

## SECTION 3 – REPORTS REQUIRING COUNCIL DECISION

### 3.1 REFRAMING THE PLANNING SCHEME

**RESPONSIBLE OFFICER:** MANAGER PLANNING, COMMUNITY AND COMPLIANCE  
**DEPARTMENT:** PLANNING, COMMUNITY AND COMPLIANCE  
**REFERENCE:** Review of the Planning Scheme

#### **OFFICER DIRECT OR INDIRECT CONFLICT OF INTEREST:**

Officers providing advice to Council must disclose any conflict of interest.

No person involved in the preparation of this report has a conflict of interest requiring disclosure.

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### EXECUTIVE SUMMARY

Council is required to review the planning scheme within 12 months of adopting a new Council plan under the *Planning and Environment Act*. The objective of the review is to enhance the effectiveness and efficiency in achieving the objectives of planning within the state planning framework.

### DISCUSSION

The review of the planning scheme provides a place to look at what has been occurring in terms of development proposals Council has received; feedback from across the community, changes in patterns of employment, living and other elements of social progress and set a path to move forward for the next 5-10 years.

The process for the review must evaluate the scheme to ensure that it is:

- a. Consistent in form and content with Ministerial directions and guidelines
- a. Effectively sets out the policy objectives of Council and its community and
- a. Effectively use state and local provisions to make the objectives happen.

On completion the Council must provide a copy to the Minister for Planning.

This requirement from the Act is important as it underpins that the planning scheme is a partnership document that combines the strategic social measures of the State with the local ambitions of the Council and its community.

Planning for our community is a fundamental element of the economic prosperity, sense of place and custodial care of the environment. Over an extended period of time the document has not kept pace with the needs of the local people and has continued to evolve through layers of control being added but rarely integrated. Without such integration, it has failed to create logical and consistent foundation that delivers a clear path to the future that meets the community needs.

#### Page Break

The review was undertaken in-house by the Planning Team and looked at:

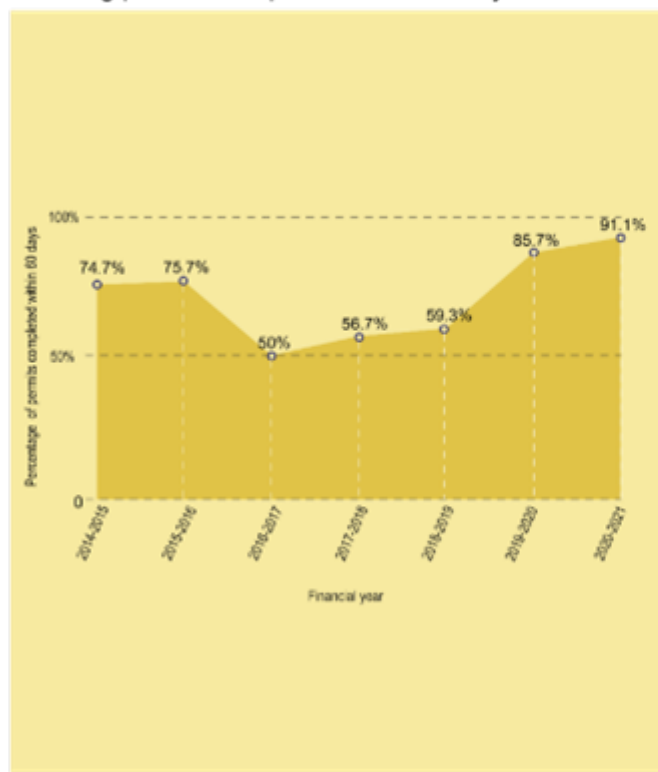
- issues that had been encountered in the last 3 years in the assessment of applications
- the changes in the last 5 years by both Council and the state
- the pattern of applications and processing times and
- the gaps, as well as opportunities to improve and streamline the scheme going forward

**Key outcomes from this process are:**

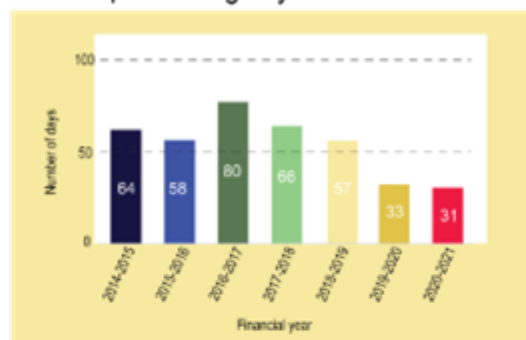
- 1 Streamlining by the state of the policy framework of the scheme to meet new format requirements highlighted the limited depth of local policy to guide development or implement sustainable growth outcomes specifically:
  - In Ararat there has been no process to resolve the historic zonings since amalgamation and promote the growth of the town to a sustainable or thriving regional centre.
  - The ability of many of the villages to share in the region's growth given the available infrastructure (services, community and social) is not promoted
  - The significance of the long-standing industrial businesses and their national and international competitiveness is underplayed, and the designation of additional industrial development is not expressed in land zonings, despite recognition of the strategic suitability of Ararat on the Melbourne – Adelaide road and rail connections and central location on the Portland/Geelong port transport route.
  - The tourism capability of Pomonal, Moyston and Lake Bolac is recognized in the words but then not set in a program to thrive with limited expectation of change, expansion or a mature approach to the population/human resource needs that such development requires to see this capability harnessed
  - Despite an extensive network of urban and rural heritage assets covered by the Heritage Overlay there is no local policy content that expresses the practical need to support the ongoing investment and the process to balance the "heritage story" element of these sites and their future usefulness for owners
- 2 Static population level of the last 30 years appears to be changing based on the number of applications received and diversity of investment; particularly since in the last 3 years. The lag in availability of the ABS Census information, together with the *rear-view mirror* approach to projections by the state will present a challenge for the next 5-10 years, assuming the current interest and growth is maintained but takes significant time for the state and federal governments to see.
- 3 Processing improvements have seen substantive reductions in the timeframes for planning applications to be assessed, despite the 34% increase in applications.
- 4 Whilst there is a suite of controls through the zones and overlays, they do not integrate in some locations and underlying data, or rationale, has not been tested since the creation of the new format scheme in 2000. The mapping layers upon which some Overlays are based are outdated or incomplete. This undermines the response to such controls and leads to confusion where the zoning and use rights table confer specific outcomes and the overlays indicate that many possible outcomes are incompatible with the land capability.
- 5 New pieces of work such as *Ararat in Transition* and the *Ararat Flood Study* have not been incorporated into the planning scheme and this requires action to guide development in a safe and efficient manner.

However, there is some good news. The improvement in processing times has occurred through systemic changes in both the focus and technology used to assess planning applications. Staff now track all enquiries received and can readily work with customers to develop their applications. Neighbours receiving advice of proposals have immediate access to the information on the development wherever there is internet coverage.

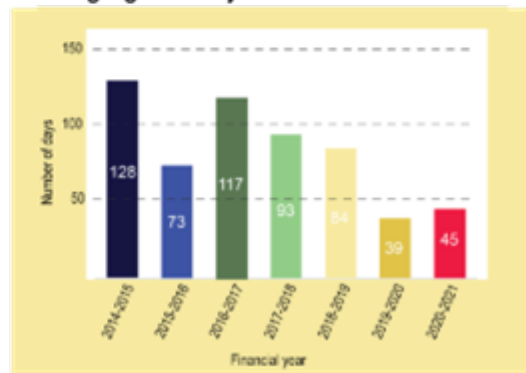
Planning permits completed within 60 days



Median processing days to determination



Average gross days to determination



The next step is to put the document out for public comment and review the feedback received. This is proposed to be undertaken through the *Engage Ararat* portal together with invites to a random selection of recent applicants, as well as engagement with the various state agencies and business and industry groups that operate across the municipality.

It is anticipated that this process will be reported back to Council in June 2022. Following from this report a workplan will be provided to prioritise the actions to improve the planning scheme and a series of amendments is expected to occur.

## KEY CONSIDERATIONS

### *Alignment to Council Plan Strategic Objectives*

The review and reframing of the Planning Scheme advances the following objectives and strategies:

1. **Growing Our Place**  
*We will create the settings to support growth across our municipality through an improved planning scheme, actively pursuing new housing options and exploring models for in-migration.*
- 1.1 *Develop a new planning scheme for Ararat Rural City that is clear in its intention, supports growth and builds confidence and certainty around land use.*

### *Budget Implications*

The current budget allocates resources for the preparation of this work and a further allocation is proposed to be sought in the 2022/23 budget.

### ***Policy/Relevant Law***

The preparation of this review has been undertaken in accordance with the *Planning & Environment Act*. The review advances the objectives set out in section 4 of the *Planning and Environment Act 1987*. It supports the objectives to:

- *Provide for the fair, orderly, economic and sustainable use, and development of land;*
- *Secure a pleasant, efficient, and safe working, living and recreational environment for all Victorians and visitors to Victoria; and*
- *Balance the present and future interests of all Victorians by facilitating the renewal of surplus government land.*

### ***Sustainability Implications***

The review has highlighted that financial, social, and environmental sustainability are not adequately managed through the planning process. Assuming the community feedback also recognises this risk, the work program for the subsequent improvements will be framed to overcome these challenges.

### ***Risk Assessment***

As outlined above, the planning scheme review has identified a range of thematic, as well as individual risks, in the designation of zones, overlays and other policy controls.

### ***Innovation and Continuous Improvement***

Amending the planning scheme is a process of continuous improvement to build and shape controls on individual sites and areas. The review of the scheme has highlighted extensive changes in the last five years by both the Council and the state across a broad range of areas.

### ***Stakeholder Collaboration and Community Engagement***

The process to review the Planning Scheme will include engagement with:

- The entire community through the *Engage Ararat* platform and promotion of the project through various media channels
- Those state agencies commonly referred to in planning application as outlined in Clause 66 of the current planning scheme
- A random selection of applicants and consultants that have lodged applications in the last 5 years

## **RECOMMENDATION**

That Council endorse the draft Planning Scheme Review Report for consultation purposes and review the feedback at the June 2022 meeting.

### **Attachments**

Draft Planning Scheme Review Report provided as Attachment 3.1.