructure features of the city than it is a list of strategic actions. The clause cross references to a number of infrastructure reports, none of which are included in the list of Reference Documents at Clause 21.14.

There is a commitment to preparing a development contribution plan (or plans) but five years on there is no evidence that this has been commissioned.

Notably, there are no objectives, strategies, implementation, further strategic work and other actions identified.
Consultations again suggest that while some of the material remains relevant other aspects of that same strategy are now dated. For instance, the on-going relevance of Figure 13 – Albury Wodonga Facilities Upgrade seems questionable given that most of these works have now been completed. There is no mention of the adopted (2012) and well used Infrastructure Design Manual (IDM) nor is there a mention of the draft Integrated Transport Strategy. The clause needs references to Bike/Pedestrian networks (in the event that this strategy is supported by Council), public transport and stronger commitment to the issue of DCPs, especially in light of the the current Advisory Committee deliberations on this issue.

Recommendation:

That the clause be distributed in a restructured MSS into its respective SPPF sub heading including an ‘overview’ ‘key issue’ ‘objectives, strategies’ and ‘implementation’.

Clause 21.13 Social

This is a bit of a ‘grab-bag’ of social issues including housing, recreation, education, healthy city, health facilities, public transport, cultural and built heritage, arts and culture, indigenous heritage and equity of access.

The clause of four pages is also more of a narrative than it is a consolidated group of issues, objectives, strategies, implementation, further strategic work and other actions. With few exceptions, there is just a discussion of issues without any strategic actions. There are long lists of capital works programs and further strategic work items.

Consultations suggest that the clause is rarely used and that much greater direction on day to day issues (such as heritage) is needed. To some extent this gap is being filled by Amendment C97. Staff felt that ‘Healthy by Design’ material needed to be elevated and there was reference to the way this had been addressed in the Latrobe Planning Scheme under the heading of ‘Liveability’. Other than that, the clause contained ‘...a lot of motherhood stuff’.

Recommendation:

That the clause be distributed in a restructured MSS into its respective SPPF sub heading including an ‘overview’ ‘key issue’ ‘objectives, strategies’ and ‘implementation’.

Clause 21.14 Monitoring and Review

This clause was originally required by the Department but is no longer needed given the legislative requirement to review the planning scheme regularly.

Recommendation:
That the clause be deleted.

**Clause 21.15 Reference Documents**

The Practice Note Format does make provision for a stand-alone Clause for Reference Documents. This is a legitimate alternative to listing reference documents throughout the MSS in association with the discussion of the relevant issue. In Wodonga reference documents have been included in separate clauses and in a grouped section at Clause 21.15. Although either approach can be adopted, only one is needed so as to minimise unnecessary duplication.

More importantly, the list of reference documents at Clause 21.15 seems completely out of date with numerous documents dating to the early 1990’s and nearly all documents at least a decade old. For instance, the Leneva Structure Plan is the 1998 version and not the more recent version. This is a recipe for confusion.

As noted earlier, there are also other ‘reference documents’ that are littered throughout the MSS, local policies and schedules to overlays. This dispersed array of documents needs to be rationalised and included in the one clause.

An updated list of reference documents should ideally be included in a separate Clause in the MSS.

**Recommendation:**

That Clause 21.15 be completely updated.

Based on the above analysis of the relevance of the existing MSS, it is recommended that Clause 21 be restructured to align with the SPPF. The outcome of that restructure would, in the short term, be a ‘policy neutral’ MSS that simply reorganises the content of the existing MSS but in a more readable structure.

The ‘policy neutral’ MSS could be developed quite quickly (using Appendix 2 as a guide) and it would form the template into which adopted and commissioned strategic work would be inserted during 2014. For instance, everything dealing with the CBA would be repositioned, in the short term, into a new sub clause for ‘Activity Centres’ complete with objectives and strategies derived from the existing MSS. Once the CBA review is complete, the existing content would be replaced by the newly adopted content.

Therefore, the only role of the ‘policy neutral’ MSS would be in a structural sense. It is not anticipated that the ‘policy neutral’ MSS would ever be approved. But it is anticipated that it will be the template that would be exhibited as soon as some of the important and outstanding strategic work is completed during 2014.
6 ASSESSMENT OF CLAUSE 22 OF LOCAL PLANNING POLICY FRAMEWORK (LOCAL POLICY)

6.1 Content of the Local Planning Policies

The following is a brief commentary on the performance of the suite of local policies in the WPS based on consultations and analysis against ‘best practice’ examples used elsewhere.

Clause 22.01 Steep Land

This policy applies to land within the rural zones and evidently only applies to land that is already included in ESO2 and SLO1. It is an erosion risk policy that sets strict requirements for development.

The 1998 Panel fully supported the Council’s intention to protect the hillsides around Wodonga. The Panel also supported the mechanism by which Council proposes to achieve protection of the hills.

An effective ‘protection’ model was developed and presented to the Panel, which proposed to disallow any development which could be seen on the hillsides from existing and future urban areas. A less onerous form of control applies to elevated areas which do not have an outlook to existing and future urban areas. This second form of control effectively discourages prominent forms of development, emphasising careful siting arrangements for development. Both controls are applied through the use of overlays and while they do not prohibit development they will achieve Council’s objectives in protecting the hills.

The 1998 Panel required a policy to be prepared to clearly outline the context in which Council will assess applications affected by the hillside overlays. A guideline was also required to compliment the overlay controls which apply to the areas which do not have an outlook to existing or future urban land.

There is no issue at all with the principle behind the policy. However, consultations indicate that as the policy is already covered by the transparent overlay controls at ESO2 and SLO, the preferable approach would be to merge any of the important detail of the policy into the schedules of one (or both) of these overlays. It is rarely used because the overlays provide for a more appropriate VPP tool.

Recommendation:

That the policy be deleted and its contents absorbed into either (or both) ESO2 or SLO1.

Clause 22.02 Lake Hume Environs

This policy applies to land within the vicinity of Lake Hume and once again only applies to land that is already included in ESO2. It purports to control use and development and identifies building setbacks and effluent disposal offsets from Lake Hume.
As with Clause 22.01, there is no issue at all with the principle behind the policy, however as the policy is already covered by the transparent overlay controls at ESO2 the preferable approach is to merge any of the important details of the policy into the schedule of ESO2. Evidently, the policy is rarely used because the overlay provides for a more appropriate VPP tool.

Staff and stakeholder consultations also suggest that further work is needed to extend the ESO closer to the lake so that it covers more than just the hills. Alternately, the ESO could be extended so that it covers the area within 200m of the lake. The guidelines for residential development and subdivision in potable water catchments also need to be included.

Recommendation:
That the policy be deleted and its contents absorbed into ESO2.
That ESO 2 be expanded to include land adjacent to the high water mark of Lake Hume.

Clause 22.03 Sheds and Outbuildings

This is evidently an old policy that applies to both rural and residential zones. The policy hopes to control the erection of sheds and outbuildings in both situations however the reality is that in many instances, no planning permit will be required, especially in the Residential 1 zone. Staff believe that the policy should be deleted but that if there is a specific reason to control sheds then this should be more localised and implemented by an appropriate overlay.

Recommendation:
That the policy be deleted.

Clause 22.04 Subdivision and Housing on Small Lots in the Rural Zones

This is an important local policy that applies to the Farming Zone and the Rural Conservation Zone. The policy purports to give direction to the discretion in the zones for small lot subdivision and for dwellings in rural areas. This is a recurrent issue in most rural areas although it seems less of an issue in Wodonga than elsewhere. While retention of the policy is appropriate, recent changes to the suite of rural zones (especially in relation to Section 173 legal agreements; and the wider scope for discretionary uses) will necessitate a more fundamental review of the policy as the use, development and subdivision provisions of the modified Farming Zone are different to the former zone.

Recommendation:
That the policy be retained but that it be reviewed in light of new rural zones brought in by Amendment VC103.

Clause 22.05 No Content
This policy was evidently deleted in Amendment C57 and has ‘no content’. Evidently its ‘place’ in the suite of policies will be taken by a new heritage policy as part of Amendment C97.

**Clause 22.06 Urban Design along Main Roads**

The policy applies to all land with frontage to a Road Zone (category 1 and 2) and it purports to address urban design issues so as to ensure that city presentation is improved.

The policy is rarely used as there are many instances (especially Residential 1 land) where no permits are required. In the event that there are specific locations that require a tailored urban design response on main roads, then a Design and Development Overlay is a more transparent tool that could be applied.

*Recommendation:*

That the policy be deleted and the issue be reflected in the MSS.

**Clause 22.07 Streetscape Character – Beechworth Road**

This another ‘urban design’ type policy that applies to a specific area on either side of Beechworth Road within the built up area of Wodonga. Once again, it hopes to ensure that city presentation is improved.

As with Clause 22.06, the policy is rarely used as there are many instances (especially on Residential 1 land) where no permits are required. If the issue is important enough, then a DDO should be applied as this will trigger a permit and objectives and decision guidelines can be identified.

*Recommendation:*

That the policy be deleted and be reflected in the MSS. In the event that there is a demand for a control, then a Design and Development Overlay or a Neighbourhood Character Overlay could be applied.

**Clause 22.08 Industrial Land Use and Development**

This policy is presumably meant to apply to land within one of the industrial zones although in reality it applies to the ‘development of land for industrial purposes’. This term is not defined and strictly speaking the policy may have wider application than an industrial zone.

The policy addresses the presentation and appearance of industrial development and deals with setbacks, storage space, material, finishes and even interface issues with residential areas.

There will be numerous occasions where the policy will not be activated in the event that building and works do not need permission. As elsewhere in the Wodonga scheme, consideration should be given to triggering a permit via a DDO or similar.

*Recommendation:*
That the policy be deleted and that the issue of the presentation of industrial areas be reflected in the MSS. In the event that there is a demand for a control, then a Design and Development Overlay could be applied to all land within an Industrial zone.

**Clause 22.09 Wodonga Central Business Area**

This policy represents at least the sixth attempt in the LPPF to influence the development of the Wodonga CBA (on top of 21.05, 21.06, 21.11, CDZ, B1Z etc). The policy addresses urban design and car parking and purports to implement the 2003 and 2007 CBA plans.

Given that a CDZ now covers much of the area in the policy, it is unclear what the CDZ doesn’t do (or couldn’t do) that this policy tries to do.

It already applies to a CDZ1 area and there is scope in the CDZ schedule to articulate any requirements.

It is noted that there is also scope to apply a Parking precinct plan to address car parking issues in the CBA. As this is such a critical local issue, any further strategic planning for the central area must be co-ordinated with the review of parking controls.

The issue of the CBA is endlessly dealt with as a MSS issue and it is covered in detail in Clauses 21.05 and 21.11.

**Recommendation:**  
That the policy be deleted. If (as is likely) the issue of car parking remains critical then a parking precinct plan could be applied.

**Clause 22.10 Residential Requirements**

This is another example of a policy that is already well represented in the discussion in the MSS (see 21.10 etc). The policy essentially addresses infrastructure requirements in the suite of residential zones notwithstanding that the extensive use of Development Plan Overlays (with 19 schedules); the recent adoption of the Infrastructure Design Manual; and the presence of Clauses 54, 55 and 56, adequately cover these issues.

The reason for the policy has expired and it can be removed.

**Recommendation:**  
That the policy be deleted.

**Clause 22.11 Hume Highway Environs**

This policy was inserted into the original Wodonga Planning Scheme at the behest of Vicroads in 1998. A similar policy applies along much the length of the Hume Freeway. The policy applies to land within 100m of the Hume Freeway and it addresses acoustic and setback issues.

Recent advice from Vicroads (and as put to Planning Panel at Strathbogie and Mitchell – Amendment C87) is that Vicroads no longer
require the policy and that if it does seek a specific control, then a DDO could be applied.

*Recommendation:*

That the policy be deleted. In the event that there is a demand for a control, then a Design and Development Overlay could be applied.

**Clause 22.12 Local Shop Groups**

This policy only applies to local shops in the Wodonga urban area that are within the MUZ. Evidently, it applies to about eight sites or groups of shops that play a local convenience role.

The policy tries to address ‘use’ issues and limits offices to 120m². It discourages industrial uses and also purports to limit retailing to convenience shopping. The origins of the policy are unclear and in practice much of its detail is irrelevant as many of the controlled issues do not need a permit.

At best this is an MSS issue although its whole basis must be questioned, especially in light of the activity centre policy and the new commercial and residential zones that are more liberal than ever before for small scale commercial uses.

* Recommendation:*

That the policy be deleted.

**Clause 22.13 Leneva**

As with the CBA, Leneva is endlessly dealt with as an MSS issue and it is covered in detail in Clauses 21.05 and 21.10-8. While the policy applies to and seeks to implement the LSP, this is already achieved by the MSS and by much better and more transparent zones and overlays.

*Recommendation:*

That as this is an MSS issue, the local policy be deleted.

**Clause 22.14 Wodonga Enterprise Park (MUZ)**

As with the CBA and Leneva, the Enterprise Park is also repeatedly dealt with as an MSS issue and it is covered in detail in Clauses 21.05 and 21.11-07. The policy applies to land within the MUZ and it seeks to implement a local structure plan. It tries to give direction on land uses and floor area limits.

VCAT has recently commented on the appropriateness of the policy (see Section 9 - *North East Investments Victoria Pty. Ltd. v Wodonga CC* [2013] VCAT 935) and it clearly sees scope to refine or delete it.

The policy is, or can be adequately addressed by the MSS and by much better and more transparent zones and overlays.

*Recommendation:*

That as this is an MSS issue, the local policy be deleted.
**Clause 22.15  Wodonga Enterprise Park (Industrial)**

This is a companion policy to Clause 22.14 and it addresses Industrial 1 zone in the Park. It seeks to ensure that use and development is in accordance with guidelines for the Park. There is a high degree of overlap with Clause 22.14.

The policy is, or can be adequately addressed by the MSS and by much better and more transparent zones and overlays.

*Recommendation:*

That as this is an MSS issue, the local policy be deleted.

**Clause 22.16  Logic Distribution centre**

This local policy applies to one of the most important projects within Wodonga at the ‘Logic’ freight centre.

The freight centre is already an MSS issue (at Clause 21.11-05) and it has a new zone applied (C2Z) over about 114ha of land previously zoned B4Z and which now needs reviewing in light of recently changed provisions (2013). The policy applies setbacks, access requirements, landscaping and stormwater treatments. In the event that permits are not required (as will often be the case) the policy will be irrelevant.

The policy originally applied to the B4Z but this has now been subsumed by the Commercial 2 zone with a greater scope of discretionary uses. As with other recent changes, either the zone selection needs to be reviewed, or local policies need updating to reflect the expanded list of discretionary uses.

*Recommendation:*

That the policy be deleted and its important elements included in the MSS. In the event that there is a demand for a control, then a Design and Development Overlay could be applied.

**Clause 22.17  Public Open Space**

While this local policy addresses a very important issue, it is demonstrably the wrong tool to use to seek to deliver on its objectives.

This is clearly an MSS issue that is, or should be derived from a comprehensive open space strategy. Once adopted, the appropriate method of implementation is to apply a level of contribution in the schedule to Clause 52.01. Notably, Amendment C57 has applied a 5% figure in the schedule to Clause 52.01 and this is the preferred approach.

*Recommendation:*

That the policy be deleted. In the event that an Open Space Strategy justifies a modified level of contribution, then that level of contribution must be included in the Schedule to Clause 52.01.

**Clause 22.18  Seniors Housing and Aged Care**
This local policy addresses another important issue although its basis is unclear. It is seemingly derived from an undated Options Paper. It is unclear if that paper has ever been adopted by Council.

That said, the issue is clearly one for Council to have an MSS position on, presumably in a restructured Clause 21.07 which addresses ‘housing’ issues.

Recommendation:

That the policy be deleted and be repositioned into the MSS.

**Clause 22.19 White Box Estate Mixed Use Zone**

As with numerous other policies (CBA, Leneva, Enterprise Park etc), White Box is also repeatedly dealt with as an MSS issue and it is covered in detail in Clauses 21.05 and 21.10. It is also addressed by DDO6 and DPO11. The policy applies to land within the MUZ and it seeks to implement a development plan. It tries to give direction on land uses (especially industry and warehouses) as well as car parking, built form and character.

The policy is, or can be adequately addressed by the MSS and by much better and more transparent zones and overlays.

Recommendation:

That as this is an MSS issue, the local policy be deleted.
### 7 Assessment of Consistency of SPPF and LPPF

Having analysed the performance of the LPPF, this section of the report provides an overview of the consistency between the state and local sections of the Wodonga Planning Scheme.

The following table highlights the key elements of the SPPF and the corresponding references in the Wodonga LPPF. It identifies any inconsistencies between the two and any actions that would improve the performance of the LPPF in implementing the SPPF.

<table>
<thead>
<tr>
<th>SPPF Theme</th>
<th>LPPF References</th>
<th>Comment</th>
<th>Further Action</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Clause 11 Settlement</strong> – provides the settlement pattern vision for Victoria and gives direction to the location and form of urban settlement</td>
<td>Clause 21.01 Clause 21.04 Clause 21.05 -13 Clause 21.06 - 1 Clause 21.10 Clause 21.13 Clause 22.10 Clause 22.13 Clause 22.19</td>
<td>The LPPF is broadly consistent with the general themes in the SPPF in terms of identifying a sufficient supply of land for urban development.</td>
<td>As can be seen by the numerous references, it is difficult to distil a clear message from the LPPF. Update to reflect adopted strategic work.</td>
</tr>
<tr>
<td><strong>Clause 12 Environmental and landscape values</strong> – provides direction to the protection, conservation and</td>
<td>Clause 21.01 Clause 21.05 - 8 Clause 21.05 -11 Clause 21.06 - 3 Clause</td>
<td>Once again, while the LPPF is generally consistent with the SPPF, it has not been updated to reflect more recent strategic work. Overall though, there is plenty of direction</td>
<td>Update the LPPF by including more contemporary ‘environmental’ material.</td>
</tr>
<tr>
<td><strong>SPPF Theme</strong></td>
<td><strong>LPPF Reference</strong>s</td>
<td><strong>Comment</strong></td>
<td><strong>Further Action</strong></td>
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<td>sustainable management of Victoria’s environmental and landscape assets.</td>
<td>21.09 - 2 Clause 21.09 - 3 Clause 22.01 Clause 22.02</td>
<td>provided although this is not always easy to find.</td>
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<tr>
<td><strong>Clause 13 Environmental risk</strong> – provides direction for the management of man-made and naturally occurring environmental risks</td>
<td>Clause 21.01 Clause 21.09 - 5 Clause 22.01 Clause 22.02</td>
<td>The LPPF is strong on hillsides and erosion but there is only limited references to flooding and bushfire. There is scope to refine the coverage of some of the environment controls.</td>
<td>The extent of some of the environmental risk controls should be reviewed especially in light of updated flood and bushfire material.</td>
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<tr>
<td><strong>Clause 14 Natural resource management</strong> – provides direction to the sustainable use and management of natural resources which support and foster economic growth.</td>
<td>Clause 21.01 Clause 21.05 - 10 Clause 21.08 - 2 Clause 21.09 - 1 Clause 21.09 - 4 Clause 21.10 - 12 Clause 22.03 Clause 22.04</td>
<td>Despite the extensive references, and while the LPPF is consistent with the SPPF particularly in regard to protecting agricultural land, it contains a lot of material that either repeats the SPPF or elements of the Farming Zone.</td>
<td>The references to agriculture should be reviewed to remove any unnecessary repetition. There is scope for further strategic work and changes to the WPS especially in light of the modified rural zones.</td>
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<tr>
<td><strong>Clause 15 Built</strong></td>
<td>Clause</td>
<td>The LPPF is broadly</td>
<td>Despite the extensive references (and</td>
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<td><strong>SPPF Theme</strong></td>
<td><strong>LPPF References</strong></td>
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<td>environment and heritage – provides direction to the design of buildings and places and the protection and conservation of cultural heritage values.</td>
<td>21.01 Clause 21.05 – 5 Clause 21.06 Clause 21.13 Clause 22.06 Clause 22.07</td>
<td>consistent with the SPPF and it is clear that ‘urban design’ remains an important local issue. While there is only very limited reference to heritage, Council is currently preparing to implement the Wodonga Heritage Study (Amendment C97).</td>
<td>controls) there needs to be stronger emphasis with clearer planning controls on the issue of built form and urban design in the LPPF.</td>
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<tr>
<td><strong>Clause 16 Housing</strong> – provides direction to the provision and diversity of housing.</td>
<td>Clause 21.01 Clause 21.05 - 9 Clause 21.13 Clause 22.18</td>
<td>The LPPF generally complements the SPPF, although it contains a lot of material that repeats the SPPF provisions relating to housing issues.</td>
<td>There is clearly a need to update the housing references to reflect the changes in the residential, mixed use and low density residential areas. Other elements could be reviewed to remove any unnecessary repetition.</td>
</tr>
<tr>
<td><strong>Clause 17 Economic development</strong> – provides direction to transport planning and development.</td>
<td>Clause 21.05 - 6 Clause 21.06 - 6 Clause 21.11 Clause 22.08 Clause 22.09 Clause</td>
<td>At a broad level, the LPPF complements the SPPF, but it is presented in such a dispersed manner that it is difficult to determine a clear strategy.</td>
<td>The LPPF should be updated by including more contemporary ‘economic development’ material, especially in the CBA and in activity centres. More local policy guidance could be provided to complement the wide discretion in the new</td>
</tr>
</tbody>
</table>
This analysis indicates that the SPPF and LPPF are broadly consistent, although it is noted that the SPPF has been more regularly reviewed, updated and revised than the LPPF. The SPPF also provides more policy guidance on some issues than the LPPF, reflecting that the LPPF is dated and, in some respects, only provides a superficial coverage of issues.

The apparent weaknesses in linkages between the SPPF and the LPPF include:

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<tr>
<th>SPPF Theme</th>
<th>LPPF References</th>
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<th>Further Action</th>
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<tr>
<td>Clause 22.14 Clause 22.15 Clause 22.16</td>
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<td>commercial and industrial zones.</td>
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<td>The LPPF is a bit ‘light on’ on transport issues (other than identifying key items).</td>
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<td>The Hume Freeway policy is no longer required and some references to road and rail infrastructure has been completed. Increased references to ‘freight’ are needed.</td>
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<tr>
<td>Clause 19 Infrastructure – provides direction to the planning and development of social and physical; infrastructure.</td>
<td>Clause 21.01 Clause 21.06 - 5 Clause 21.08 - 3 Clause 21.08 – 4 Clause 21.12 Clause 22.11 Clause 22.17</td>
<td>The LPPF generally complements the SPPF</td>
<td>It is noted that Council has now adopted the Infrastructure Design Manual and is committed to preparing a Development Contribution Plan and Overlay to fund infrastructure.</td>
</tr>
</tbody>
</table>
• The LPPF needs to be updated to reflect recent and future initiatives relating the recently adopted (or commissioned) work for growth areas such as Leneva and the Wodonga CBA area. In that sense, the LPPF is already dated in a strategic sense and gives little meaningful direction.
• Despite having Framework Plans for some issues and areas, some of these plans are seemingly also dated and are of limited value.
• Further analysis of catchment, waterway and groundwater issues may be required to determine the need for better coverage of issues and to ensure consistency with the modified RCS.
• Clearly articulate heritage as an issue and justify the use of the HO.
• Review the subdivision and housing policies for the agricultural areas in light of the modified state rural zones.
• Review the list of discretionary uses in commercial and industrial areas in light of the modified state industrial and commercial zones.
• Review the list of discretionary uses in residential areas in light of the new state zones.
• A lack of infrastructure linkages emphasising the need for Council to explore the potential for Development Contribution Plans
• The WPS could apply more transparent VPP tools to better implement elements of local policy such as rural, environmental, design and landscape issues.
• The LPPF is structurally inconsistent with the SPPF.

Recommendation:
That the LPPF be reviewed to ensure that it is consistent with the SPPF.
8 ASSESSMENT OF ZONES, OVERLAYS AND OTHER PROVISIONS

This section of the report provides an overview of the selection and application of zones, overlays and particular provisions in the Wodonga Planning Scheme.

8.1 Zones

The WPS applies 18 zones with 16 schedules.

Key features of the zones include:

- All of the zones (other than the Road Zone) have attached schedules. These schedules vary widely in complexity. The standard “default” schedules are used in the Residential 1, Residential 2, Low Density Residential, Mixed Use, Township, Industrial 1, Public Park and Recreation and Public Conservation Resource zones (“none specified”).

- There are specifically tailored schedules applied to the Commercial 1, Farming, Rural Living, Rural Conservation and Public Use zones to specify a range of requirements.

- There are also two specifically tailored schedules for the Special Use Zone dealing with Gateway Island and the Golf Course.

- There is one schedule to the Comprehensive Development Zone for the Wodonga Central Area.

- There is one schedule to the Urban Growth Zone but as yet there are no Precinct Structure Plans referred to in this schedule.

Consultation feedback from officers, community representatives, agencies and stakeholders has revealed that while the zone selection remains generally appropriate, the zone schedules typically need review, particularly in terms of permit exemptions. As an example, the Rural Living Zone schedule needs lot descriptions updated as they reflect parent lots as described and not current lot descriptions.

It seems that the zones in the WPS were rolled out as a ‘best fit’ translation over a decade ago. While they remain generally appropriate, there are some notable inconsistencies and anomalies.

The most notable zone change that will soon be needed relates to the introduction of the new suite of residential, rural, commercial and industrial zones. While most have already been translated (with only the residential zones pending in July 2014), the details of the zones may require their selection to be revisited.

8.2 Issues and Gaps - Zones

The major issues and gaps to emerge from the review of the zones and schedules are discussed below.

Rural zones
The rural zoning regime (including the Farming Zone, the Rural Living Zone and the Rural Conservation Zone, together with the relevant LPPF rural provisions) is not based on a contemporary analysis of the Shire’s rural areas and is a straight translation from the former schemes, inclusive of varied lot sizes. Given the passage of time and changes in farming practices these provisions may no longer be relevant or appropriate.

For instance, there is use of the default 40ha minimum lot size without any assessment of its appropriateness. By contrast, there is a more tailored approach to the minimum lot sizes in the RLZ, presumably based on research and growth framework plans and the provision of services.

There are a number of ‘curious’ examples of remnant land within urban areas being retained in the FZ (next to Link Road etc). This needs to be reviewed.

While a Rural Areas Review was the subject of some discussion, consultations suggest there may be a pressing need to bring this work forward because of the introduction of the significantly varied provisions in the new rural zones introduced as part of VC103. Any review should include a detailed analysis of the application and use of the suite of rural zones. There is also a need to address ‘rural living’ issues in the Farming Zone including the number of small lots that are available, the number of existing houses and the potential for further houses and excisions.

The Rural Activity Zone (RAZ) is clearly now a candidate for selection and this could be applied.

Residential zones

The RIZ is applied to most areas other than a small area of R2Z for Leneva. The Minister introduced three new residential zones in July 2013. The three zones (or a combination thereof) will replace the existing zones by mid 2014 unless Council has introduced them beforehand.

A housing strategy and review of land supply and demand will be required to assist in the interpretation of the new zones to ensure that the application of any new residential zone is a more tailored fit for Wodonga.

Industrial zones

The Minister introduced three modified industrial zones in July 2013. The three zones have already replaced the existing zone (Industrial 1) in a direct translation that should be reviewed as to the on-going relevance of that zone. There may be some scope for the use of a different Industrial zone at West Wodonga where residential interface issues have potential for conflict. This is currently shown in figure 11 of the LPPF.
8.3 Overlays

The WPS applies 12 overlays with 42 schedules. Key features of the overlays include:

- All of the overlays have at least one attached schedule which vary in complexity.
- Unlike the zones, the roll out of most of the overlays has occurred since the introduction of the new format planning scheme in 1999. Most of the overlays are of more recent origin. Despite modifications, many of the overlays and their schedules require review and further work including possible deletion, exemptions, map changes and the like. This is particularly the case for the LSIO, DDOs and the earlier DPOs.

8.4 Issues and Gaps - Overlays

The major issues and gaps to emerge from the review of the overlays and schedules are discussed below.

Permit exemptions

- Some of the overlay schedules do not provide any meaningful exemption provisions (e.g. the LSIO and SLO) meaning that in some cases, nearly all buildings and works require a permit. It is possible that unnecessary applications have been triggered by the network of overlays with inadequate exemptions. In the context of the recent state initiatives to streamline the planning process and remove unnecessary permits, it appears that Council could minimise applications by including some realistic exemptions.
• There is a very confused approach to Section 52 and Section 55 referrals and notices in the schedules to the overlays. There are examples of referrals/notices in permit requirements (DDO1), decision guidelines (SLO1, ESO1, DPO10) or explicit referral clauses (ESO3). In addition, the referrals and notices do not align with the schedules to Clause 66.04 and 66.06.

Environmental and Landscape Overlays

• Submissions from agencies, staff and stakeholders identified the need for an expanded regime of environmental and landscape overlays (such as the VPO, SLO and ESO). Candidate sites include a rationalised regime for the hillsides around Wodonga and those nominated by DEPI as having high EVC significance. Other possible candidate sites and areas, such as waterways, have also been nominated by agencies and are worthy of investigation.

• The VPOs are probably the most sophisticated of all of the overlay controls and they contain references to outside documents. These documents need to be included in Clause 21.15.

• SLO1 overlaps with ESO2 (and the RCZ) and there is scope to rationalise these.

• The EAO is not used and this must at least be applied to all land identified on the EPA list of contaminated sites.

• The EPA has designated a 500m ‘methane separation distance’ from the former Wodonga Tip and while this is mapped it is not reflected in any planning control. Based on experience elsewhere, the ESO is the most commonly used VPP tool to control this issue.

• It is noted that monitoring is currently being undertaken at the former tip at a distance of 250m from the boundary. If the environmental audit clears and authorises, there may be scope to reduce the separation distances although a decision on this is not expected until July 2014.

Heritage and Built Form Overlays

• Various submissions advocated the possible over-use of the Design and Development Overlay for issues already addressed (such as DDO4 for Elgin Bvd compared with CDZ1) and at White Box Rise.

• There is a need to update the Heritage Overlay to reflect Amendment C97 which is due to be finalised by a Panel in late 2013 or early 2014.

• Consultation identified a need to investigate whether all (or any) of the overlays could be updated to include an assessment of energy efficiency issues.

Land Management Overlays
The Bushfire Management Overlay (BMO) was most recently updated by Amendment VC100 in 2013. The mapping for all wildfire areas is being reviewed at the state level after ‘Black Saturday’, and it is expected that it will be rolled out in the coming months. There is confusion among stakeholders about the translation of the WMO to the BMO and particular confusion about issues such as buffer distances and ‘defendable space’.

Modified flooding overlays are expected to be prepared soon by Council and the North East CMA which would clear up present confusion about what constitutes a waterway.

Specific Issues with Overlays

The Development Plan Overlay has been extensively applied to all developing residential land. The overlay has 19 schedules with a wide range of detail provided. The Overlay was the subject of the most extensive comment during consultations.

There is frustration that developers are reluctant to incorporate many of the fundamental ‘Health and Wellbeing’ type provisions in their estate planning. Accordingly, it was suggested that DPOs needed to be modified to incorporate ‘healthy by design’ principles.

The combination of the DPO requirements and the use of legal agreements at Section 173 of the Act are seen as onerous and it was referred to as ‘death by a thousand cuts’.

Every minor change to an approved Development Plan (DP) requires an amendment and so this delays development. Stakeholders were firmly of the view that the DP and its overlay should be much ‘higher level’ that identifies strategic imperatives. Instead it is being used to micro-manage development even down to house designs. This is not what a DPO should be involved with, according to submitters.

So as to avoid layers of control, once an estate has been developed in accordance with its Development Plan, then the usual practice is to delete the overlay from the land.

There may also be a need for sunset clauses for Section 173 agreements so that they can be removed rather than live in perpetuity.

The IDM introduces another layer of control/confusion into the DPO debate and inconsistencies emerge. While the IDM is a good engineering document, consultations suggested it is onerous for planning when used in context with a DP.

It was common ground that the Development Contribution Plan Overlay is urgently needed.

Reference Documents
• A number of overlay schedules identify a list of reference documents that have informed the detail of the schedule (VPO1,2,3 and 4; DDO 4,5,8 and 9, DPO10 etc). Notably, not one of these documents is included in the list of Reference Documents in the MSS at Clause 21.15.

### 8.5 Particular provisions

There are eleven opportunities in Clause 52 of the WPS for Council to specify local variations to the Particular Provisions.

Key features of the particular provisions include:

• Council has not taken the opportunity to include local content in some of these schedules with the term “none specified” being applied in about half of the schedules.

• Exceptions include the schedule to Clause 52.01 (Public Open Space) which identifies a 5% contribution in all residential zones and Clause 52.03 (Specific Sites and Exclusions).

• Other exceptions include the schedule to Clauses 52.16 (Native Vegetation Precinct Plan) and 52.17 (Native Vegetation) which identifies area plans that are in place and where native vegetation removal is exempt.

• The other significant exception is the schedule to Clause 52.28-3 (Gaming) where the Wodonga Plaza and Birallee Shopping Centre are listed to prohibit ‘gaming’ machines.

• A more recent addition is Clause 52.32 which enables a Council (or the state) to identify an area where a wind energy facility is prohibited. Amendment VC82 (August 2011) included all land 5kms of the urban area of Wodonga in the schedule to this clause.

### 8.6 Incorporated Documents

There are nine ‘local’ documents listed in the Schedule to Clause 81.01. There are no apparent issues with these documents that need to be addressed.

### 8.7 Referral of permit applications

Clause 66.04 (Referral) and Clause 66.06 (Notice) enable a Council to itemise referral and notice arrangements triggered by local provisions. Clause 66.04 only provides a reference to Clauses 22.04 and 37.02 (Schedule 1) while Clause 66.06 has ‘none specified’.

As already noted, numerous overlay schedules require referral under Section 55 of the Act. The schedules to Clauses 66.04 and 66.06 are therefore incorrect and will need to be modified.

Unlike other schemes (see Campaspe, Mitchell etc) there are no agreements between Council and any agency specifying exemptions and conditions within any Overlays.
Based on discussions during consultation, there is some scope to utilise similar protocols and agreements to exempt either permits or referrals that are triggered by the various overlays. For instance, Goulburn-Murray Water has suggested extensive exemptions for dwelling extensions, sheds and outbuildings in the rural areas. Flooding agreements between Council and the CMA are also quite common.

Council is currently reviewing the scope of agreements with referral authorities in order to streamline planning processes.

**8.8 Issues and gaps – Particular and General Provisions**

The major issues and gaps to emerge from the review of the Particular and General Provisions relate to the inadequate apportionment of referral and notice responsibilities.
9 ASSESSMENT OF VCAT DECISIONS AND PANEL REPORTS

This section of the report provides an overview of the important outcomes of decisions of the Victorian Civil and Administrative Tribunal (VCAT) and Planning Panels Victoria (PPV) and their relevance to the review of the performance of the Wodonga Planning Scheme.

9.1 Victorian Civil and Administrative Tribunal decisions

A review of relevant decisions of the Victorian Civil and Administrative Tribunal (VCAT) has been undertaken. Some relevant features of those decisions which may have implications for the WPS are discussed below.

Issue – Subdivision/Legal Agreements

Middle Creek Properties Pty.Ltd. v Wodonga CC [2013] VCAT 258

Permit 2007/180/A allows a staged 293 lot residential subdivision with 14 development parcels and construction of a single dwelling on all lots contained within the Wildfire Management Overlay. The permit was issued on 16 June 2008. It was amended on 14 May 2010 to extend the expiry date. Condition 20 (as amended) reads that the permit will expire if one of the following circumstances applies:

a. The plan of subdivision for the first stage is not certified by 16 June 2012 being four (4) years from the date of this permit.
b. The subdivision is not completed within seven (7) years of the date of certification of the plan of subdivision for the first stage.

The land is subject to a section 173 agreement entered into when the land was rezoned to residential. The agreement includes a covenant for the owner to transfer part of the land, known as the Bears Hill Land, to the council at no cost within 5 years of the date of execution of the agreement. A Development Plan Overlay applies to the subject land. There is also an approved development plan under the overlay. The permit, which was issued for the subject land on 16 June 2008, is generally in accordance with the development plan.

The VCAT decision turned on the interpretation of condition 20 of the permit, in particular condition 20(a), which provides that the permit will expire if the plan of subdivision for the first stage is not certified by 16 June 2012 being four (4) years from the date of this permit.

The applicant said that the certification of Plan of Subdivision PS705739 (the Reserve Plan) constituted the ‘first stage’ of the subdivision. Consequently, it says that as this plan of subdivision was certified before 16 June 2012, the permit has not expired.
Council said that upon properly interpreting condition 20, the use of the term ‘first stage’ has the same meaning as the term ‘Stage 1’ in the permit. Further, it says the certification of the Reserve Plan was merely an incidental step in the subdivision approved under the permit and did not constitute a stage of the subdivision within the meaning of the permit and as shown on the development plan.

VCAT agreed with Council that the use of the term ‘first stage’ in condition 20 is ambiguous having regard to the permit itself. Other than referring to ‘Stage 1’ or the ‘first stage’, the permit does not define what is the ‘first stage’ (or ‘Stage 1’ or what land these terms relate to.

VCAT concluded that the permit should not be extended. The changes to the planning controls and planning policy regarding bushfire protection mean that a permit in its current form would not now be granted in the event that a fresh application was made. Where the protection of peoples’ lives and properties is at stake, VCAT considered that it is appropriate to reassess the subdivision proposal.

The decision raises issues including the importance of clarity in permit conditions and the relevance of recent changes to the planning framework (in this case the bushfire provisions.)

*Kiene. v Wodonga CC [2008] VCAT 59*

This was an application for review against Council’s refusal to grant a permit for a four lot subdivision at 21 John Boyes Drive, Baranduda. The review site has an area of 5.386 hectares and is located in the Valley Views Estate southeast of Wodonga along the Kiewa Valley Highway.

The land has a frontage to the Kiewa Valley Highway to the west, John Boyes Drive to the south and Violet Grange Road to the east. Access to the review site is via John Boyes Drive and a two storey dwelling exists in the southeast corner of the property.

VCAT noted that the Valley Views Estate was created in June 2000, as part of stage 1 of a large subdivision of the area. Stage 1 comprised of ten lots that were subdivided with areas between three and six hectares. A balance lot of 183 hectares bounded by John Boyes Drive, Chappells and Whytes Roads was left for future further subdivision. The large parcel was subsequently subdivided in stages over a number of years by the Albury Wodonga Development Corporation (‘AWDC’). Each lot was created essentially as ‘mega lot’ capable of further subdivision at a later stage.

A master plan had been developed by the AWDC and approved by Council, to direct and manage the eventual further subdivision of the entire estate for more intensive residential allotments once reticulated sewerage services were available to the estate. This it was intended to
occur not before 1 January 2015. A number of the allotments in the original subdivision and most of the allotments in the later subdivisions are all encumbered with a section 173 agreement which limits further subdivision until 2015, when it was anticipated that reticulated services would be provided to the estate. Building envelopes were identified so as not to compromise the possible future subdivision generally in accordance with the development plan.

The proposal was essentially a subdivision of the existing land into four lots ranging in size from a minimum of 1.25 hectares to a maximum of 1.47 hectares with the average lot size being 1.34 hectares. Lots 1, 2 and 4 each have direct abuttal to an existing road while lot 3 is proposed to be accessed by a battle axe arrangement with a ten metre frontage to Violet Grange Road.

It transpired that the section 173 agreement was signed by all parties but was not subsequently attached to the titles of all the lots subdivided. This was evidently a processing error, which Council had since tried to rectify. However there are still a number of allotments where the section 173 was still not attached. The review allotment is one of those allotments where the section 173 is not on title.

Council suggested that even though the agreement was not attached to the title, it was somehow binding upon future owners. VCAT indicated that it must only take the planning scheme and the planning controls as it finds them at the time of the consideration of the application. It acknowledged that a Section 173 Agreement is not on this title and therefore does not bind this owner to any of the requirements of the S173 agreement. Notwithstanding that, the issues of neighbourhood character and subdivision size are relevant matters for the Tribunal to consider and I shall do those in the balance of these reasons.

The Tribunal referred to the ‘dichotomy’ that exists between the planning scheme policies and the zone. VCAT concluded that the planning policy is there to provide a framework to assist with decision-making. However the zone controls offer the pre-eminent discretion in terms of what is permissible and not permissible. The policies seek to make decision-making able to be executed in a consistent manner.

This decision is noteworthy for the importance of implementing legal agreements and on the weight to be given to zones in preference to policy. (See also Wodonga CC v. Kiene [2009] VCAT 81)

Wingad. v Wodonga CC [2009] VCAT 373

This matter involved two proceedings being a five lot subdivision of 29 Kingston Road Baranduda and a 3 lot subdivision at 54 Kingston Road Baranduda. The key issues for the Tribunal were:

- a threshold issue of whether there is adequate strategic planning policy support for the proposed subdivision; and
The decision is notable for its discussion of strategic planning especially Amendment C57.

While Amendment C57 did not introduce wholesale changes in strategic direction, the amendment did introduce subtle but important changes to the strategic direction, particularly relating to the management and supply of residential land, according to VCAT. The specific references to the Valley Views Estate currently found in the MSS originate from Amendment C57. The critical aspect of Amendment C57 relevant to the VCAT proceedings was the Panel's recognition of the strategic issues and zoning anomalies facing Council within the Valley Views Estate. VCAT analysed the Panel report which recognised the threat of further premature fragmentation of the Estate. The Panel recommended that Council amend the Planning Scheme to include the Estate in an appropriate zone to prevent further premature subdivision. VCAT noted that the Panel Report sets out the strategic planning issues facing the Estate in the following terms:

It appears that the former Albury-Wodonga Development Corporation was the land owner, developer and planning authority of this land. The Corporation zoned the land now developed as the Valley Views Estate to a residential zone in the 1970s at a time when Albury-Wodonga was projected to be a city with a population of over 300,000 by the year 2000.

This history has resulted in a current anomaly between the zoning of the Valley Views Estate and Council's strategic direction for its future.

Council submitted that there are conflicting views within this estate, with a handful of residents wanting the right to subdivide immediately and a larger number wanting the estate to stay as is until 2015. Council also submitted that through the MSS it is proposing to protect and retain the existing rural residential character of the Valley Views Estate until it is required to fulfil an urban development requirement for the expansion of urban Wodonga.

However, VCAT concluded that Council does not appear to have made it clear in the MSS whether the Valley Views Estate is a long term option for conventional residential development. It noted that when you have such an unusually prescriptive MSS provision such as the Clause 21.10-12 strategic action to “Ensure the Valley Views Estate proposed as Rural Living is included in a Rural Living Zone until 2015 where it will be rezoned to a Residential 1 Zone with a Development Plan”, then on this basis, VCAT was struggling to see how the
Applicants can argue there is good strategic policy support for the proposal

The Tribunal considered that neither proposal to be deserving of approval, in terms of the strategic planning policy considerations. Hence, no permit issued in either proceeding.

**Issue - Farming Zone**

*Margery and Anor. v Wodonga CC [2012] VCAT 787*

This was a proposal for the relocation of the existing saleyards from Bandiana to Barnawatha.

Objectors submitted that the planning policy framework of the Wodonga Planning Scheme does not support the proposal as the scheme is silent on the issue of a preferred location for a saleyards. They submitted that the proposed use is not consistent with the purpose of the Farming Zone which emphasises the protection and retention of productive agricultural land.

Concerns were also raised about the impact the proposed use will have on the nearby LOGIC Estate and the capacity of surrounding agricultural land to continue to be used for that purpose.

VCAT acknowledged that the planning scheme does not provide specific encouragement for a use and development of this type at this location. The planning scheme’s policy framework nevertheless does emphasise Wodonga’s strategic location and the important national, state and regional role it plays in transport, agriculture (primarily beef cattle production, dairying and viticulture) alternative farming, retail and community services, education an and tourism. The policy framework is directed toward facilitating ongoing economic development to capitalise on Wodonga’s strategic and locational strengths. In that context, VCAT were satisfied that the development of a modern and viable saleyards at Wodonga is entirely consistent with the policy directions provided by the planning scheme.

With respect to the proposal’s consistency with the purpose of the Farming zone, VCAT were also satisfied that the use is one that is inextricably linked with agricultural purposes and is a use that supports the agricultural industry in this region. VCAT was satisfied that the use would not compromise the capacity of surrounding land to continue to be used for agricultural purposes and in that sense, the use was suitable in a Farming Zone.

The Tribunal concluded that the proposal does enjoy a level of policy support that reinforces the site’s suitability for the intended use.
The decision is notable for its level of overall strategic support for the local planning policy even though it was not explicitly referred to.

*Lumby. v Wodonga CC [2009] VCAT 2532*

This was an application for a two lot subdivision with existing dwellings in a Farming Zone with a larger lot of about 16 hectares around the primary dwelling and an excised lot around an older house on about 2 hectares. The two lots share a vehicular access to Kiewa Valley Highway.

VCAT felt that whether the house is economically viable or not is largely irrelevant in a Farming Zone. If anything, the excision of the old house is likely to enable the owner to sell off more Farming Zone land and replace it with a greater rural residential or “life style” purpose, which, the Tribunal noted, is not encouraged in the purposes of the Farming Zone. This outcome will add further pressure on the farming base of the area because impacts on the “per hectare” values of the surrounding rural land will artificially inflate the value of farming land in favour of a residential use above and beyond its current use. VCAT considered that there were two issues arising from this argument. It noted:

*Firstly from my observation, whilst there is evidence of some rural residential occupation, it is not the dominant land use in this farming area and the locality maintains its predominant farming character. The two dwellings currently on the subject site have been located in close proximity of each other as to give the appearance, at least from the Kiewa Valley Highway of one land holding. To allow the excision would further alienate a small lot and facilitate the expectation that a new dwelling could be erected elsewhere on the site.

Secondly, local planning policies at Clauses 22.04, 21.10-12 and 21.09-4 clearly discourage residential or rural residential encroachment and expansion. In the Wodonga Growth Strategy Plan included in the MSS the locality will remain in rural use for at least the next 50 years. There is no anticipated need in a strategic sense for the land to be made available for rural residential or residential use in the foreseeable future.*

In the end, the Tribunal affirmed Council’s decision and noted that while the subdivision may not result in a net increase in the number of dwellings in this farming area that are not associated with a farming use, the subdivision will place pressure on the farming resource and undermine the relevant purposes of the Farming Zone and local planning policies.

The decision raises issues dealing with the MSS, local policy and the zone provisions.
**Issue - Commercial Land Uses**

*Steppet Pty.Ltd. v Wodonga CC [2011] VCAT 1653*

This application proposed to develop twenty-six single storey accommodation units to the rear of an existing hotel. It is also proposed to provide twenty-four car parking spaces.

The review site is located on the east side of High Street, between Huon Street and Wodonga Street with a frontage of 31.5 metres, a rear boundary of 40.2 metres, a depth of 10 metres and an area of 3,754 square metres.

VCAT considered the key strategic directions to emerge from the State and local planning frameworks to be:

- The sustainable development of regional cities is encouraged, including population and employment growth.
- Growth should be located in regions where infrastructure services are available.
- Commercial development should be directed to central locations to maximise the use of infrastructure and to minimise urban sprawl.
- Good architectural and urban design outcomes are encouraged.
- Noise emissions should not adversely affect amenity. Tourist facilities including accommodation are encouraged if compatible with surrounding activities and in areas well provided with transport.
- An adequate supply of car parking should be provided for new development.
- New development is encouraged to provide active frontages and a high level of passive surveillance.
- More intensive development and strategic redevelopment is encouraged within central Wodonga where the review site is located, although redevelopment for tourism is not specifically called for.
- The northern end of High Street is identified as an area with a mix of uses.
- Future preferred uses include commercial offices, residential development and peripheral retailing.

The land is within the Business 4 zone and a purpose of the zone is to provide for bulky goods retailing and manufacturing industry and their associated business services. Hotels (and motels) are Section 2 uses in this zone.

In the view of VCAT, the planning policy framework provides ‘some’ directions in this matter. It noted:

*Tourism is strongly encouraged in Wodonga, although not specifically in this locality. The north end of High Street is encouraged to transition to a mix of bulky goods and other commercial uses. Whilst*
being a relatively robust environment, short term accommodation such as a motel or hotel would be a suitable use. Accommodation for business people would be an appropriate activity that supports and complements other businesses in this zone.

VCAT concluded that the proposal was broadly consistent with State and local planning policies

**Issue - Mixed Use**

*North East Investments Victoria Pty. Ltd., v Wodonga CC [2013] VCAT 935*

This application was to use and develop the land for a restricted place of assembly (motorcycle club), licensed premises, motorcycle repair workshop and a reduction in car parking requirements.

The site is within the Wodonga Enterprise Park which is presently under development with some industrial development having occurred along McKoy Street. The Tribunal noted that Enterprise Park does not just include industrial areas, but it extends to include some residential areas to the south and to the east linking to the La Trobe University campus.

VCAT acknowledged that there is a Land Use Structure Plan that has been prepared for the area which shows the subject site as “light industrial”. Land to the east of the light industrial area is designated as a retirement village and this is presently under construction. Land to the south is residential and land closer to La Trobe is to be a “local centre”. The North West Wodonga Adopted Structure Plan (2006) reflects the earlier Enterprise Park Land Use Structure Plan and continues to designate the subject land as being within an area of light industrial land use.

VCAT also noted that the entire Enterprise Park is ‘unusually’ contained within the Mixed Use Zone and subject to the Design and Development Overlay Schedule 1 regardless of the land use preferences set out in the Structure Plan. The overlay contains design controls which seek to manage the built form of future development within the area.

The mixed use zone seeks to provide for a range of land uses and VCAT considered that the proposal would contribute to this. Importantly, VCAT questioned the appropriateness of the Mixed Use Zone when used in the manner it has been used in the Wodonga Enterprise Park. It said that:

*The local planning policies within the scheme provide a “de-facto” zoning through the Structure Plan where the future use of the land is part of a “light industrial” area rather than an area that has a “mixed use function”. Nevertheless, I am required to apply the planning scheme as it exists today.*
Despite the designation of the area as light industrial within the Structure Plan, the proposal is not located within an Industrial Zone. It is located within a Mixed Use Zone which seeks to encourage a range of land uses, although the policy at Clause 21.11-07 expresses a preference for industrial development in this area.

This decision is notable for its highlighting of the ‘disconnect’ between strategy and implementation and, despite the strategy, there was a need to rely on the zone provisions first and foremost.

The implications of the VCAT decisions on Council are relevant for the fact that they continually refer to and (where they can) rely on the planning policy framework to assist their decision making. While zones and overlays are relied on, the first reference of the Tribunal on almost every occasion is to the LPPF. This is in marked contrast to the views of staff and stakeholders.

9.2 Panel Reports

A review of relevant decisions of Planning Panels Victoria (PPV) has also been undertaken. Some relevant features of those decisions which may have implications for the WPS are discussed below.

Amendment C49

Amendment C49 proposed to rezone nine parcels of land at Baranduda of about 265 hectares. The land was zoned for business, residential or industrial uses and it was not in dispute that these zonings were well ahead (up to 70 years) of being required for these purposes.

The existing zonings were evidently a legacy of the Albury Wodonga Corporation in its former roles as the planning authority and the developer in the mid 1970s. The majority of the land was proposed to be rezoned to the Urban Growth Zone in Am. C49 with smaller areas to be rezoned to the Residential 1 Zone, Farming Zone or Rural Living Zone.

Amendment C49 seeks to ensure that the zoning of land is consistent with the Wodonga Growth Strategy contained within the Municipal Strategic Statement in order to avoid out of sequence (or ‘leapfrog’) development occurring in the Baranduda area. The Panel found that Am C49 was consistent with the efficient long term planning for the development of the Baranduda area so that inappropriate ‘leapfrog’ development does not occur.

Amendment C54

Amendment C54 proposed to:

- rezone approximately 88 hectares of land from a Residential 1 Zone to a Rural Living Zone, in accordance with the MSS Wodonga
Rural Living and Low Density Residential Strategy (with a 2 hectare minimum lot size to apply to the RLZ);
rezone approximately 35 hectares of land from a Farming Zone to a Rural Living Zone in accordance with *Wodonga Rural Living and Low Density Residential Strategy* and the *Wodonga Growth Strategy* (with a 2 hectare minimum lot size to apply to the RLZ);
introduce a Vegetation Protection Overlay and Environmental Significance Overlay over significant landscapes within the land being rezoned; and
- provide a Vegetation Protection Overlay to the north side of Kinchington Road in accordance with the *Wodonga Retained Environmental Network Strategy*.

The Panel recommended that 12 hectares of land known as 343 Whytes Road be deferred from rezoning to Rural Living until such time as an appropriate buffer distance is established (in accordance with relevant EPA guidelines) in relation to the existing and future operations of the Baranduda Wastewater Facility and the Greenchip Recycling composting facility.

The Panel recommended that the 2 hectare minimum subdivision size in the Rural Living Zone remain. It also supported changes to Schedule 4 to the Vegetation Protection Overlay – Leneva Valley and Baranduda Retained Native Vegetation Areas.

**Amendment C57**

Amendment C57 proposed:
- to introduce a revised version of the Municipal Strategic Statement (clause 21) replacing the version that was prepared in 1999;
- to replace clause 22 (the Local Planning Policy Framework) with an updated set of local policies; and
- to introduce a requirement for residential subdivision to provide a 10 percent public open space contribution.

This amendment was an outcome of the initial (2003/2006) review of the Wodonga Planning Scheme,

The Panel found that the proposed amendment was acceptable from a planning perspective and represented a significant improvement to the Local Planning Policy Framework of the Wodonga Planning Scheme.

**Amendments C80 and C81**

Amendments C80 and C81 related to two rural residential subdivisions in the *Baranduda South and Patricevale Investigation Areas*. 
Amendment C80 covered “Ashworth Estate”, a rural residential estate similar in lot size to the neighbouring Patricevale Estate to the north. It proposed rezonings from Farming Zone and Rural Conservation Zone to Rural Living Zone with a minimum subdivision lot size of 2 hectares, and application of a Development Plan Overlay (Schedule 16).

Amendment C8 related to “Baranduda Springs”, which has a higher density than Ashworth Estate and Patricevale, but matching the “Baranduda Ranges” development to the north with lot sizes of around 4,000 square metres. It proposed to rezone about 96.4 hectares of land from Rural Living and Rural Conservation to Low Density Residential. It is also proposed to replace the Development Plan Overlay - Schedule 4 with a new Schedule 17 to the Development Plan Overlay.

The Panel noted that despite the age of some of the strategic planning documents used to justify the developments, it concluded that substantial strategic analysis on residential markets and land supply had been carried out by Council. The proposals had been flagged in the Wodonga Planning Scheme for some time, and were subject to community engagement. The Panel concluded that the Amendments had strategic justification.

The Panel also assessed issues relating to the character of the developments, capacity of infrastructure, environmental impacts, amenity impacts, protection of aboriginal, cultural and heritage issues, impact on farming operations and fire risk. The Panel concluded that these issues could all be addressed through the requirements of Development Plan Overlay – Schedules 16 and 17.

The Panel also addressed the status of the Development Plans that had been sent to neighbouring landowners and referral agencies at the same time as the Amendment documents.

The Panel accepted that a concept plan was necessary at this stage of the Amendment process, in order to provide for certainty and transparency for all parties. The Panel recommended that concept plans based on the Community Response Plan arising from the Enquiry by Design process should form the basis of the subsequent Development Plans to be assessed by Wodonga City Council.

The Panel also concluded that the exhibited version of the DPO schedules in both Amendments were ‘...poorly drafted’ and did not reflect the outcomes of the Enquiry by Design process. The Panel required the Council and proponent to prepare revised versions of the DPO schedules and the outcomes ultimately replaced the exhibited versions for each Amendment.

**Amendment C86**
Amendment C86 proposed the following:

- Change clause 21.10-12 and amend Figure 8 - Rural Living and Rural Residential Development Strategy;
- Rezone the subject land from Residential 1 (R1Z) and Industrial 1 (IN1Z) to Low Density Residential (LDRZ) and Public Park and Recreation (PPRZ);
- Introduce Schedule 18 to the Development Plan Overlay (DPO) and apply it to the subject land; and
- Introduce an incorporated document to prohibit the subdivision of land and the development of second or subsequent dwellings on the subject land until after 1 January 2015.

The Panel commented that the amendment needed to be understood in the context of the ‘rather awkward’ planning history of this estate. Relevantly, the Valley Views Estate was initially developed as a rural living type estate (with the potential to be further developed after 2015), but was ultimately zoned for conventional density residential purposes (Residential 1) with no minimum lot size.

Importantly, the Panel commented that ‘It is fair to say that the Wodonga Planning Scheme provides a conflicting and confusing strategic context for this amendment.’ The inherent conflicts between the various sub-clauses of clause 21.10 are well set out in the submissions.

The community’s expectations for the future development of this estate are varied. Many lots are affected by Section 173 agreements that prevent more intensive subdivision until after 2015. Evidently, some landowners are actively expressing a desire to subdivide the land into smaller lots (perhaps at conventional densities), whereas others are apparently content to have the estate remain in its current form (i.e. 2-8 hectare lots).

The Panel noted that the amendment was clearly a change in direction from the current MSS. Ultimately, the Panel agreed with the Council that a change in zoning to Low Density Residential together with the application of the Development Plan Overlay provided it with the best suite of controls to ensure the future orderly planning and development of this estate.

The Panel felt that the amendment was not the result of a detailed strategic study, but is the culmination of a piece of strategic analysis by the Council. The application of the LDRZ will provide housing choice and the application of the DPO will ensure that the estate is properly planned and infrastructure provision is co-ordinated. The rezoning of the land to Low Density Residential will not prejudice the orderly planning of Baranduda nor will it undermine the Council’s housing
strategies more broadly. Relevantly, there is clearly no shortage of residential land in Wodonga, based on Clause 21.10-2.

The Panel was satisfied that the amendment was strategically justified. The Panel therefore recommended that the amendment be adopted, but that a number of changes are made to the Schedule to the Development Plan Overlay and the Incorporated Document.

**Amendment C94**

Amendment C94 sought to implement the *Wodonga Retained Environment Network Strategy* (2006) (the WREN Strategy) and proposed to:

- Amend Clause 52.16 by deleting reference to the *WREN Strategy*, being precincts B, C and D, from the schedule and inserting the *Leneva Valley and Baranduda Native Vegetation Precinct Plan* (*LVB NVPP*) (Precincts A to L).
- Place a Vegetation Protection Overlay Schedule 4 (*VPO4*) over parcels of private and public land within Leneva Valley and Baranduda in accordance with the *LVB NVPP* and the subsequent Deed of Transfer between the Department of Sustainability and Environment (DSE), the Albury-Wodonga Corporation (AWC) and the City of Wodonga.
- Rezone land within Leneva Valley and Baranduda in accordance with the *LVB NVPP* (Precincts A-L inclusive), from Farming, Rural Conservation, Low Density Residential, Public Conservation and Resource, Residential 1, Rural Living, Industrial 1 and Urban Growth to Public Park and Recreation, and Public Conservation and Resource.
- Amend the schedule to Clause 61.03 by including a new map 4 (*VPO 4*).
- Incorporate the LVB NVPP at the schedule to Clause 81.01.

The Panel supported the Amendment and commended Council, the Department of Sustainability and Environment and the Albury-Wodonga Corporation for preparing the *WREN Strategy* and seeking to implement it through the amendment.

The Panel agreed that the Amendment represented a significant piece of strategic planning work to manage native vegetation and ecological systems within Wodonga’s nominated urban growth corridor, the Leneva Valley and Baranduda.

The Panel found that the Amendment balanced the complex historical background relating to the preparation of the WRENS and the role of the Corporation and the Deed. The Amendment also balanced the need to protect identified native vegetation in the Growth Corridor as native vegetation offsets and linkages (particularly being land which was not owned by the Corporation) and to manage native vegetation, landscape and ecological values in a coordinated and strategic manner.
The Panel was satisfied that the methodology that underpins the *WREN Strategy* was sound and that Amendment C94 is strategically justified.
10 Council’s Further Strategic Work Program

All Councils have a list of strategic projects that they have committed to undertaking. These project commitments can and are included in the Council Plan, the MSS or they may be part of a series of recommendations from earlier reviews and Panel reports. The following section of the report is a summary of the strategic commitments of Council and is expressed under thematic headings to better demonstrate the specific and implied links between strategic works and Council land use planning policy and intent for the next planning period.

The current Wodonga MSS includes a number of references to ‘further strategic work’ and ‘other planning related actions’ that are distributed throughout the fifteen sub clauses in the MSS. These tasks represent the ongoing work program of Council’s strategic planning department. The non static nature of planning in Victoria, over the last planning period means that a number of strategic works once flagged as ‘further strategic work’ are now reduced in need and requirement e.g. works on “net habitat gain” and other non listed projects and requirements have overtaken documented projects.

10.1 Other Strategic Projects

The current Council Plan (2013/2014 – 2016/2017) also includes a comprehensive list of planning scheme related projects. Those that constitute ‘further strategic work’ and that have a relationship with the Wodonga Planning scheme are listed in the table below, together with a description of their proposed timing. (Pages 16-23 Council Plan)

<table>
<thead>
<tr>
<th>Project</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete the review of the Wodonga Planning Scheme to ensure it includes a Growth Strategy, Reflects housing diversity, Healthy design and Affordable living principles.</td>
<td>Short term 1 year</td>
</tr>
<tr>
<td>Undertake an Industrial Land Supply audit for the city to plan for future growth areas.</td>
<td>Short term 1 year</td>
</tr>
<tr>
<td>Finalise a strategy which defines the financial contribution by developers to key infrastructure.</td>
<td>Medium term 1-2 years</td>
</tr>
<tr>
<td>Develop a plan for sustainable urban growth in the Leneva-Baranduda area.</td>
<td>Short term 1 year</td>
</tr>
<tr>
<td>Complete the Central Business Area 2020 Vision and Strategic Action Plan.</td>
<td>Short to Long term</td>
</tr>
<tr>
<td>Project</td>
<td>Timing</td>
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<tr>
<td>------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Investigate the feasibility of an urban square which extends Woodland Grove to the interface with The Cube Wodonga.</td>
<td>1-4 years</td>
</tr>
<tr>
<td>Continue to work with Victrack to ensure land in the central business area is ready for divestment.</td>
<td>Short term 1 year</td>
</tr>
<tr>
<td>Continue to work with Places Victoria to ensure divestment of Junction Place land.</td>
<td>On-going 1-4 years</td>
</tr>
<tr>
<td>Revise the Wodonga Economic Development Strategy</td>
<td>Short term 1 year</td>
</tr>
<tr>
<td>Develop plans which include new industrial areas for North Wodonga, Bandiana and Baranduda.</td>
<td>Medium term 2 years</td>
</tr>
<tr>
<td>Develop required infrastructure at Logic Wodonga.</td>
<td>On-going 1-4 years</td>
</tr>
<tr>
<td>Investigate a public private partnership for future use of Bandiana saleyards site.</td>
<td>Short term 1 year</td>
</tr>
<tr>
<td>Implement the Wodonga Integrated Transport Strategy prioritising pedestrian and cycling connection.</td>
<td>On-going 1-4 years</td>
</tr>
<tr>
<td>Develop a Greening Wodonga Strategy to include hilltops, floodplains, Leneva, Baranduda and the residential streetscapes.</td>
<td>Medium term 2 years</td>
</tr>
<tr>
<td>Develop management plans to ensure WRENs land is maintained and managed.</td>
<td>Medium term 2 years</td>
</tr>
<tr>
<td>Investigate suitable future site options for odour emitting industries.</td>
<td>On-going 1-4 years</td>
</tr>
<tr>
<td>Work with state government on the Hume Regional Growth Plan.</td>
<td>On-going 1-4 years</td>
</tr>
<tr>
<td>Implement the Bonegilla Master Plan and secure funding for implementation.</td>
<td>On-going 1-4 years</td>
</tr>
<tr>
<td>Enhance the main entrances to the city.</td>
<td>Short term 1 year</td>
</tr>
<tr>
<td>Develop a Strategic Plan for Gateway Village</td>
<td>Long term</td>
</tr>
<tr>
<td>Project</td>
<td>Timing</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>and Gateway Lakes precinct.</td>
<td>3 years</td>
</tr>
<tr>
<td>Implement future cycling and pathway improvements promoting linkages to the CBA.</td>
<td>Medium term 2 years</td>
</tr>
<tr>
<td>Work with aged care providers to ensure the needs of older residents are met.</td>
<td>On-going 1-4 years</td>
</tr>
<tr>
<td>Implement the Wodonga Recreation Strategy.</td>
<td>On-going 1-4 years</td>
</tr>
<tr>
<td>Determine future uses for the Wodonga racecourse precinct.</td>
<td>Short term 1 year</td>
</tr>
<tr>
<td>Develop an Environmental Strategy for Wodonga.</td>
<td>Medium term 2 years</td>
</tr>
<tr>
<td>Develop a plan which promotes efficient water use and re-use programs that minimise energy use in Council facilities.</td>
<td>Medium term 2 years</td>
</tr>
</tbody>
</table>

It will be necessary to update the ‘further strategic work’ references in the MSS to reflect Council’s current work program and any additional projects resulting from this review.

Recommendation:

Include a stand-alone ‘Further Strategic Work’ clause (or within a themed clause) in the restructured MSS which only includes the above tasks that are likely to be commissioned in the next planning scheme review period.

10.2 Thematic Headings - Strategic Projects and links to Council Policy and land use intent

The following table demonstrates the internal and external land use planning and strategic links of the strategic works program from the Council Plan and the current MSS. The linkages rank and focus on the immediate to short term time frames of 1 – 4 years, which is the next planning period.
<table>
<thead>
<tr>
<th>PROJECT</th>
<th>Strategic and land use planning strategies and linkages</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Long Term Planning for the City</strong></td>
<td>Undertaking and completion of a Growth Strategy that reflects and considers housing diversity, neighbourhood character, healthy design and affordable housing principles</td>
</tr>
<tr>
<td>• Complete a review of the Wodonga Planning Scheme</td>
<td>Leneva Valley Baranduda Growth Area Framework Strategy</td>
</tr>
<tr>
<td>• Finalise a strategy which:</td>
<td>Feasibility of an urban square CBA, Woodland Grove and The Cube</td>
</tr>
<tr>
<td>o defines financial contribution by developers for physical and social infrastructure</td>
<td>Determine future uses for the Wodonga racecourse precinct</td>
</tr>
<tr>
<td>o plans for sustainable growth in the Leneva-Baranduda area</td>
<td>Continue to work with Places Victoria to ensure divestment of Junction Place land</td>
</tr>
<tr>
<td>• Complete the Central Business Area 2020 vision and strategy action plan</td>
<td>Zoning of residential land and a need to consider neighbourhood character</td>
</tr>
<tr>
<td>• Work with State Government on the Hume Regional Growth Plan</td>
<td>Residential zone reforms and their implementation</td>
</tr>
<tr>
<td></td>
<td>Enhance the main entrances to the city</td>
</tr>
</tbody>
</table>

<p>| <strong>Provide for the Ongoing Economic Development of the City</strong> | Develop plans which includes new industrial areas for North Wodonga, Bandiana and Baranduda |
| • Revise the Wodonga Economic Development Strategy | Develop required infrastructure at Logic Wodonga |
| • Develop a strategic framework plan for Gateway Village and Gateway Lakes precinct | Investigate a public private partnership for future use of Bandiana saleyards site |
| • Undertake an Industrial Land Supply Audit for the city to plan for future growth areas | |</p>
<table>
<thead>
<tr>
<th>PROJECT</th>
<th>Strategic and land use planning strategies and linkages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continue to work with Victrack to ensure land on the CBA is ready for divestment and managing transition and redevelopment of the CBA</td>
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<tr>
<td>Increased demand for Industrial land</td>
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<tr>
<td>Industrial land supply in Leneva</td>
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<tr>
<td>Infrastructure provision and future development at Killara and Bonegilla.</td>
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<tr>
<td>Investigate suitable future site options for odour emitting industries</td>
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</tbody>
</table>

<table>
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<tr>
<th>Transport Planning, Sustainable Development, Environment and Natural Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implement the Wodonga Recreation Strategy</td>
</tr>
<tr>
<td>Implement the Wodonga Integrated Transport Strategy prioritising pedestrian and cycling connections</td>
</tr>
<tr>
<td>Continued participation on Management of the water quality and the support of the North East Management Catchment Authority</td>
</tr>
<tr>
<td>Implement the future cycling and pathway improvements promoting linkages to the CBA</td>
</tr>
<tr>
<td>Encroachment of urban development onto flood plains</td>
</tr>
<tr>
<td>Support for NECMA on river health</td>
</tr>
<tr>
<td>Investigation of the application of an ESO around the perimeter of Lake Hume</td>
</tr>
<tr>
<td>Develop an Environmental Strategy for Wodonga</td>
</tr>
<tr>
<td>Develop a plan/strategy which promotes efficient water use and re-use programs that minimise energy use in Council facilities</td>
</tr>
<tr>
<td>PROJECT</td>
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It will be necessary to update the ‘further strategic work’ references in the MSS to reflect Council’s current work program and any additional projects resulting from this review.

Recommendation:

Include a stand-alone ‘Further Strategic Work’ clause (or within a themed clause) in the restructured MSS which only includes the above tasks that are likely to be commissioned in the next planning scheme review period.
11 Key Policy Gaps and Priorities

The key policy gaps and priorities identified through stakeholder consultation, the review of the MSS; the review of the local policies; the review of VCAT decisions and Panel reports; the assessment of the LPPF against the SPPF; and the consideration of zones and overlays are discussed below.

11.1 Framework Plans

The issue is the lack of contemporary planning guidance for all of the major growth areas and the Wodonga CBA through out of date or old framework plans.

Although Council has prepared framework plans for Leneva and Baranduda these have been overtaken by more recent analysis.

The existing MSS work program includes:

Commitments at Clause 21.10-3 (Central Wodonga); 21.10-6 (East Wodonga); 21.10-8 (Leneva); 21.10-10 (Killara) and Clause 21.10-11 Bonegilla). The current Council Plan identifies the following related projects:

- Develop a plan for the sustainable growth in the Leneva-Baranduda area. (Short term).
- Complete the Central Business Area 2020 Vision and Strategic Action Plan. (Short to long term).
- Implement the Bonegilla Master Plan and secure funding for implementation. (On-going).

11.2 Environmental Issues

The issue is the lack of environmental protection, particularly by the inconsistent use of environmental and biodiversity overlays such as the Environmental Significance Overlay, Significant Landscape Overlay, Vegetation Protection Overlay and flooding overlays.

The existing MSS identifies:

Commitments at Clause 21.09-1 (Environment and Catchment Management); and 21.11 (Buffer zone along Middle Creek corridor).

The Council Plan identifies the following related projects:

- Develop a Greening Wodonga Strategy to include hilltops, floodplains, Leneva, Baranduda and the residential streetscapes. (Medium term).
- Develop management plans to ensure WRENs land is maintained and managed. (Medium term).
- Develop an Environmental Strategy for Wodonga (Medium term).
11.3 Urban Design/Built Form Issues

The issue is that despite the ‘design led’ origins of the MSS in Amendment C57, consultations suggest that there remains a clear lack of urban design guidance in estate planning and in the development of all forms of housing, especially medium density housing.

Existing Council commitments in the MSS include:

Commitments at Clause 21.11 (Implement design and streetscape improvements); and 21.13 (Protect and encourage the enhancement of the built and natural heritage of Wodonga).

The Council Plan identifies the following related projects:

- Enhance the main entrances to the city (Short term).

11.4 Rural Issues

The issue is the lack of a clear and contemporary rural planning framework that addresses small lot subdivision (including excisions), dwellings on rural lots (particularly on small lots), subdivision minima and rural lifestyle living. There is also a need for consistent application of the new rural zone provisions.

Council is yet to adopt a position on the new zones, although the review has confirmed that these issues still remain.

11.5 Bushfire

The issue is that the Wildfire Management Overlay (WMO) has been applied to fire prone areas for many years (since Amendment C30 in 2006). Issues relating to these provisions have now been overtaken by the recent state government application of the Bushfire Management Overlay (BMO) in the wake of the Bushfire Royal Commission. It is anticipated that the BMO will soon have new updated mapping applied across the state.

There are no commitments listed at Clause 21 to address this issue.

Similarly, the Council Plan also does not identify any strategic projects to address this issue.

11.6 Open Space Planning

The issue is the adequacy of public open space planning within the municipality. These concerns included perceived inadequate POS provision and the need to ensure that growth areas are provided with adequate POS. There was general support for a contribution rate greater than 5% to be expressed in the schedule to Clause 52.01 of the Planning Scheme. Amendment C57 addressed this issue and applied the 5% requirement to the schedule.

Existing Council commitments in the MSS include:

Commitments at Clause 21.09-1 (Public open space link from Kiewa River to Wodonga Creek).
The Council Plan identifies the following related projects:

- Implement the Wodonga Recreation Strategy (On-going).

### 11.7 Development Overlays

The issue is the considerable overlap, overuse and ‘overkill’ triggered by the application of Design and Development Overlays and Development Plan Overlays in the growth areas. This is compounded by the IDM and by Section 173 legal agreements. In future, the PSP process will avoid the need for endless DPOs subject to availability of infrastructure.

Existing Council commitments in the MSS include:

Commitments at Clause 21.12 (Infrastructure).

The Council Plan identifies the following related projects:

- Completing the review of the WPS to ensure that it includes a Growth Strategy (Short term).

### 11.8 Development Contributions Plans

The issue is the need to fund physical and community infrastructure in a coordinated and equitable manner. At present Section 173 legal agreements are the favoured tool to address this issue. In future, the PSP process will enable contributions to be specified.

Existing Council commitments in the MSS include:

Commitments at Clause 21.12 (Infrastructure).

The Council Plan identifies the following related projects:

- Finalise a Strategy which defines the financial contribution by developers to key infrastructure. (Medium term).

### 11.9 Health and Wellbeing Issues

The issue is the need to incorporate ‘liveability’ type provisions into all aspects of the development cycle. Contemporary planning schemes (Latrobe, Wyndham C192 etc) contain objectives and strategies arising from the Municipal Health and Wellbeing Plan. Consultations identified that this was an emerging issue in land development and strategic direction is lacking in the existing WPS.

### 11.10 Transport Issues

The issue is the lack of reference in the existing MSS to transport related issues. While the Wodonga Integrated Transport Strategy will assist, consultations (especially from DTPLI) suggested that the WPS provides only limited coverage of the range of transport issues affecting the municipality.

*******************

It is apparent from the above analysis of policy gaps that in almost every case (other than rural and bushfire), Council has already
committed itself to addressing the inadequacies in the Wodonga Planning Scheme. This commitment is included in either (or both) the Council Plan and the MSS. Some of this work is underway.

The challenge for Council is to properly implement this strategic work into the Planning Scheme, as and when it is completed.

It is one thing to undertake strategic work. It is another thing entirely to include it in the planning scheme. The WRENs strategy is a good example of the financial and timing commitment that is needed to properly implement strategic work into the scheme.

Commissioning and completing strategic work is time consuming and resource hungry. It requires extensive research and thorough community engagement. It raises expectations that the ‘talk’ will manifest itself in changes to the planning scheme.

If Council is committed to its strategic work program, it must match this with a commitment to implement that work into the Wodonga Planning Scheme.
12 Findings and Conclusions

Wodonga City Council has reviewed its planning scheme in accordance with Section 12B of the Planning and Environment Act, 1987 (the Act) which requires that every Council:

- review its planning scheme every four years; and
- report the findings of the review to the Minister for Planning.

The Wodonga MSS is a relatively new one and it is an outcome of the last Planning Scheme Review in 2006. This led to a significant amendment to the scheme (Amendment C57) which introduced the new LPPF on 11 December 2008.

While the Amendment C57 Panel was of the view that it represented a significant improvement to the Wodonga Planning Scheme, the structure of the MSS is haphazard, repetitive, hard to navigate and does not follow the modified structure of the State Planning Policy Framework.

The Amendment C57 Panel also noted the report of the Ministerial Working Group on Local Planning Policy – Making Local Policy Stronger (June 2007). That report had suggested that clauses 21 and 22 could be merged and simplified to improve the effectiveness of local policy. In this context, the C57 Panel observed that Clauses 21 and 22 of the Wodonga Planning Scheme would benefit from such an exercise prior to the next four yearly review. The C57 Panel commented that the LPPF “....could, however, be further improved by merging clauses 21 and 22 in the next 4 year review.”

As an overall commentary on Clauses 21 and 22 of the Wodonga Planning Scheme, it is notable for its failure to reflect state government directions and practice notes on the MSS. It is unusual to have such a ‘modern’ MSS without any attempt to comply with the Practice Note (Nos 4) and without any explicit objectives, strategies or means of implementation.

The linkages from “issue” to “objective” are not apparent and there are examples of material that does not really belong in a planning scheme. Rationalising the disparate themes in the MSS into their SPPF subheadings is suggested to improve clarity and to assist in understanding the subsequent linkages.

Like other schemes there is confusion as to what constitutes an “objective”; a “strategy” and a means of “implementation”. This section of the MSS needs a complete re-write focussing on the different roles of “objectives” and “strategies”. A VPP related implementation program is also required.

The strategic directions on a variety of issues are so dispersed throughout the scheme that it is hard to get a clear picture. For instance, the Wodonga CBA is addressed in 21.05-6, 21.05-9, 21.06-1, 21.06-4, 21.11-02, 22.09 and CDZ. It is not that the detail is irrelevant
(although the more references the greater the scope for inconsistency) it is just hard to pin down the strategy.

In addition to the policy gaps described elsewhere, the MSS also suffers from having:

- outdated, irrelevant and repetitive material;
- poorly expressed objectives, strategies and implementation actions; and a
- cumbersome format that is difficult to navigate.

There is significant scope to update, and improve the legibility and usability of the MSS.

The analysis of the nineteen local policies reveals that they fall into one of three categories.

- some deal with strategy and should be included in the MSS
- some are unnecessary, as there is a better VPP tool to implement them.
- some (very few) are clearly local policy and should be retained (albeit edited)

Importantly, the use of LPPs is diminishing as more use is made of zone and overlay schedules and MSSs (including policy guidelines) as the principle means of expressing planning policy. This approach is consistent with the State Government report ‘Making Local Policy Stronger’ (2007). There is also increasing recognition that LPPs are only useful where the planning scheme requires a planning permit that then triggers the application of the LPP. That said, the modified new zones contain extensive permit triggers that may require local policy direction.

Overall, there is significant scope to reposition the LPP material to elsewhere in the planning scheme.

In order to address the policy gaps and priorities, Council also needs to implement adopted strategic work and to confirm its further strategic work program. While this has been a seemingly haphazard process in the past, Council must adopt a more rigorous approach to identifying and prioritising its work program and then commit itself to introducing it into the planning scheme.

The general content and structure of the LPPF has become increasingly dated and does not reflect contemporary approaches to the material that should be included and how it should be presented. The key issues are improving the usability of the LPPF, providing a more focussed LPPF and repositioning the local policies elsewhere in the planning scheme.
There are significant opportunities to improve and update the policy elements of the LPPF by incorporating relevant strategic work that has been completed by Council and other agencies.

These and other issues should be addressed by an amendment that updates the content and structure of the LPPF.

As an interim step, it is suggested that a 'policy neutral' rewrite of the LPPF take place to provide a more navigable policy basis into which new strategic work can be added as, and when completed.

The recently announced LPPF review of the Minister for Planning (October 2013) has significant implications for Council’s planning scheme review program.

With a new SPPF structure imminent, and with likely changes to the MSS and LPPF structure due in early 2014, it is premature for Council to finalise a re-write of its LPPF until those issues are resolved.

However, there appears merit in at least doing a policy neutral restructuring in the short term as this has the advantage of sorting and rationalising all of the existing material and enabling an assessment of what material is necessary and what other material can be deleted.

An example clause of a rationalised policy neutral MSS is attached at Appendix 2.

In terms of ‘statutory’ implementation, the choice of zones is appropriate in most circumstances although application of the Mixed Use Zone was questioned by VCAT. The major challenge for Council with the zones will be the conversion to the new residential, commercial, industrial and rural zones recently introduced by the Minister. In particular, a choice on the selection of new residential zones will be required by mid 2014.

Some of the schedule to the zones require attention and again reveal an inconsistency and level of confusion between parts of the scheme. For instance, the Mixed Use Zone policy for Enterprise Park identifies a shop floor limit of 3000m2 (at Clause 22.14) whereas the zone schedule specifies 4000m2. Interestingly this schedule has now been deleted with the recent changes to the residential zones.

The more problematic part of the statutory implementation concerns the choice and the detail contained within the ‘overlay’ controls. Stakeholders repeatedly expressed frustration with the layers of control that affected residential subdivision with examples of a Development Plan Overlay, a Design and Development Overlay, legal agreements and the Infrastructure Design Manual making applications and assessment unnecessarily cumbersome and confusing.

Overall, there are significant opportunities to improve and update the statutory elements of the WPS (including zones, overlays and schedules) by implementing strategic work that has been completed
by Council. There is scope to rationalise existing schedules to remove the need for some unnecessary permits.

Although the performance of the WPS has been monitored and various amendments and initiatives have been introduced since the 2003/2006 MSS Review (most notably Amendment C57), it is apparent that elements of the scheme have become increasingly dated and have failed to keep pace with new and recurring planning issues.

The WPS would definitely have benefited from more regular formal reviews in order to tap into the views of frequent users, to identify new issues and priorities, and in support of a more focussed strategic work program. It is also evident that although various strategic projects have been identified, many have not been acted upon. Even where Council or other agencies have undertaken further strategic work, it has not always found its way into the Wodonga Planning Scheme.

The pressure to update the planning scheme is intensifying as development pressures south and east of Wodonga grow. It is also intensifying in response to increasing community concern about the failure to address longstanding planning issues concerning healthy design, estate planning, heritage, urban design, environment protection and rural lifestyle opportunities.
13 RECOMMENDATIONS

The following recommendations have been derived from the assessment of consultation outcomes, the review of the performance of the current WPS and the identification of key policy gaps.

These recommendations are intended to be read in conjunction with the more specific and detailed recommendations elsewhere in the report. They are intended to address the key zone, overlay, strategy and policy gaps and priorities identified in this report.

The following implementation program provides a process through which these actions can be undertaken.

13.1 Structural Change

Make content and structural changes to the MSS to update it, improve its performance and usability, and achieve greater consistency with Practice Notes and contemporary approaches to the MSS content and structure using Appendix 2 as a guide.

Make changes to the LPPs to update the material and reposition it in accordance with current best practice as suggested in Section 6.

As an outcome of the above, prepare a ‘policy neutral’ MSS that is structured in accordance with the SPPF and which removes repetition. Appendix 2 provides an example Clause for a ‘policy neutral’ MSS.

13.2 Content Change

Make the following content changes to the restructured MSS to update it, improve its performance and usability, and achieve greater consistency with Practice Notes and contemporary approaches to MSS content and structure.

- Expand the thematic structure to achieve greater consistency with the SPPF.
- Update the background information, particularly census material.
- Update the Strategic Framework maps.
- Update the discussion of key issues particularly in light of the Council Plan and other adopted strategic documents.
- Use themes that are consistent with the themes used to present objectives and strategies elsewhere in the SPPF.
- Update and summarise the ‘context’ material and include it under sub-themes in order to improve the navigability of the MSS.
- Include any relevant material from the Council Plan.
- Include objectives, strategies and implementation actions for all issues to ensure that they perform their intended functions.
- Group and number strategies under individual objectives.
• Reposition the local settlement and township material in a new ‘Local Areas’ clause.
• Expand the headings used under the ‘Implementation’ sections to include, where relevant, ‘policy guidelines’ (application requirements, exercise of discretion, decision guidelines and criteria or performance measures),’ scheme implementation’ and ‘other actions of Council’.
• Delete the Monitoring and Review Section.
• Include a separate clause or clauses that list ‘further strategic work’ and ‘reference documents’.
• Update and review Clause 22 to ensure that the Policies assist in exercising discretion within the Planning Scheme.

13.3 Addressing Strategic Planning Gaps

The following actions are intended to address the gaps and deficiencies in the WPS. Most of these actions are already included in the current Council Plan.

<table>
<thead>
<tr>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepare a Wodonga Growth Strategy that reflects housing diversity,</td>
</tr>
<tr>
<td>healthy design and affordable living principles.</td>
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<tr>
<td>Undertake an Industrial Land Supply audit for the city to plan for</td>
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<tr>
<td>future growth areas.</td>
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<tr>
<td>Finalise a Development Contribution Strategy which defines the</td>
</tr>
<tr>
<td>financial contribution by developers to key infrastructure.</td>
</tr>
<tr>
<td>Develop a plan for sustainable urban growth in the Leneva-Baranduda</td>
</tr>
<tr>
<td>area.</td>
</tr>
<tr>
<td>Complete the Central Business Area 2020 Vision and Strategic Action</td>
</tr>
<tr>
<td>Plan.</td>
</tr>
<tr>
<td>Revise the Wodonga Economic Development Strategy</td>
</tr>
<tr>
<td>Develop plans which include new industrial areas for North Wodonga,</td>
</tr>
<tr>
<td>Bandiana and Baranduda.</td>
</tr>
<tr>
<td>Implement the Wodonga Integrated Transport Strategy prioritising</td>
</tr>
<tr>
<td>pedestrian and cycling connection.</td>
</tr>
<tr>
<td>Develop a Greening Wodonga Strategy to include hilltops, floodplains,</td>
</tr>
<tr>
<td>Leneva, Baranduda and the residential streetscapes.</td>
</tr>
<tr>
<td>Develop management plans to ensure WRENs land is maintained and</td>
</tr>
<tr>
<td>managed.</td>
</tr>
<tr>
<td>Investigate suitable future site options for odour emitting industries.</td>
</tr>
<tr>
<td>Implement the Bonegilla Master Plan and secure funding for</td>
</tr>
<tr>
<td>implementation.</td>
</tr>
</tbody>
</table>
Enhance the main entrances to the city.

Develop a Strategic Plan for Gateway Village and Gateway Lakes precinct.

Implement future cycling and pathway improvements promoting linkages to the CBA.

Implement the Wodonga Recreation Strategy.

Determine future uses for the Wodonga racecourse precinct.

Develop an Environmental Strategy for Wodonga.

Notably, not all of these strategies and projects are within the domain of the strategic planning unit. Some will be prepared by the engineering section, or the health department or by the landscape office. The important thing is that whoever prepares them, for them to have proper status, they must be implemented into the WPS.

In addition to the above, improve the protection of environmental assets in the City, including:

- Implementing existing environmental strategies and policies; and
- Implementing the specific recommendations in the Review Report relating to zones and overlays either as a series of individual projects or under the umbrella of a ‘Biodiversity Mapping Project’.

13.4 Zones

Review the existing application of zones and schedules in accordance with Section 8 of this report.

Implement zoning changes resulting from further strategic work to be undertaken as and when required.

13.5 Overlays

Review the existing application of zones, overlays and schedules in accordance with Section 8 of this report.

Implement overlay changes resulting from further strategic work to be undertaken as and when required.

Undertake the following overlay actions in the short term:

- Undertake mapping changes to the BMO, LSIO, SLO and ESO areas.
- Review the existing schedules to avoid repetition and include permit exemptions.

13.6 Referral of Permit Applications

Review the existing referral of permit application arrangements.
Review all referrals/notices in the schedule to Clause 66 especially to align with VC102 in terms of identifying whether an agency is a determining authority or a recommending authority.

### 13.7 Prioritised implementation program

Prioritise the above strategic work program so that includes the following projects:

<table>
<thead>
<tr>
<th>Project</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Update the structure of the MSS (underway)</td>
<td>High (Early 2014)</td>
</tr>
<tr>
<td>Update the structure of the LPPs (underway).</td>
<td>High (Early 2014)</td>
</tr>
<tr>
<td>Implementing existing strategies and policies (partly underway) and include in the new updated structure.</td>
<td>High (Late 2014)</td>
</tr>
<tr>
<td>Zoning changes</td>
<td>Medium</td>
</tr>
<tr>
<td>Overlay changes</td>
<td>Medium</td>
</tr>
</tbody>
</table>

### 13.8 Planning Scheme Amendments

Prepare an amendment to improve the usability of the LPPF in accordance with the outcomes of this report, including:

- Achieving greater content and structural consistency with the relevant Practice Notes.
- Repositioning LPP material (Clause 22) into the MSS (Clause 21).
- Updating background and context information.
- Including relevant council policies and strategies.
- Including relevant policies and strategies prepared by other agencies.

### 13.9 Staging

The recommended planning scheme changes could be implemented through a single standalone amendment; or they could be treated as a series of separate amendments, such as an ‘LPPF amendment’ and then a ‘zone and overlay’ amendment.
## APPENDIX ONE – LIST OF LOCAL AMENDMENTS

<table>
<thead>
<tr>
<th>Amendment number</th>
<th>In operation from</th>
<th>Brief description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>17 FEB 2000</td>
<td>Rezones eight local shop groups in McFarland Road, De Kerilleau Drive, Morrison Street, Barton Street, Jarrah Street, Mayfair Drive, Waratah Way and Gayview Drive to Mixed Use Zone, recognises these local shop groups as convenience mixed use activity areas in the municipal strategic statement, introduces and implements a local shop group’s policy, and amends the Mixed Use zone schedule to provide a maximum combined leasable floor area for offices of 120 sq metres.</td>
</tr>
<tr>
<td>C3</td>
<td>1 MAR 2001</td>
<td>Rezones land in Chapman Street Wodonga from Rural to Residential A</td>
</tr>
<tr>
<td>C4</td>
<td>1 MAR 2001</td>
<td>Rezones land that has frontages to Beechworth/Wodonga Road, Baranduda Boulevard, Streets Road and Boyes Road Leneva from Rural to Rural Living Zone; Introduces a Development Plan Overlay over all land affected by the amendment, a Rural Flood Overlay and a Public Acquisition Overlay over the land affected by the 1 in 100 year flood along Middle Creek. Provides a Public Acquisition Overlay over a linear reserve link from Beechworth Road to Middle Creek.. Introduces a new Local Planning Policy to ensure that the use and development of the land at the Rural Living Zone has regard to the Leneva Structure Plan;</td>
</tr>
<tr>
<td>C7</td>
<td>17 MAY 2001</td>
<td>Implements Section 48 of the Heritage Act to ensure that all places in the Victorian Heritage Register are identified in the Planning Scheme</td>
</tr>
<tr>
<td>C6</td>
<td>5 JUL 2001</td>
<td>Rezones 32 ha of land from a Rural Zone to a Mixed Use Zone and introduces a Design &amp; Development Overlay and Local Policy to facilitate and guide the development of the Albury Wodonga Enterprise Park. A Public Acquisition Overlay is provided along a linear section of land that coincides with a watercourse located within the Enterprise Park.</td>
</tr>
<tr>
<td>C5</td>
<td>10 JAN 2002</td>
<td>Rezones 3.7 ha of land at 63A Huon Creek Road Wodonga to a Low Density Residential Zone. A Public Acquisition Overlay is provided along House Creek.</td>
</tr>
<tr>
<td>C10</td>
<td>11 JAN 2002</td>
<td>Rezones 130 ha of land from a Rural Zone to a Mixed Use Zone and Industrial 1 Zone, incorporating a Design &amp; Development Overlay and Local Policy to facilitate and guide the development of the Albury Wodonga Enterprise Park. A Public Acquisition Overlay is provided along several watercourses and over land required for a future road and road widening works within the Enterprise Park.</td>
</tr>
<tr>
<td>C11</td>
<td>2 MAY 2002</td>
<td>Rezones 2.1 ha of land at Bromley Lane, Baranduda South from Environmental Rural Zone to Rural Living Zone, deleting the Environmental Significance Overlay and applying a Development Plan Overlay on the land.</td>
</tr>
<tr>
<td>Amendment number</td>
<td>In operation from</td>
<td>Brief description</td>
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</tr>
<tr>
<td>C8</td>
<td>30 MAY 2002</td>
<td>Amends a number of Planning Scheme maps to correct a number of anomalies and errors; Corrects minor typographical, numerical and numbering errors in Local Planning Policies, Overlays and Schedules.</td>
</tr>
<tr>
<td>C9</td>
<td>4 JUL 2002</td>
<td>Provides a Public Acquisition Overlay on land required for the Wodonga Rail By-Pass Project.</td>
</tr>
<tr>
<td>C14</td>
<td>11 JUL 2002</td>
<td>Rezones surplus Crown land at Quarry Road, Barnawartha South and Murray Valley Highway, Bonegilla, to Rural Zone</td>
</tr>
<tr>
<td>C15</td>
<td>20 FEB 2003</td>
<td>Rezones land located at the western base Huon Hill, Bakers Lane Wodonga, from Rural to Residential 1 and Low Density Residential, applies the Design and Development Overlay to the land, applies the Public Acquisition Overlay to adjoining land required for Regional Parkland use, introduces a new Design and Development schedule for the land, adds the land and makes corrections to the Public Acquisition Overlay schedule, and makes minor corrections to the planning scheme maps.</td>
</tr>
<tr>
<td>C16</td>
<td>29 MAY 2003</td>
<td>Rezones 394 ha of land from a Rural Zone to an Industrial 1 Zone, incorporating a Design &amp; Development Overlay to facilitate and guide the development of the National Distribution Centre - Wodonga.</td>
</tr>
<tr>
<td>C18</td>
<td>26 JUN 2003</td>
<td>Rezones the proposed Leneva Town Centre site from a Rural Zone to a Business 1 Zone and back zones a former Town Centre site from Business 1 Zone to a Rural Zone</td>
</tr>
<tr>
<td>C19</td>
<td>4 SEP 2003</td>
<td>“Rezones land in the West Wodonga area for rural living, low density residential, and industrial purposes”.</td>
</tr>
<tr>
<td>C20</td>
<td>4 SEP 2003</td>
<td>Amends a number of Planning Scheme maps to correct several mapping errors, applying the correct zone and overlay</td>
</tr>
<tr>
<td>C21</td>
<td>11 SEP 2003</td>
<td>Rezones 12 ha of land from a Rural Zone to a Business 4 Zone, incorporating a Design and Development Overlay and Local Policy to facilitate and guide the development of a service centre for the national Distribution Hub, Murray Valley Highway, Barnawartha North.</td>
</tr>
<tr>
<td>C23</td>
<td>6 NOV 2003</td>
<td>Amends the schedule to the Rural Zone to allow the subdivision of land at the Baranduda Education Precinct, below the minimum 40 hectares in area.</td>
</tr>
<tr>
<td>C26</td>
<td>22 APR 2004</td>
<td>Rezones 5 hectares of land in Castle Creek Road, Wodonga from a Rural Zone to a Residential 1 Zone.</td>
</tr>
<tr>
<td>C24</td>
<td>16 SEP 2004</td>
<td>Rezones land for the Albury Wodonga National Highway Project Victorian Section from various zones to Road Zone Category 1, removes the Public Acquisition Overlay 1 from all land being rezoned to Road Zone category 1; varies the area of Cambourne Park Homestead “HO1”, applies the Rural Floodway Overlay 2 and a new Schedule to the overlay to land that is being rezoned to Road Zone Category 1, removes small areas of the Design and Development Overlay and Development Plan Overlay from land that</td>
</tr>
<tr>
<td>Amendment number</td>
<td>In operation from</td>
<td>Brief description</td>
</tr>
<tr>
<td>-----------------</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>is being rezoned to Road Zone Category 1, adds small areas of Development Plan Overlay and Design and Development Overlay to land adjacent to the Road Zone Category 1, amends the Public Acquisition Overlay Schedule to delete reference to the PAO1, and applies a schedule to Clause 52.17 to remove the need for any native vegetation consent on land being rezoned to Road Zone Category 1.</td>
</tr>
<tr>
<td>C36</td>
<td>9 DEC 2004</td>
<td>Includes former Commonwealth land located on the Murray Valley Highway, Bandiana in the Wodonga Planning Scheme, includes the land in the Residential 1 Zone and applies a Development Plan Overlay and introduces a Vegetation Protection Overlay to the land.</td>
</tr>
<tr>
<td>C29</td>
<td>10 FEB 2005</td>
<td>The amendment rezones Lot 1 on PS 93668 from the Rural Zone (RUZ) to Township Zone (TZ) and the balance of land on PS 93668 from Rural Zone to the Low Density Residential Zone (LDRZ). The amendment introduces a Development Plan Overlay over all of the land affected by the amendment. The Development Plan Overlay ensures that the subdivision of land occurs in accordance with the Bonegilla Structure Plan adopted by the City of Wodonga, July 2003. The amendment changes the Development Plan Overlay that applies to land already zoned Township to ensure consistency with the adopted Bonegilla Structure Plan, and amends the schedule to Clause 61.01-04.</td>
</tr>
<tr>
<td>C33</td>
<td>10 MAR 2005</td>
<td>Rezones land at 49 Coyle’s Road, Wodonga West to a Low Density Residential Zone and McGaffin’s Road Lot 1 P.S. No. 442427 Wodonga West to Public Park and Recreation Zone and Public Use Zone.</td>
</tr>
<tr>
<td>C43</td>
<td>17 MAR 2005</td>
<td>“Rezones 21.4 ha of land, located on Kenneth Watson Drive Wodonga from a Low Density Residential Zone to a Residential 1 Zone and land owned by North East Water, is rezoned from Residential 1 Zone to a Public Use Zone. It also undertakes corrections to the Design Development Overlay and Environmental Significance Overlay to ensure the overlays correctly correspond with existing title boundaries. It deletes the Public Acquisition Overlay from land on the western side of Huon Hill and from land located on the frontage of Wodonga Creek.”</td>
</tr>
<tr>
<td>C44</td>
<td>11 AUG 2005</td>
<td>Zones 131 ha of land located at Pearce Street Wodonga and at the corner of Beechworth Road and Windsor Drive Wodonga, formerly owned by the Commonwealth, to Farm Zone under the Wodonga Planning Scheme. It also applies a Development Plan Overlay and a Vegetation Protection Overlay to the land and introduces an Environment Audit Overlay.</td>
</tr>
<tr>
<td>C27</td>
<td>1 DEC 2005</td>
<td>Applies the Public Park and Recreation Zone and Heritage Overlay to the Bonegilla Migrant Settlement Camp, Bonegilla, and includes the site as Heritage Place No HO7 in the schedule to the Heritage Overlay.</td>
</tr>
<tr>
<td>C35</td>
<td>25 JAN 2006</td>
<td>Introduces Design and Development to implement urban design objectives for Elgin Boulevard, Wodonga from the adopted master</td>
</tr>
<tr>
<td>Amendment number</td>
<td>In operation from</td>
<td>Brief description</td>
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<tr>
<td></td>
<td></td>
<td>plan guiding new development in the Wodonga Central Business Area.</td>
</tr>
<tr>
<td>C38</td>
<td>13 APR 2006</td>
<td>Introduces the Rural Conservation and Farming Zones into the Scheme and rezones all land in the Environmental Rural Zone to Rural Conservation and all land in the Rural Zone to the Farming Zone. The Environmental Rural Zone and Rural Zone and a related policy (Clause 22.03) are deleted from the Scheme.</td>
</tr>
<tr>
<td>C51</td>
<td>14 SEP 2006</td>
<td>Rezones land presently affected by a Public Acquisition Overlay (PAO8) for the Wodonga Rail Bypass to Public Use Zone Category 4. It also introduces a Schedule to the Public Use Zone requiring preparation of an Environmental Management Plan, Communications Strategy and detailed landscaping plans, a Schedule to Clause 52.17 exempting the project from the need for a permit for native vegetation removal, and removes the Public Acquisition Overlay from the land.</td>
</tr>
<tr>
<td>C48</td>
<td>5 OCT 2006</td>
<td>Rezones land formerly owned by the Department of Defence for future residential development to be known as the White Box Rise residential estate. The amendment comprises: 4 new zone maps and 14 new or amended overlay maps; new Municipal Strategic Statement Clauses 21.10-06.1, 21.10-06.2 and 21.11; new Schedules to the Design and Development Overlay, the Development Plan Overlay and the Public Acquisition Overlay; and a replacement schedule to the Business 1 Zone.</td>
</tr>
<tr>
<td>C39</td>
<td>30 NOV 2006</td>
<td>Rezones land not required for road purposes forming part of the Moorefield Park Drive, road reserve, to a Business 4 Zone.</td>
</tr>
<tr>
<td>C12</td>
<td>4 JAN 2007</td>
<td>“Rezones the balance of land at the Riverview Estate Wodonga to a Residential 1 Zone from the Farming and Industrial 1 Zones, and rezones an adjoining 1500 square metres of land to Industrial 1 Zone, consistent with abutting land.”</td>
</tr>
<tr>
<td>C30</td>
<td>4 JAN 2007</td>
<td>“Inserts the Wildfire Management Overlay and 12 new Wildfire Management Overlay maps for various parts of the municipality to align building and planning fire risk mapping.”</td>
</tr>
<tr>
<td>C50</td>
<td>15 FEB 2007</td>
<td>Rezones 5000 square metres of land from a Public Park and Recreation Zone to a Residential 2 Zone and applies a Design and Development Overlay, on land located at 126 Melbourne Road Wodonga.</td>
</tr>
<tr>
<td>C37(Part 1)</td>
<td>5 APR 2007</td>
<td>The amendment implements the directions from the North Leneva Structure Plan, updating the Municipal Strategic Statement and rezoning Allotment 2B, Street's Road Leneva to both a Residential 1 and Residential 2 Zone. The amendment introduces a package of controls that implement the directions of the North Leneva Structure Plan and Wodonga Retained Environmental Network Strategy (WRENS), providing a Development Plan Overlay on the land being rezoned and a Vegetation Protection Overlay as provided for in the WRENS study report.</td>
</tr>
<tr>
<td>C55</td>
<td>30 AUG 2007</td>
<td>Rezones approximately 3.1 hectares of land located on the south</td>
</tr>
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<td>Amendment number</td>
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<td>western corner of McGaffin’s Road (west) and Felltimber Creek Road, Wodonga West from a Farming Zone to a Low Density Residential Zone and applies a Development Plan Overlay to the land. It also rezones approximately 3.2 hectares of land abutting Felltimber Creek Road from a Farming Zone to a Rural Conservation Zone and applies an Environmental Significance Overlay to the land.</td>
</tr>
<tr>
<td>C52</td>
<td>11 OCT 2007</td>
<td>Rezones land at No. 6 High Street and 8 High Street, Wodonga from Residential 1 Zone (R1Z) to Business 4 Zone (B1Z).</td>
</tr>
<tr>
<td>C34</td>
<td>18 OCT 2007</td>
<td>Implements the Wodonga Central Business Area Parking Precinct Plan, April 2003, by including land at 21 Stanley Street, Wodonga in a Public Acquisition Overlay, amending Clause 21.16, Clause 22.18, the schedule to Clause 45.01, Clause 52.06 to include the Parking Precinct Plan, and clause 81 to include the Parking Precinct Plan as an incorporated document.</td>
</tr>
<tr>
<td>C31</td>
<td>3 APR 2008</td>
<td>“Revises the extent of the Floodway Overlay and Land subject to Inundation Overlay in accordance with information provided under the Flood Data Transfer Project”.</td>
</tr>
<tr>
<td>C63</td>
<td>3 APR 2008</td>
<td>Amends Schedule 4 to Clause 43.02 to remove the section ‘Expiry of Clause’ to allow for the implementation of urban design objectives for Elgin Boulevard, Wodonga from the adopted master plan guiding new development in the Wodonga Central Business Area”.</td>
</tr>
<tr>
<td>C28</td>
<td>17 APR 2008</td>
<td>Includes the Bonegilla Hall within a Township Zone and Heritage Overlay.</td>
</tr>
<tr>
<td>C59</td>
<td>08 MAY 2008</td>
<td>Rezones 7250 m² of land at No. 63-65 High Street Wodonga from Public Use Zone 2 to Business 4 Zone.</td>
</tr>
<tr>
<td>C40</td>
<td>08 JUL 2008</td>
<td>Introduces the Environmental Significance Overlay and schedule (ESO4) and the Environmental Audit Overlay over land at Lot 1 PS518283X, 4380 Anzac Parade, Wodonga known as Silky Oak Avenue.</td>
</tr>
<tr>
<td>C60</td>
<td>24 JUL 2008</td>
<td>Rezones land described as ‘Reserve’ LP 110190 and known as 14 Kendall Street, Wodonga from Public Park and Recreation Zone to Industrial 1 Zone.</td>
</tr>
<tr>
<td>C57</td>
<td>11 DEC 2008</td>
<td>Replaces the existing Municipal Strategic Statement (MSS) with a new MSS; replaces existing Local Planning Policies with revised Local Planning Policies; introduces requirements for contributions to Public Open Space for residential development; and floor area limits in the Schedules to the Mixed Use Zone and Business 1 Zone.</td>
</tr>
<tr>
<td>C64</td>
<td>16 APR 2009</td>
<td>The amendment rezones a number of incorrectly zoned land parcels within the Wodonga Planning Scheme which are a mixture of both private and public lands.</td>
</tr>
<tr>
<td>C54</td>
<td>30 APR 2009</td>
<td>Rezones approximately 100 hectares of land in Whytes Road Baranduda from Residential 1 Zone and Farming Zone to a Rural Living Zone, includes a minimum lot size requirement of 2 hectares in the schedule to the Rural Living Zone applies an Environmental</td>
</tr>
<tr>
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<td><strong>Significance Overlay (ESO3) and Vegetation Protection Overlay (VPO4)</strong> to parts of the land and along the roadside of Kinchingston Road Baranduda and amends an existing VPO4 along Streets Road.</td>
</tr>
<tr>
<td>C46</td>
<td>11 JUN 2009</td>
<td>Implements Section 48 of the <em>Heritage Act</em> 1995 to ensure that places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.</td>
</tr>
<tr>
<td>C49</td>
<td>16 JUL 2009</td>
<td>The amendment rezones approximately 263 hectares of land in a number of locations adjacent to Baranduda, to ensure the zoning of land is consistent with the directions of the Municipal Strategic Statement; the land is rezoned from a Business 1 Zone, Industrial 1 Zone and Residential 1 Zone to predominantly an Urban Growth Zone.</td>
</tr>
<tr>
<td>C42(Part 1)</td>
<td>20 AUG 2009</td>
<td>The Design and Development Overlay provisions are updated to ensure the controls remain consistent with an approved development plan for the Enterprise Park area of West Wodonga. The Public Acquisition Overlay is also modified to be consistent with the approved development plan. The amendment also corrects a mapping error that was made over the Design and Development Overlay for the Logic Centre, the map now correctly labels the area as ‘DDO3’.</td>
</tr>
<tr>
<td>C67</td>
<td>3 SEP 2009</td>
<td>Applies the Flood Overlay over the Jack in the Box Creek channel and environs, in accordance with areas identified in the <em>Jack in the Box Creek Flood Study</em> January 2006, by Cardno Willing.</td>
</tr>
<tr>
<td>C56</td>
<td>18 NOV 2009</td>
<td>Rezones approximately 1.9 hectares of land east of High Street, west of Havelock Street and north of Elgin Boulevard, Wodonga from a Public Use Zone 4 and Road Zone 2 to a Business 1 Zone.</td>
</tr>
<tr>
<td>C41</td>
<td>26 NOV 2009</td>
<td>Permanently introduces an Environmental Significance Overlay, Schedule 4 (ESO4) and an Environmental Audit Overlay (EAO) over land at Lot1 PSS18283X, 4380 Anzac Parade, Wodonga known as Silky Oak Avenue.</td>
</tr>
<tr>
<td>C61</td>
<td>26 NOV 2009</td>
<td>Amends zone and overlay boundaries to accord with the approved Development Plan for the White Box Rise Estate, namely rezones land from a Residential 2 Zone to a Business 1 Zone, Public Use Zone 7 to accommodate a community swimming centre, a Public Use Zone 2 to accommodate a new school and a Mixed Use Zone. Deletes the Public Acquisition Overlay over the school site. Rezones land from Residential 1 Zone to a Public Park and Recreation zone to accommodate a small park and roundabout at the southern end of Kelliher Street. Realigns the boundary to the Road Zone 2 (Victoria Cross Pde) to accord with improved road design and amends the boundaries of the Business 4 Zone, Public Conservation and Resource Zone, Public Park and Recreation Zone and VPO to accord with the new Road Zone 2. Rezones land located south of McCarthy Street from a Residential 1 Zone to a Public Park and Recreation Zone and amends the VPO to accord with the new boundaries of the PPRZ. Amends the Vegetation Protection Overlay through White Box Park to accord with the placement of a road</td>
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<tr>
<td>C70</td>
<td>26 NOV 2009</td>
<td>Rezones approximately 0.6 hectares of land comprising Lot B PS 538226: Ingrams Road Wodonga, from part Residential 1 Zone and part Rural Conservation Zone to a Low Density Residential Zone. Amends the boundaries of the DPO and ESO to accord with the zone boundary adjustment.</td>
</tr>
<tr>
<td>C72</td>
<td>4 FEB 2010</td>
<td>Includes land at 83 -85 Thomas Mitchell Drive, Wodonga in the Schedule to Clause 52.03 to enable an office larger than 500 sq m in area to be developed on the land.</td>
</tr>
<tr>
<td>C58</td>
<td>18 MAR 2010</td>
<td>Rezones Wodonga Country Club golf course from a Public Use Zone 7 to a Special Use Zone 2 and applies a Development Plan Overlay and Design and Development Overlay over a 6 hectare section of the site fronting the northern end of Parkers Road (between Clubhouse Place and Felltimber Creek).</td>
</tr>
<tr>
<td>C68</td>
<td>8 APR 2010</td>
<td>The amendment rezones the Stanley Street pool and preschool sites from a Public Use Zone No.7 to a Mixed Use Zone and 41 Elgin Boulevard from a Public Park and Recreation Zone to a Business 1 Zone.</td>
</tr>
<tr>
<td>C79</td>
<td>20 MAY 2010</td>
<td>Amends the Environmental Significance Overlay boundary to accord with the reserve boundary and deletes the Environmental Audit Overlay (EAO) over land at Lot A PS627682 (two parts), 4380 Anzac Parade, Wodonga known as Silky Oak Avenue.</td>
</tr>
<tr>
<td>C77</td>
<td>1 JUL 2010</td>
<td>Amends clause 21.11.01 to reference Melbourne Road, Osburn Street and Thomas Mitchell Drive for potential large format retail uses. Rezones land at 150 – 176 Melbourne Road, Wodonga. No 2 Glenairne Street, Wodonga and No 2 Croyland Street, Wodonga, from a Residential 1 Zone to a Business 4 Zone.</td>
</tr>
<tr>
<td>VC71</td>
<td>20 SEP 2010</td>
<td>Replaces Clauses 10 to 19 of the SPPF with new revised Clauses 10 to 19 and redistributes the existing policies under the following new SPPF themes: Settlement, Environmental and landscape values, Environmental risk, Natural resource management, Built environment and heritage, Housing, Economic development, Transport and Infrastructure. The revised SPPF updates references to various Government documents. Introduces new policies into the SPPF to give effect to The Victorian Integrated Housing Strategy (Clause 16) and Melbourne 2030: A planning update Melbourne @ 5 Million (Clauses 11, 12, 16, and 19). Amends Clause 52.02</td>
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<td>Easement, restrictions and reserves to introduce a new objective and decision guideline as a consequential change to the SPPF review. Introduces a new Clause 52.46 Brothels as a consequential change to the SPPF review with a new requirement to place a condition on permit for a brothel. Updates the incorporated document Activity Centres and Principle Public Transport Network 2010 in Clause 81.01.</td>
</tr>
<tr>
<td>C76</td>
<td>23 SEP 2010</td>
<td>Includes land at 216 – 230 Castle Creek Road, Wodonga in the Schedule to Clause 52.03 to enable the land to be subdivided into two (2) lots each with an existing dwelling. Amends Cause 21.11.01 to reference Melbourne Road, Osburn Street and Thomas Mitchell Drive for potential large format retail uses.</td>
</tr>
<tr>
<td>C69</td>
<td>7 OCT 2010</td>
<td>The amendment implements the directions from the Municipal Strategic Statement rezoning approximately 260 hectares of land for urban development. This includes the rezoning of 3 hectares of land to a Business 1 Zone for the purpose of establishing the Riverside Estate Neighbourhood Activity Centre. Additional land is rezoned Mixed Use around the proposed centre and Residential 1 surrounding the eastern side of Huon Hill. A Design Development Overlay, Development Plan Overlay and Environmental Audit Overlay and Native Vegetation Precinct Plan are also applied to all or part of the site.</td>
</tr>
<tr>
<td>VC74</td>
<td>25 OCT 2010</td>
<td>Amends Clause 52.27 to include a permit exemption for variation of liquor licence prescribed under the Liquor Control Reform Regulations 2009. Amends Clause 66 to make the Director of Liquor Licensing a referral authority and the Victoria Police a notice authority for an application under Clause 52.27 in association with a hotel, tavern or nightclub that is to operate after 1am.</td>
</tr>
<tr>
<td>C62</td>
<td>3 FEB 2011</td>
<td>Rezones land at No 2 Melrose Drive, Wodonga from a Residential 1 Zone to a Business 4 Zone.</td>
</tr>
<tr>
<td>C74</td>
<td>3 FEB 2011</td>
<td>Rezones land from a Rural Conservation Zone to a Residential 1 Zone to generally accord with the 240 metre contour at the south western side of Bears Hill. Adjusts the Environmental Significance Overlay 2 and the Development Plan Overlay 1 to accord with the new zone boundary. Rezones public land at Blue Bonnet Way and Peregrine Place from a Residential 1 Zone to a Public Park and Recreation Zone and applies a Vegetation Protection Overlay 4 to the land. Rezones private land in Ballara Drive, Wodonga to Residential 1 Zone.</td>
</tr>
<tr>
<td>VC78</td>
<td>15 MAR 2011</td>
<td>Removes the Minister’s decision-making powers regarding a Wind energy facility with a capacity of 30 megawatts or greater in Clause 61.01; amends Clause 19.01 and the application requirements and decision guidelines of Clause 52.32 to support consideration of local amenity impacts of a Wind energy facility. Updates the <em>Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria</em> and substitutes the 1998 New Zealand Standard for Wind Farm Noise - NZS6808 with the 2010 edition; introduces...</td>
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<tr>
<td>VC79</td>
<td>8 APR 2011</td>
<td>Amends Clause 52.27 to require a planning permit to use land to sell packaged liquor; clarify the circumstances when a planning permit is required under the Clause; and improve the readability of the Clause.</td>
</tr>
<tr>
<td>C84</td>
<td>12 MAY 2011</td>
<td>Amends the schedule to clause 52.28-3 to correct the land description for the Birallee Shopping centre to prohibit gaming machines within the shopping complex.</td>
</tr>
<tr>
<td>VC82</td>
<td>29 AUG 2011</td>
<td>Amends Clause 52.32 to identify locations where a Wind energy facility is prohibited, include additional application requirements and permit the use and development of an anemometer for more than three years. Amends Clause 37.07 to prohibit a Wind energy facility. Amends Clause 19.01 and Clause 52.32 to reference the updated Policy and planning guidelines for development of Wind energy facilities in Victoria (August 2011), and removes the current guidelines from the list of incorporated documents in Clause 81.01. Amends Clause 36.03 to clarify the condition that relates to land described in the National Parks Act 1975.</td>
</tr>
<tr>
<td>VC83</td>
<td>18 NOV 2011</td>
<td>Introduces a new bushfire planning policy in the SPPF to replace Clause 13.05; Introduces a new Bushfire Management Overlay (BMO) to replace the Wildfire Management Overlay at Clause 44.06; Introduces a new particular provision for Bushfire Protection at Clause 52.47 that applies objectives, standards and decision guidelines under the provisions of the BMO; Introduces a new particular provision at Clause 52.48 that consolidates and updates planning permit exemptions for bushfire protection purposes (the Interim Measures at Clause 52.43 have been amended to only apply to Yarra Ranges Planning Scheme); Amends Clauses 42.01, 42.02, 42.03, 44.01, 44.02, 52.16 and 52.17 to address vegetation removal when creating defendable space and reducing the risk from bushfire; Introduces a range of consequential changes that include defining defendable space, changing WMO references to BMO and updating wildfire references to bushfire.</td>
</tr>
<tr>
<td>C80</td>
<td>8 DEC 2011</td>
<td>Rezones S2 Ashworth Lane and S32 Wodonga-Yackandandah Road, Staghorn Flat known as the ‘Ashworths Estate’ to Rural Living Zone and Rural Conservation Zone, updates MSS clause 21.10-12, applies the Development Plan Overlay – Schedule 16, and amends the boundary of Environmental Significance Overlay – Schedule 2.</td>
</tr>
<tr>
<td>C81</td>
<td>8 DEC 2011</td>
<td>Rezones land fronting Wodonga-Yackandandah Road, Jillamatong Drive, Ridge Lane, and Bromley Drive, Staghorn Flat, known as “Baranduda Springs Estate” from Rural Living Zone and Rural Conservation Zone to Low Density Residential Zone and part of Lot 1 PSS12093 from Rural Living Zone to Rural Conservation Zone, applies Development Plan Overlay – Schedule 17, and amends the boundary of Environmental Significance Overlay – Schedule 2 to provide for the future residential development of the land.</td>
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<tr>
<td>C90</td>
<td>15 DEC 2011</td>
<td>Rezones land at Reid Street Wodonga from a Public Use Zone 6 and Public Use Zone 4 to a Business 2 Zone.</td>
</tr>
<tr>
<td>C92</td>
<td>9 FEB 2012</td>
<td>Rezones land formerly comprising the Wodonga Railway Station and associated rail land, to the Comprehensive Development Zone (CDZ); Introduces CDZ Schedule 1 – ‘Wodonga Central Comprehensive Development Plan’ to facilitate redevelopment of the land for a mix of uses and key road and public open space projects; Deletes the Design and Development Overlay 4 from the land; Applies the Environmental Audit Overlay and the Heritage Overlay HO10 to the ‘Wodonga Railway Station, Elgin Boulevard Wodonga’; Amends the Local Planning Policy Framework at Clause 21.11, Clause 21.12 and Clause 22.09 to include reference to the relocation of the Railway Station and rezoning of the land to the Comprehensive Development Zone 1; Adds Places Victoria to the schedule at Clause 66.04 as a referral authority for approval of permit applications and precinct plans under the Comprehensive Development Zone 1; and Introduces the incorporated document ‘Wodonga Central Comprehensive Development Plan 2011’ in the schedule to Clause 81.01.</td>
</tr>
<tr>
<td>C91</td>
<td>16 FEB 2012</td>
<td>Removes the Public Acquisition Overlay (PAO5) from land between McCoy Street and Coopers Road, West Wodonga.</td>
</tr>
<tr>
<td>C73</td>
<td>1 MAR 2012</td>
<td>Rezones approximately 77 hectares of land at 160 Kiewa Valley Highway, Baranduda from the Farming Zone to the Public Park and Recreation Zone.</td>
</tr>
<tr>
<td>C95</td>
<td>29 MAR 2012</td>
<td>Amends the schedules to Clause 52.17 and Clause 81.01 to insert the Goulburn-Murray Water Native Vegetation Code of Practice, February 2011 as a Utility installation code of practice. A planning permit is not required to remove destroy or lop native vegetation that accords with the Goulburn-Murray Water Native Vegetation Code of Practice, February 2011.</td>
</tr>
<tr>
<td>C100</td>
<td>10 MAY 2012</td>
<td>Corrects an error to the planning scheme to reinstate subclause 21.11-3 Tourism, subclause 21.11-04 Industry, subclause 21.11-05 Logic Wodonga, subclause 21.11-06 Baranduda and Bandiana, and subclause 21.11-07 Enterprise Park Wodonga which were inadvertently removed under Amendment C92 to the Wodonga Planning Scheme.</td>
</tr>
<tr>
<td>VC90</td>
<td>5 JUN 2012</td>
<td>Changes the VPP to introduce a new Clause 45.09 – Parking Overlay. Changes the VPP and all planning schemes to amend Clause 52.06 – Car Parking and amends Clauses 54.03 and 55.03 to remove references to car parking rates and design. Amends Clause 37.05 of the VPP and the Melbourne planning scheme to align references to sub-clause numbers between the new Clause 52.06 and Clause 37.05.</td>
</tr>
<tr>
<td>C86</td>
<td>14 JUN 2012</td>
<td>Changes the Municipal Strategic Statement as it relates to Valley Views Estate, Baranduda, rezones land at Valley Views Estate, Baranduda to LDRZ, introduces and applies the Development Plan Overlay to land at Valley Views Estate, Baranduda and introduces</td>
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<td><strong>C82(Part 1)</strong></td>
<td>21 MAR 2013</td>
<td>The amendment rezones land at Kinchington Road, Leneva from Farming to Residential 1 Zone and rezones part Lot 2 PS420756 from Farming to Rural Conservation Zone; Deletes Development Plan Overlay Schedule 1 and applies Development Plan Overlay Schedule 19 to Lot 1 PS645684, Lot A PS616586S, Part Lot 3 PS645684S.</td>
</tr>
<tr>
<td><strong>C104</strong></td>
<td>4 APR 2013</td>
<td>Applies interim heritage controls to 10 Stanley Street, Wodonga until 28 February 2014 by amending the Schedule to the Heritage Overlay to include HO11 and identifying the land on Planning Scheme Map No. 7HO.</td>
</tr>
<tr>
<td><strong>C78</strong></td>
<td>11 APR 2013</td>
<td>Rezones various parcels of public land to the Public Park and Recreation Zone and Public Conservation and Resource Zone, rezones land east of Beechworth - Wodonga Road and south of Baranduda Road from Farming Zone to Rural Living Zone, deletes the Public Acquisition Overlay at various locations, removes the Development Plan Overlay from land in West Wodonga and applies the Vegetation Protection Overlay Schedule 3 to land east of Warwick Road. The Amendment also affects Clause 22.04, Schedule 3 to Clause 42.02, and the Schedules to Clause 45.01 and Clause 61.03.</td>
</tr>
<tr>
<td><strong>VC100</strong></td>
<td>15 JUL 2013</td>
<td>The amendment changes the <em>Victoria Planning Provisions</em> (VPP) and all planning schemes to introduce reformed zones. Amends Clause 32.03 Low Density Residential Zone and schedules to 10 planning schemes to specify a minimum lot size for land connected to reticulated sewerage. Amends Clause 32.04 Mixed Use Zone and schedule to 53 planning schemes and Clause 32.05 Township Zone and schedule to 52 planning schemes to align them with the three residential zones introduced by Amendment V8. Amends Clause 33.01 Industrial 1 Zone and schedule to 73 planning schemes, Clause 33.02 Industrial 2 Zone and introduces a new schedule to 16 planning schemes and Clause 33.03 Industrial 3 Zone and schedule to 53 planning schemes to remove the default 500 square metre floor area cap for an Office use and to allow a local cap to be specified. Amends Clause 33.03 Industrial 3 Zone to allow a supermarket up to 1800sqm and associated shops without a permit, if conditions are met. Introduces a new Clause 34.01 Commercial 1 Zone and Clause 34.02 Commercial 2 Zone to the VPP. Replaces Clause 34.01 Business 1 Zone, Clause 34.02 Business 2 Zone and Clause 34.05 Business 5 Zone and schedules with the new Commercial 1 Zone and schedule in planning schemes. Replaces 34.03 Business 3 Zone and 34.04 Business 4 Zone and schedules with the new Commercial 2 Zone in planning schemes. Makes consequential changes to Clauses 15 and 17 of the State Planning Policy Framework, Clauses 52, 54, 55, 56 and 57 of the Particular Provisions and to other zones and overlays. Amends the Maribyrnong Planning Scheme by rezoning three</td>
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| C109             | 8 AUG 2013        | The amendment:  
|                  |                   | • Amends the schedule to Clause 52.02 by removing the restriction on the development of the land to a single dwelling.  
|                  |                   | • Amends the schedule to Clause 52.03 by introducing an incorporated document for use and development of the land at 1 McGaffins Road, West Wodonga as an emergency services facility.  
|                  |                   | • Amends the schedule to Clause 81.01 by adding the incorporated document. |
| C99              | 15 AUG 2013       | The Amendment affects land zoned rural living adjacent to Mahers Road, Lees Lane and Newman Lane, Bonegilla. The Amendment rezones land from Township to Rural Living Zone and adjusts the boundaries of the Development Plan Overlay as it applies to the rezoned land. Clause 21.09, Clause 21.10, the Schedule to Clause 35.03 and Clause 43.04 have also been amended. |
| VC104            | 22 AUG 2013       | The amendment changes the Victoria Planning Provisions and planning schemes by amending Clause 32.07 - Residential Growth Zone, Clause 32.08 - General Residential Zone and Clause 32.09 - Neighbourhood Residential Zone to include transitional provisions to exempt an existing application to construct or extend a residential development of four storeys from the requirements of clause 55 gazetted in Amendment VC100.  
|                  |                   | Amending Clause 32.09 – Neighbourhood Residential Zone to include transitional provisions ensuring that approved development is not prohibited from being subdivided (Clause 32.09-2) and that existing applications lodged, but not yet decided, are not subject to the maximum number of dwellings (Clause 32.09-3) and maximum building height provisions (Clause 32.09-8).  
|                  |                   | Amending Clause 32.01 - Residential 1 Zone and Clause 32.02 - Residential 2 Zone to update the reference for development exempted from Clause 55 from four to five storeys to be consistent with other residential zones.  
|                  |                   | Amending Clause 34.01 - Commercial 1 Zone to ensure that neighbourhood and site description and design response plans are provided for residential development subject to Clause 55 and to delete an unnecessary reference to precinct structure plans. |
| VC103            | 5 SEP 2013        | The amendment changes the Victoria Planning Provisions (VPP) and planning schemes to introduce reformed rural zones. It amends Clause 35.03 – Rural Living Zone, Clause 35.04 – Green Wedge Zone, Clause 35.05 – Green Wedge A Zone, Clause 35.06 – Rural Conservation Zone and schedules to 49 planning schemes, Clause 35.07 – Farming Zone and Clause 35.08 – Rural Activity Zone.  
|                  |                   | Makes consequential changes to Clause 11 and Clause 16 of the State Planning Policy Framework to support the reformed rural zones.  
|                  |                   | Amends Clause 57 of the Particular Provisions to align with the
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provisions of the reformed rural zones and to give affect to changes applying to green wedge land.

Amends Clause 62 of the General Provisions to exempt crop support and protection structures from permit requirements.

Amends Clause 74 relating to the definitions of host farm, rural industry and primary produce sales.
APPENDIX TWO – EXAMPLE NEW MSS CLAUSE

21.03 ENVIRONMENTAL AND LANDSCAPE VALUES

This clause provides local content to support Clause 12 (Environmental and Landscape values) of the State Planning Policy Framework.

Specific references to individual suburbs and towns are also included in Clause 21.11 (Local Areas).

21.03-1 Environment

The city of Wodonga is picturesque, characterised by an extensive amphitheatre of hills and short east west valleys which dominate the western half of the municipality. This landscape flows into the fertile river flats of the Murray and Kiewa rivers. The eastern half of the municipality features the Kiewa Valley and Lake Hume which both provide a vital rich agricultural and recreational resource.

Lake Hume occupies an area about six times the size of Sydney Harbour and was constructed to provide a constant water supply to urban and rural users downstream. The Murray River and its floodplain dominate the northern section of the city of Wodonga. Gateway Island, which forms part of the floodplain bounded by the Murray River and Wodonga Creek, separates the twin cities of Albury and Wodonga.

Other major land forms include Mount Lady Franklin, Huon Hill, Hunchback Hill, McDonalds Hill, Bears Hill, Mahers Hill and the Baranduda Range. These are a series of hills which provide a significant backdrop to urban Wodonga adding to its character and rural lifestyle.

Geology and soil characteristics in the region reflect the effects of river plain deposits such as sands, silts, clays and gravels. Surrounding hills feature course grained metamorphic rock. Soils in the general area are typically loams that are underlaid by either red or yellow clay subsoils.

Four eco-systems exist within the area, including mixed box woodland and cleared forest (Box and Stringybark), wet sclerophyll forests (peppermint) and River Red Gum forest and woodland. (21.04-2)

Wodonga Council recognises its central position in the North East Regional Catchment. As the major urban centre in the regional catchment, the need to ensure sustainable natural resource management and consideration of impacts of land use and development on the downstream catchment form an integral part of the strategic framework for the city of Wodonga.

Albury Wodonga is one of Australia’s largest inland centres and a major component of the Murray Darling basin which is the nation’s most significant river catchment. Management of land and water resources is fundamental to the prosperity and lifestyle of the city’s residents and those downstream. (21.09-1)

Key issues

- The environment and its resources will be managed in a practical and sustainable manner.
- The position of Wodonga in the upper catchment of the Murray River will be recognised with the importance of protecting the quality of water supplies and the catchment generally through implementing best practice environmental management guidelines.
- Land management will be undertaken in a manner that ensures a balanced approach to development pressures, taking a long term view to land management for the council, residents and land developers.
- A leading role in the region will be taken in managing and caring for the environment.
- A quality urban environment will be promoted through implementing standard pedestrian and transport linkages through the provision of infrastructure.
- Environmental constraints to development will be identified at the earliest possible stage and preferably prior to the zoning of land facilitating potential development, with areas of significance being appropriately protected in the planning scheme. (21.06-3)
- Initiatives, including soil and stormwater management controls for development sites, protection of the hillsides, the addition of riparian reserves, flood overlay controls and policies which form part of this planning scheme, demonstrate the commitment the Wodonga Council has to catchment management and caring for the environment. (21.09-1)

**Objective 1**

To protect and improve Wodonga’s environmental assets (JK).

**Strategies**

- The management of a system of regional parklands to protect significant patches of native vegetation and habitat corridors is required to ensure no major loss of biodiversity.
- Urban and rural development must embrace the principles of sustainable development. The application of precautionary environmental policies ensures the maintenance of the region’s ecology, biodiversity and environmental qualities, including the preservation of roadside reserves, significant stands of vegetation and protection of wildlife corridors.
- The Murray River and Kiewa River floodplains are regarded as significant natural landscapes for Albury Wodonga. The encroachment of urban areas onto the floodplains will be restricted. The Wodonga Council will work in partnership with NECMA to reduce impacts of flooding and preserve the natural functions of the floodplains.
- A minimum 30 metre wide buffer will be applied to all major waterways for all urban developments and applied through the creation of a reserve where practical and when urban subdivision is proposed. Existing native vegetation in waterways and wetlands will be retained. Further protection of waterways and wetlands will be provided through the local policy section of this scheme.
- The retention of existing wetland systems will be encouraged through the implementation of principles defined in Urban Stormwater Best Practice Management Guidelines.
- Development proposals in the southern area of the municipality, including Baranduda and Leneva, will take into consideration the high fire and erosion risk identified through the Wildlife Management Overlay.

**21.03-2 Biodiversity**

In 2006, the Wodonga Council, in conjunction with the AWC, completed a study of the natural environment in southern parts of the city, including South Wodonga through to Leneva and Baranduda. The study was commenced to overcome the conflicting situation that arises when urban development occurs on land that contains natural environmental values such as remnant native vegetation. A challenge with the current
approach applied by the state through the policy in clause 52.17 is the fact that it does not distinguish between land that is zoned and not zoned for urban development.

Often the experience is that native vegetation is extremely difficult to retain on land that is already zoned for urban development. Measures to retain native vegetation on land zoned for urban development have often been piecemeal and have yielded little in the way of sustainable gains for habitat improvement.

With the objective of undertaking a more strategic approach, the Wodonga Council and AWC undertook the Wodonga Retained Environmental Network (WREN) Project. This project balanced the legitimate needs of protecting the environment and facilitating urban development by identifying and protecting significant corridors and patches of native vegetation before land is required for urban development and on a broad scale basis. (**21.09-2**)

**Key issues**

- Protecting and restoring biodiversity and natural habitats.
- Improving the environmental health and protection of waterways.

**Objective 2**

To protect and improve Wodonga’s indigenous flora, fauna and habitat.

**Strategies**

- Implement the WREN’s approach to all future re-zonings that have the potential to impact on remnant native vegetation, identifying and protecting significant native vegetation as part of the strategic planning process.
- Ensuring the protection of remnant native vegetation on land already zoned for urban development. In future, the practice should be to fully investigate future development land to identify significant native vegetation prior to re-zoning.
- To overcome the challenge of remnant native vegetation protection in urban areas, the focus needs to be directed toward retaining larger remnant patches within reserves that are linked to a larger network of habitat corridors, well ahead of land being identified for urban development. Isolated paddock trees are unlikely to be retained within an urban development context. (**21.05-11**)

**21.03-3 Hillsides**

The hillsides are seen as part of the identity and character of Wodonga. The community has expressed clear support for the protection of the hillsides from intrusive development, insisting that the hills which overlook the urban and future urban areas remain free of development. There are environmental issues with the protection of the hills including:

- Land management responsibilities;
- Weed control and feral animals;
- Public access;
- Private versus public ownership;
- The cost of maintenance; and,
- Management of public land being considered by the community to be under resourced and uncoordinated.
Key issues

- The hills surrounding Wodonga have been long recognised as being of visual importance. The significance of the hills is reinforced by the National Trust listing of many of them surrounding Wodonga as landscapes of significance, recommending that they be protected in the planning scheme.

- The hills are one of the most widely identified and supported environmental, lifestyle and community assets in Wodonga. (21.09-3)

- The protection of prominent hillsides that surround Wodonga and areas planned for future urban development and where possible their inclusion in the Regional Parklands or open space. (21.01)

Objective 3

To safeguard the visual and natural values of hillside landscapes.

Strategies

- Maintain the system of ridgelines and hillsides that encircle Wodonga, Baranduda, Lake Hume and the Middle Creek Valley (Leneva) as major landscape elements, free of development.

- Protect hillsides from inappropriate urban development to provide a landscape backdrop to urban areas and where possible these land parcels will be added to the Regional Parks’ System and made available for passive recreational use.

- Link the hillsides to the urban area and floodplains through a system of linear open spaces and vegetated areas throughout the municipality.

- Prevent residential development above nominated contour levels which are based on the keyline – major break in slope, between the hillface and valley as identified by the Environmental Significance Overlay.

- Protect the hillsides in a manner that maintains the pristine landscape backdrop to the existing and planned urban areas in the municipality.

- Telecommunications facilities may be supported on the hilltops in recognition of the essential service they provide to the community. (All 21.09-3)

21.03-4 Waterways

Lake Hume is a significant environmental and tourism resource. Land use and development of land abutting the lake needs to be carefully assessed having regard to its attributes and ensuring that visual amenity of the landscape is not prejudiced.

Lake Hume is also an important water storage resource for south east Australia and a recreational resource for the Albury Wodonga region. The council, in conjunction with various other authorities, has a responsibility to ensure coordinated development and management of the lake foreshore and its catchment. Future land use and development must complement the objective of maintaining high quality water supply.

Key issues

- Protection and maintenance of environmental assets including Lake Hume, surrounding hillsides, the Murray River and Kiewa River floodplains and other waterways and their floodplains. (21.01)

Objective 4
To protect the natural environment and pristine setting surrounding Lake Hume from obtrusive development that may spoil the undeveloped landscape features of the environs. (22.02)

Strategies

- Protect the lake foreshore with appropriate buffers established through a policy for building works and septic systems (outside the Bonegilla township).
- Maintain the pristine setting of the lake with its surrounding land kept free of urban development.
- Encourage urban development in Bonegilla only in circumstances where reticulated sewerage and drainage services are provided.
- Ensure housing and development associated with rural land is sympathetic to the landscape and complement the setting provided by the lake.
- Encourage tourism and recreational uses in accordance with approved management plans and policy for the lake. (21.09-5)

Objective 5

- To ensure that development is sited and designed to minimise any impact from an aesthetic perspective. (22.02)

Strategies

- No building or works should be constructed closer than 200 metres to the Full Supply Level of Lake Hume, unless in the case of a dwelling are connected to a reticulated sewerage system.
- Lots developed within the Bonegilla Township should be setback a minimum of 50 metres from the Full Supply Level of Lake Hume.
- No effluent disposal systems other than reticulated sewerage systems must be within the 300 metre exclusion zone of the Full Supply Level of Lake Hume.
- Design of buildings should have regard to:
  - the attributes of the natural environment.
  - building scale and mass of surrounding development to ensure that buildings do not become dominant elements of the landscape.

21.03-5 Implementation

The strategies will be implemented through the planning scheme by:

Application of zones and overlays

The objectives, strategies and policy guidelines in the Planning Scheme are implemented through the application of appropriate zones and overlays.

- Apply Environmental Significance Overlay (Schedule 2) around Lake Hume.
- Apply Environmental Significance Overlay (Schedule 1) to protect the hillsides from development and for their environmental significance.
- Apply Vegetation Protection Overlays to protect biodiversity assets.
- The position of Wodonga in the upper catchment of the Murray River will be respected at a local level through the implementation of Urban Stormwater Best Practice Management Guidelines and Water Sensitive Urban Design Engineering Procedures, Stormwater Technical Manual. (21.09-1)
The implications associated with the North East Salinity Strategy will be assessed.\textbf{(21.09-1)}

Incorporate the Leneva Valley and Baranduda Native Vegetation Precinct Plan (2013) into the Schedule to Clause 52.16.

Ensure that private land identified for inclusion in the Public Park and Recreation Zone or Public Conservation and Resource Zone is acquired in accordance with the Leneva Valley and Baranduda Native Vegetation Precinct Plan (2013).\textbf{(21.09-2)}

The design of all buildings and works including access to sites should have regard to the topographic constraints of the site. Excavations should be minimised where possible and water runoff should be treated to prevent soil erosion and siltation of Lake Hume.

Council will seek the views of Goulburn Murray Water and the North East Catchment Management Authority in relation to any proposed use or development at Lake Hume.\textbf{(22.02)}

\textbf{Policy Guidelines}

The objectives, strategies and policy guidelines in the Planning Scheme will be implemented through the application of the following local planning policy.

- Clause 22.02 (Lake Hume Policy) seeks to protect the environmental assets of the Lake.

\textbf{Further strategic work}

- Wodonga Council will continue to participate in regional forums that impact on water quality and support North East Catchment Management Authority (NECMA) in the implementation of the North East Regional Catchment Strategy.\textbf{(21.09-1)}

- Wodonga Council will continue to support NECMA in the enhancement of river health, including weed removal and bank stabilisation works in and around Wodonga.\textbf{(21.09-1)}

- Review and update the Wodonga Environment Strategy.

- Proper assessment will be required of the existing conditions of sites at the earliest stage and preferably prior to land being included in a zone that facilitates more intensive development. Where appropriate, significant elements of the environment will be protected in this planning scheme through the use of additional overlay controls, prior to or concurrent with being zoned for urban development.\textbf{(21.09-1)}

- The City of Wodonga will jointly investigate with Goulburn Murray Water, the Shires of Indigo and Towong, the provision of an Environmental Significance Overlay around the perimeter of Lake Hume.\textbf{(22.02)}

\textbf{Other actions}

- Maintenance and protection of the structural integrity of the dam wall is of national significance and will not be impeded by the requirements of this scheme.

- Urban stormwater treatments discharged into Lake Hume will have the consent of Goulburn Murray Water and will meet best practice environmental management guidelines prior to any discharge.

- Public access will be provided to the foreshore areas of Lake Hume with land use and development that acts as a barrier to public access and views from major roads through to the lake being actively discouraged.\textbf{(21.09-5)}

\textbf{Reference documents}
- Lake Hume Land Management Plan
- Regional Catchment Strategy
- etc
APPENDIX THREE – PLANNING PERMIT AUDIT

Planning Permit Audit File Methodology:

The audit of planning permit processes, involved a detailed audit of 25 randomly selected planning permit applications (files) using the DPCD permit audit tool to examine and assess.

All allocated planning file permit numbers from 2008 to 2013 were entered into an excel spreadsheet, in total 548 planning permits were issued in that period. The spreadsheet was used to randomly select 25 planning permit files. Some files were un-locatable, so the next numbered permit within the spreadsheet was selected.

**T50 Files: (Subdivision files) in excess of seven lots:**

These files generally deal with long history - large lot subdivisions over large areas and due to their nature contain many amendments resulting from changes to layout and conditions. Such large subdivisions are also associated with approved development plans which mean that the files also contain amended and superseded versions of approved development plans and the work of several planning officers with varying views, opinion and priorities. In addition to the size of individual folders, there are generally several folders (folder 1, 2, 3, ...) dealing with the one subdivision over time.

No or little discussion of LPPF or SPPF was located in relation to amendments to layouts or wholesale changes to the original permits. In a minority of cases, I have been able to interpret the reports concerning these amendments where simple statements argue that the LPPF and SPPF were discussed in the original application. There is no consideration to “material change” it appears.

It appears that no pre application advice or meetings were held (at least not documented) for amendments to permits and layouts, with the bulk of communication at this stage of development being undertaken in undocumented (noted) telephone calls. It is a commendable task for any investigator to scope or trawl the electronic filing system for correspondence on one of these T 50 files.

*Recommendation:* A new filing system needs to be used to stop the poor appearance of files and the loss of information from them. T50 files contain insufficient file notes due to one planner having ownership over the life of the subdivision.

**General Planning Permit Files:**
Generally, the assessment of planning permit applications is undertaken to a commendable standard. The variety of permit applications for land use, development and works within a regional centre is wide and is as often, complex.

As per the file audit tool, the auditor has analysed and assessed each file against the given criteria. A summary of issues follows:

**Description:**
There is an argument to include a better description of the permit trigger(s) within the permit itself i.e. what the permit allows for e.g. car parking variation or signage within the Commercial 1 Zone; building and works for a section 2 use within the residential zone - *extension or construction of a dwelling* or; building and works – *construction of a storage facility within an Industrial 1 Zone*. As permits are generally described now, the reason for the permit is generic and unclear and one needs to refer to the front cover page or even the application description itself for additional details as to what triggered the permit.

**Recommendation:** Description of the permit should include the trigger for the permit not solely what it allows e.g. “Building and works” – *Construction of a storage facility within an Industrial 1 Zone*.

**Pre application meetings:**
Poor record keeping in the majority of files makes it unclear as to whether a pre application meeting was held or not. In some instances the pre application meetings were held without a planning officer present or with other officers within Council (engineers, economic development or director). This action only creates angst and confusion for all concerned when it comes time for an assessment for permit.

**Recommendation:** Consideration and pre application advice to be considered by or in the presence of a statutory or strategic planner.

**Further information:**
Quality of applications taken over the counter ranges from good to very poor. This inevitably requires further information (FI) to be requested. As with general note keeping, some files fail to note requests for FI or/and the receipt of such information. The result of poor note keeping and tracking is that conditions applied to permits have no background or appear in instances to be ultra vires.

**Recommendation:** Initial acceptance of permit applications to be better vetted at point of receipt. This is going to be more important with the introduction of VicSmart.

**Public Notification and Referrals:**
Material detriment test generally are very well considered in the “officers report”.

However, the keeping and tracking of processes are not well documented. This also includes referral responses and in particular the recording of
internally applied conditions. This has more to do with the response method from internal referrals in that notes or hand written statements and conditions on plans are taken as acceptable methods of response.

Recommendation: A formal protocol and methodology needs to be implemented to ensure that only clear and well presented permit requirements are returned to the assessing planner from internal referrals, in a timely and consistent format and manner.

Neighbourhood and site description:

Overall the quality of a significant proportion of applications received is poor. This may have more to do with history, in that council has historically taken and registered applications, no matter how incomplete. It may be rectified by ensuring some training or the application of a dedicated customer service agent at the front office (a la Albury) to advise that the application does not meet the basic requirements of information and will not be registered until it meets these requirements.

Recommendation: Training of customer service officer or employment of a dedicated officer to undertake the initial assessment of application requirements at the point of lodgement.

Site Visits:

Site visits are recorded at the officer’s report however once again, note keeping is generally poor. In some instance either due to incomplete applications or depending on receipt of further information a site visits was not undertaken until up to 49 days after receipt of the application.

SPECIFIC PLANNING PERMIT TASKS

Assessment:

The standout issue for the assessment of applications is the issue of permits for works or uses that are otherwise exempt from a permit. Two instances were identified and others are questionable as to the extent of the requirement for a permit and permit requirements. Other issues are the miss quoting of zones in reports or desk top assessments and the misinterpretation of local policy at clause 21 e.g. CBA Master Plan.

Relevant State and local policy are generally not discussed adequately. This is reflected through statements at recent workshops that the LPPF and SPPF are not considered unless one needs to refuse a permit, rather than support it. Having stated this, it also should be stated that some assessments of the LPPF and SPPF are thorough, but these are not the norm.

Decisions:

In some instances conditions appearing on permits are not included in the officer’s report or file history. Such variances may be as a result of discussions and peer review. However, no notes or discussion to explain the differences in the application or removal of conditions are locatable, other than some hand written notes by a reviewer.
Wodonga has consistently made permit decisions within statutory timeframes.

**Permit Triggers:**

Permit triggers identified but not discussed in officer’s report meaning that the provisions of for example, the farming zone were not considered in the permit decision or conditions. As previously mentioned the “description” within the application (provided by the applicant) is often incorrect or incomplete thus assessments against correct provisions can be incorrect or at best ill considered.

Failure to correctly consider what the application is actually for, means that in one instance the waiver for car parking requirements was not part of the permit trigger and was missed.

**Time taken:**

All information not being recorded, such as receipt of information.
In the event of receipt of all information, decisions are generally made quickly.

**File Management (further information requests, internal referrals and public notification):**

Generally file management is lacking in that cover sheets are incomplete meaning important process dates and steps are not up to date or filled in. For example further information response dates not on file and general discussion notes as relating to pre application meetings, discussions, emails and conversations and public notification dates are not recorded. The results of these events can ultimately led to differing permit conditions applied to the final permit as to the officers report and assessment, however the reader is left none the wiser as to these changes.

I would note that the 2013 files contain an “initial assessment” pro-forma and “desktop review” pro-forma as well as a picture embedded into the officer’s report to identify the property.

**Recommendation:** Accurate and timely completion of tracking sheets required. Inadequate file notes on relevant discussions and officers reports result in inconsistencies between officer’s report and final permit. It is recommended that the later initial assessment pro-forma and photographs be embedded into files.

**Time Taken:**

Generally speaking the permit dates show that decisions are made quickly after all information is received and collated.

**Summary:**

Statutory time frames are well maintained in consideration of the poor standard of applications and the lack of the basic provision of supporting information and plans. The practice of accepting all applications presented at
the front counter should be considered as a bad practice and places strain on resources where limited resources exist.

Generally speaking, the legibility and flow of the planning files appears poor and is not well regarded by the auditor. Incomplete, or absent note taking and process tracking have compromised the legibility of the files.

Accurate tracking of applied permit conditions and indeed the need for some permits is questioned, due to at times inaccurate and incomplete consideration of the provisions and exemptions has occurred over time. There is and has been a constant stream of ministerial sponsored change within the planning system and incomplete or inaccurate assessments are likely to be made in this environment where resources and ability to keep abreast of these changes is challenged.

As previously stated the breadth of application, complexity and variation in the Wodonga Municipality, is wide and it should also be stated that overall the conditioning of permits is of good quality and this is reflected in Wodonga’s high success rate at dispute (VCAT) and or the low rate of challenge at VCAT.

The T50 files are messy and unwieldy making for review and amendment very uninviting. Constant amendment to development plans of subdivision, or permit conditions may require the dedication of a single officer to take charge of subdivision.
## APPENDIX FOUR – CONSULTATION DETAILS

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<tr>
<th>Agencies and Govt Dept</th>
<th>Departments Represented</th>
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<tbody>
<tr>
<td>Ms. Marike Van Nouhuys</td>
<td>Department of Environment and Primary Industry</td>
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<tr>
<td>Ms. Ranine McKenzie</td>
<td>Goulburn Murray Water</td>
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<td>Ms. Natalie Dando</td>
<td>North East Catchment Authority</td>
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<td>Mr. Ian Ridgwell</td>
<td>Vicroads</td>
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<td>Messrs. Peter Slocomb / Asher Derwent</td>
<td>North East Water Authority</td>
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<td>Ms. Elitta Briggs</td>
<td>EPA</td>
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<tr>
<td>Gabby Arnold</td>
<td>CFA *</td>
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<td>Mr. Richard McAliece</td>
<td>Public Transport Victoria *</td>
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<td>Mr. Vincent Bok</td>
<td>Department of Education</td>
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<tr>
<td>Ms. Leah Smith</td>
<td>Dept Transport Planning and Local Infrastructure</td>
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<tr>
<td>Deputy Regional Director, (Chapman)</td>
<td>Dept Human Services *</td>
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<td>Mr. Chris Graham</td>
<td>Albury City Council *</td>
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<tr>
<td>Mr. P Veneris</td>
<td>Albury Wodonga Corporation</td>
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<tr>
<td>Mr. Simon Hollis</td>
<td>Manager Planning Towong Shire</td>
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<tr>
<td>Ms. Jacqueline Smith</td>
<td>Dept Transport Planning and Local Infrastructure</td>
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**Wider Staff Workshop**

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<td>Building and Planning (Building services), Healthy Communities (Community Development), Infrastructure and Engineering, Natural Resources (Strategic Planning), Environmental Health, Civic Services, Statutory Planning, Director Community Development, Economic Development.</td>
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<td>Eric Pietela</td>
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<td>Nordcon Land(land owner/developer)</td>
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<td>Henry Dinning</td>
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<td>Andrew Stern</td>
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<td>Nordcon Land(land</td>
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<td>Sir/Madam Lindsay</td>
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| Tony Collins *  
| Dean Galanos *  
| Stuart Neave  
| Richard Hughes | Phil Wilkins Building Design  
| (Architect) | Border Certification  
| MBA (building surveyor) | Eslers and Associates (surveyors and engineers)  
| Alpine Building Permits | Glenwood Estate (QOD site co-ordinator)  
| Abacus Properties (developer White Box rise) | Development Outcomes (engineer)  
| RHD Engineering |  
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