



GANNAWARRA

Shire Council

Wednesday, 18 December 2024

6:00 PM

Kerang Senior Citizen Community Rooms

Kerang

AGENDA

Council Meeting

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Geoff Rollinson
CHIEF EXECUTIVE OFFICER

1 WELCOME TO COUNTRY

Playing of the Welcome to Country video clip.

2 OPENING DECLARATION

We, the Councillors of the Shire of Gannawarra, declare that we will undertake the duties of the office of Councillor, in the best interests of our community, and faithfully, and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES

Ordinary Meeting - 27 November 2024

5 DECLARATION OF CONFLICT OF INTEREST

General conflict of interest

Unless exempt under Section 129 of the *Local Government Act 2020* (the Act) or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests (as defined in Section 127(2) of the Act) could result in that person acting in a manner that is contrary to their public duty.

Material conflict of interest

Unless exempt under Section 129 of the *Local Government Act 2020* or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a material conflict of interest in respect of a matter if an affected person (as defined in Section 128(3) of the Act) would gain a benefit or suffer a loss depending on the outcome of the matter.

Disclosure of a conflict of interest

A Councillor who has a conflict of interest and is attending a meeting of the Council must make a full disclosure of that interest by either advising:

- a) the Council at the meeting immediately before the matter is considered at the meeting; or
- b) the Chief Executive Officer in writing before the meeting –

whether the interest is a general conflict of interest or a material conflict of interest; and the nature of the interest.

Note: If a Councillor advises the Chief Executive Officer of the details under b) above, the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

In accordance with Section 130 of the Act, a councillor who has a disclosed a conflict of interest in respect of a matter must exclude themselves from the decision making process in relation to the matter, including any discussion or vote on the matter at any Council meeting, and any action in relation to the matter.

Failure to comply with Section 130 of the Act may result in a penalty of 120 penalty units

6 BRIEFING SESSIONS

6.1 RECORDS OF COUNCILLOR BRIEFINGS - 21 NOVEMBER 2024 TO 13 DECEMBER 2024

Author: Jodie Basile, Executive Assistant to CEO

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments:

- 1 Council Briefing Record - 25 & 26 November, 2024**
- 2 Council Briefing Record - 2 December, 2024**
- 3 Council Briefing Record - 4 December, 2024**
- 4 Council Briefing Record - 5 & 6 December, 2024**

RECOMMENDATION

That Council note the records of Councillor Briefings 21 November 2024 to 13 December 2024.

EXECUTIVE SUMMARY

This report presents to Council written records of Councillor Briefings in accordance with Clause 31 of the Gannawarra Shire Council Governance Rules.

DECLARATIONS OF CONFLICT OF INTEREST

The Officer preparing this report declares that they have no conflict of interest in regard to this matter.

COUNCIL PLAN

Council Plan 2021-2025:

- Be a creative employer of choice through our adherence to good governance and our inclusive culture.

BACKGROUND INFORMATION

In accordance with Clause 32 of the Gannawarra Shire Council Governance Rules, a written record of a meeting held under the auspices of Council is, as soon as practicable, reported at a meeting of the Council and incorporated in the minutes of that Council meeting.

The record must include:

1. The names of all Councillors and members of Council staff attending
2. The matters considered
3. Any conflict-of-interest disclosures made by a Councillor attending
4. Whether a Councillor who has disclosed a conflict of interest left the meeting.

CONSULTATION

Consultation with Councillors and staff has occurred to ensure the accuracy of the Councillor Briefing records.

CONCLUSION

To ensure compliance with Clause 32 of the Gannawarra Shire Council Governance Rules, it is recommended that Council note the Councillor Briefing records as attached to this report.


RECORD OF A COUNCILLOR BRIEFING




Type of Meeting	Mandatory Training with LGex – Mark Julie Reid	
Date:	Monday 25 th November, 2024 and Tuesday 26 th November, 2024	
Time:	9.00am – 4.00pm	
Location:	Senior Citizen Centre, Kerang	
In Attendance: (Councillors)	Cr Keith Link Cr Pat Quinn Cr Garner Smith Cr Ross Stanton Cr Daniel Bolitho Cr Lisa Farrant Cr Charlie Gillingham	
Apologies:	Cr Charlie Gillingham was absent on 26 th November, 2024 Amanda Wilson on 25 th and 26 th November, 2024 Wade Williams on 26 th November, 2024 Jodie Basile on 25 th and 26 th November, 2024	
In Attendance: (Officers)	Geoff Rollinson, Wade Williams, Paul Fernee, Dylan Taylor	
In Attendance:	Nil	
Matters Discussed:	Understanding the role as a planning authority Understanding how Infrastructure is managed, and decision making is carried out by Council. Case Studies Good Governance – Practical Tips for Councillors	
Conflict of Interest Disclosures		
Matter No.	Councillor/Officer making disclosure	Councillor/Officer left meeting Yes/No
Nil		
Completed By:	Geoff Rollinson – Chief Executive Officer 	

RECORD OF A COUNCILLOR BRIEFING



Type of Meeting	Council Briefing Session	
Date:	Monday 2 nd December, 2024	
Time:	8.45am – 5.30pm	
Location:	Council Chambers, Kerang	
In Attendance: (Councillors)	Cr Keith Link Cr Pat Quinn Cr Garner Smith Cr Ross Stanton Cr Charlie Gillingham	
Apologies:	Cr Lisa Farrant Cr Daniel Bolitho	
In Attendance: (Officers)	Geoff Rollinson, Wade Williams, Paul Fernee, Amanda Wilson, Jodie Basile, Dylan Taylor	
In Attendance:	Karina Dooley (<i>Projectura</i>)	
Matters Discussed:	Councillor Only Issues Corporate Services Team Presentation Community Wellbeing Team Presentation Council Plan Process Overview GSC Citizen and Young Person of the Year 2025 Flood Recovery Plan Update Kerang Levee Integrity Assessment Report Safe Local Roads and Streets Program Records of Councillor Briefings CEO Employment and Remuneration Policy Gannawarra Planning Scheme Review Delegates Reports Awarding of 2025 Australia Day Awards	
Conflict of Interest Disclosures		
Matter No.	Councillor/Officer making disclosure	Councillor/Officer left meeting Yes/No
CEO Employment and Remuneration Policy – Geoff Rollinson, Chief Executive Officer left the meeting whilst this item was being discussed.		
Completed By:	Geoff Rollinson – Chief Executive Officer 	



Type of Meeting	Mandatory Training with Finance Performance Solutions – Mark Davies	
Date:	Wednesday 4 th December, 2024	
Time:	9.00am – 4.00pm	
Location:	Council Chambers, Kerang	
In Attendance: (Councillors)	Cr Garner Smith (left at 1pm) Cr Pat Quinn Cr Keith Link Cr Charlie Gillingham	
Apologies:	Cr Daniel Bolitho Cr Lisa Farrant Cr Ross Stanton Jodie Basile Wade Williams	
In Attendance: (Officers)	Geoff Rollinson, Amanda Wilson, Dylan Taylor, Logan Tuohey, Leigh Hollingworth, Dmitry Belekov	
In Attendance:	Nil	
Matters Discussed:	Integrated Strategic Management Planning and Performance Overview of the Planning and Reporting Framework and Councillor Obligations under the Local Government Act 2020 Strategic Risk Management in Decision Making and Role of Audit and Risk Committees How to read and understand the Audited Statements including Accounting Concepts and Terms and Financial Indicators How to read and Understand the Financial Plan, Budget including rating and Quarterly Budget.	
Conflict of Interest Disclosures		
Matter No.	Councillor/Officer making disclosure	Councillor/Officer left meeting Yes/No
Nil		
Completed By:	Geoff Rollinson – Chief Executive Officer 	



RECORD OF A COUNCILLOR BRIEFING



Type of Meeting	Mandatory Councillor Media Training from Media and Presentation Training Pty Ltd – Alex First	
Date:	Thursday 5 th December and Friday 6 th December, 2024	
Time:	2.00pm – 7.00pm (Thursday) and 9.00am – 3.00pm (Friday)	
Location:	Council Chambers, Kerang	
In Attendance: (Councillors)	Cr Keith Link Cr Pat Quinn Cr Daniel Bolitho	
Apologies:	Cr Lisa Farrant Cr Charlie Gillingham Cr Garner Smith (attended on 6 th December, 2024) Cr Ross Stanton (attended on 6 th December, 2024) Amanda Wilson Wade Williams Geoff Rollinson Jodie Basile	
In Attendance: (Officers)	Scott Bourne	
In Attendance:	Alex First – <i>Media and Presentation Training Pty Ltd</i>	
Matters Discussed:	Media Training Interview Techniques Presentation Techniques Speaking Techniques	
Conflict of Interest Disclosures		
Matter No.	Councillor/Officer making disclosure	Councillor/Officer left meeting Yes/No
Nil		
Completed By:	Geoff Rollinson – Chief Executive Officer 	

7 BUSINESS REPORTS FOR DECISION

7.1 CEO EMPLOYMENT AND REMUNERATION POLICY

Author: Mel Mathers, Manager People and Culture

Authoriser: Amanda Wilson, Director Corporate Services

Attachments: 1 CEO Employment and Remuneration Policy No. 145

RECOMMENDATION

That Council adopt the CEO Employment and Remuneration Policy.

EXECUTIVE SUMMARY

In accordance with Section 45 of the *Local Government Act 2020*, Council must develop, adopt and keep in force a CEO Employment and Remuneration Policy. This Policy must be reviewed within six months after each Council election.

PURPOSE

The report presents the CEO Employment and Remuneration Policy for adoption by Council.

ATTACHMENTS

Policy No. 145 – CEO Employment and Remuneration

DISCUSSION

The *Local Government Act 2020* requires the adoption of a CEO Employment and Remuneration Policy that provides for the following matters which Council is responsible for under the Act:

- a) the recruitment and appointment of the CEO ensuring that:
 - i. the recruitment decision is based on merit;
 - ii. the recruitment processes support transparency in the recruitment process and the public advertising of the position; and
 - iii. regard is had to gender equity, diversity and inclusiveness;
- b) approving the Contract of Employment entered into between Council and the CEO;
- c) the provision of independent professional advice in relation to the matters dealt with in the Policy;
- d) the monitoring of the CEO's performance;
- e) an annual review of the CEO's performance; and
- f) determining the CEO's remuneration.

The current policy was adopted in October 2021 and the attached provides administrative changes only.

RELEVANT LAW

Local Government Act 2020

Fair Work Act 2009

RELATED COUNCIL DECISIONS

This policy was originally adopted by Council on 20 October 2021.

OPTIONS

Council may wish to endorse the recommended policy or make relevant adjustments.

COLLABORATION

This policy followed a model template which was utilised across the Victorian Local Government sector.

FINANCIAL VIABILITY

Council will be required to budget for the recruitment of the Chief Executive Officer in future years.

Additional expenses will be incurred upon the engagement of the Independent Advisor.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Section 45(3)(a) of the Act requires Council to have regard to any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent).

Section 45(3)(b) of the Act requires Council to have regard to the published remuneration bands for executives employed in public service bodies.

COUNCIL PLANS AND POLICIES

Council Plan 2021 – 2025 – Be a creative employer of choice through our adherence to good governance and our inclusive culture.

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

The officer preparing this report declares that they have no conflict of interest in regard to this matter.

The Chief Executive Officer has declared a conflict of interest in this matter.



CEO Employment & Remuneration

COUNCIL POLICY NO. 145

1. PURPOSE OF POLICY

This is the Chief Executive Officer Employment and Remuneration Policy (**Policy**) of Gannawarra Shire Council (**Council**), made in accordance with section 45 of the *Local Government Act 2020* (Act).

This Policy provides for the following matters which Council is responsible for under the Act or as a requirement of this Policy:

- (a) the recruitment and appointment of the Chief Executive Officer ensuring that:
 - (i) the recruitment decision is based on merit;
 - (ii) the recruitment processes support transparency in the recruitment process and the public advertising of the position; and
 - (iii) regard is had to gender equity, diversity and inclusiveness;
- (b) approving the Contract of Employment entered into between Council and the Chief Executive Officer;
- (c) the provision of independent professional advice in relation to the matters dealt with in the Policy;
- (d) the monitoring of the Chief Executive Officer's performance;
- (e) an annual review of the Chief Executive Officer's performance; and
- (f) determining the Chief Executive Officer's remuneration.

2. DEFINITIONS

In this Policy, unless the context suggests otherwise the following words and phrases mean:

Act means the *Local Government Act 2020*.

Annual Review Report has the meaning given in paragraph 9.1.

Chief Executive Officer or **CEO** means the Chief Executive Officer of Council.

Contract of Employment means the contract of employment between Council and the CEO, including any schedules.

Council means Gannawarra Shire Council.

Councillors means the individuals holding the office of a member of Gannawarra Shire Council.

Council meeting has the same meaning as in the Act.

Executive Search Consultant means a consultant with specialist expertise in sourcing and evaluating candidates for senior executive roles.

Independent Advisor means the consultant appointed by Council from time to time to provide independent advice in accordance with section 45(2)(a) of the Act.

KPIs means Key Performance Indicators or performance criteria however described.

Mayor means the Mayor of Council.

Performance Plan means the annual performance plan setting out KPIs for the CEO.

Policy means this CEO Employment and Remuneration Policy adopted in accordance with section 45 of the Act.

Public Sector Wages Determination means any Determination that is currently in effect under section 21 of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* in relation to remuneration bands for executives employed in public service bodies.

Recruitment Policy means the recruitment policy adopted by the CEO under section 48(2) of the Act.

Regulations means the Regulations made under Division 7 of Part 2 of the Act.

Remuneration Package means the total gross remuneration package paid to the CEO pursuant to the Contract of Employment.

Resolution means a resolution of Council made at a properly constituted Council meeting.



3. POLICY DETAIL

1. Overview

- 1.1 This Policy outlines the mechanisms which support Council in fulfilling its obligations regarding the CEO's employment and under the Act.
- 1.2 The aims of the CEO in relation to this Policy are to:
- 1.2.1 work collaboratively with the Council in determining the Performance Plan on an annual basis;
 - 1.2.2 actively participate in the performance appraisal process as required by the Council;
 - 1.2.3 make use of constructive feedback from Councillors in relation to performance appraisals;
 - 1.2.4 undertake professional development on an as needed basis, or as part of the Performance Plan; and
 - 1.2.5 promptly draw the Council's attention to any situation where any variation of the Performance Plan may be required in light of the current circumstances.
- 1.3 The aims of Council in relation to this Policy are to:
- 1.3.1 provide processes for the recruitment of a natural person, and their appointment, to the position of CEO;
 - 1.3.2 draft and approve the Contract of Employment entered into between Council and the CEO;
 - 1.3.3 seek and be guided by independent professional advice in relation to the matters dealt with in this Policy;
 - 1.3.4 provide processes for determining and reviewing the CEO's Remuneration Package;
 - 1.3.5 provide processes for the monitoring of the CEO's performance including setting the Performance Plan and conducting an annual review; and
 - 1.3.6 determine, as required, whether any variations to the Remuneration Package and terms and conditions of employment of the CEO.

2. CEO Employment and Remuneration

- 2.1 Council will consider and make decisions with respect to the;
- 2.1.1 selection and appointment of the Independent Advisor;
 - 2.1.2 independent advice received from time to time from the Independent Advisor;
 - 2.1.3 performance monitoring of the CEO, including with respect to achievement of the KPIs;
 - 2.1.4 annual review of the CEO's performance, including against the KPIs;
 - 2.1.5 CEO's remuneration;
 - 2.1.6 recruitment and appointment of a CEO, if required;
 - 2.1.7 provisions to be included in the Contract of Employment from time to time;
 - 2.1.8 implementation of this Policy.



- 2.2 Meetings in respect to this policy will be chaired by:
- 2.2.1 the Mayor; or
 - 2.2.2 if the Mayor is absent, a Councillor who is present at the meeting and is appointed by the other Councillors who are also present.
- 2.3 The Council is to hold meetings as often as is necessary to:
- 2.3.1 prepare documentation relevant to the CEO's employment and remuneration, including Council reports and contractual documents;
 - 2.3.2 conduct and maintain appropriate records regarding performance reviews of the CEO; and
 - 2.3.3 review the Remuneration Package and conditions of employment of the CEO,
- provided that the Council, in relation to this policy, meets at least twice in each year.
- 2.4 The Council will determine its procedures, in relation to meetings held under this policy, at its first meeting, which will include:
- 2.4.1 the rules for its meetings, noting that meetings should be conducted with as little formality and technicality as appropriate to fulfil this policy's purposes;
 - 2.4.2 how often the Council will meet, provided that the Council meets at least twice in each year;
 - 2.4.3 quorum, provided that the quorum is not less than the Mayor and three Councillors;
 - 2.4.4 means of attendance at these meetings (eg in person or electronically); and
 - 2.4.5 the taking of the minutes of the meetings.
- 3. Recruitment of CEO**
- 3.1 The Council will establish and manage the process to recruit the CEO, designed to ensure that Council can select the best available candidate from a short list of preferred candidates.
- 3.2 The Council will determine, as to:
- 3.2.1 whether there is a need to engage an Executive Search Consultant to run the recruitment process; and, if so
 - 3.2.2 the Executive Search Consultant to be appointed to run the recruitment process.
- 3.3 If an Executive Search Consultant is engaged, the Mayor or a member of Council staff nominated by the Council must liaise with the Executive Search Consultant in connection with the recruitment process.
- 3.4 When considering the recruitment of the position of CEO to, the Council must:
- 3.4.1 ensure that the recruitment decision is based on merit;
 - 3.4.2 support transparency in the recruitment process and the public advertising of the position; and
 - 3.4.3 ensure that regard is had to gender equity, diversity and inclusiveness.
- 3.5 The Council must ensure that the Executive Search Consultant publicly advertises the CEO role.



3.6 The Council must direct the Executive Search Consultant to prepare, and provide to Council, a schedule of dates for key decisions to be made by resolution of Council throughout the recruitment process.

3.7 The Council must consider each key decision identified in the schedule prepared under paragraph 3.6 so that, if necessary, be made by resolution of Council.

4. Appointment of the CEO

4.1 Council will proceed to decide on a preferred candidate and finalise the Contract of Employment.

4.2 The Council will consider and agree on the provisions to be contained in the proposed Contract of Employment.

4.3 The appointment of the CEO must be made by a resolution of Council.

5. Reappointment of the CEO

5.1 Within six months prior to the expiry of the current CEO's Contract of Employment, the Council will decide on:

5.1.1 whether the CEO should be reappointed under a new Contract of Employment; and

5.1.2 if the recommendation is to reappoint the CEO, the proposed provisions of the further Contract of Employment.

5.2 Any reappointment of the current CEO must be made by a resolution of Council.

6. Contract of Employment

6.1 The Contract of Employment is to be read in conjunction with this Policy (but the terms of the Policy are not incorporated into the Contract of Employment).

6.2 The Contract of Employment will, at a minimum, outline the following:

6.2.1 the employment term, which must not exceed five years in accordance with section 44(2) of the Act;

6.2.2 the responsibilities and duties of the position, including compliance with the Act and the Code of Conduct for Council staff;

6.2.3 the conflict of interest management requirements;

6.2.4 the CEO's Remuneration Package and other entitlements;

6.2.5 any legislative and contractual obligations, including those during and continuing after appointment;

6.2.6 the CEO's leave entitlements;

6.2.7 dispute resolution procedures;

6.2.8 processes for managing unsatisfactory performance;

6.2.9 processes for early termination, including notice of termination provisions with notice of termination by Council being restricted to a maximum of twelve months; and

6.2.10 any other matters required to be contained in the Contract of Employment by the Regulations.



- 6.3 The Contract of Employment may only be varied by a resolution of Council and accepted by the CEO, recorded in a deed of variation.
- 7. Remuneration and Expenses**
- 7.1 The Remuneration Package provided to the CEO will form part of the Council's annual review, having regard to (in accordance with section 45(3) of the Act):
- 7.1.1 any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent);¹ and
 - 7.1.2 any Public Sector Wages Determination.²
- 7.2 Remuneration will be reviewed on an annual basis, in accordance with the CEO's Performance Plan and contractual requirements.
- 7.3 Council will meet expenses incurred by the CEO in relation to:
- 7.3.1 membership and subscription fees payable to professional associations which are reasonably necessary in order to carry out duties;
 - 7.3.2 reasonable costs incurred where attending conferences, seminars or other networking functions; and
 - 7.3.3 reasonable costs incurred in performance of required duties.
- 8. Performance monitoring**
- 8.1 Council will adopt an annual Performance Plan for the CEO, which will include KPIs. The Performance Plan must be developed collaboratively between the CEO and the Council.
- 8.2 The CEO is to provide progress reports against the Performance Plan to the Council on a bi-annual basis.
- 8.3 The Council may meet with the CEO following each progress report to discuss the matters contained in the progress report.
- 8.4 Nothing in this Policy prevents the Council from monitoring the CEO's performance on an ongoing basis.
- 9. Annual review**
- 9.1 In preparation for the CEO's annual review, all Councillors will consider and make recommendation on the following:
- 9.1.1 whether, and to what extent, the CEO has met the KPIs under the Performance Plan;
 - 9.1.2 whether, and to what extent or in what respect, any KPIs or other criteria ought to be varied under the Performance Plan;
 - 9.1.3 whether, and to what extent, the Remuneration Package ought to be varied; and

¹ Section 45(3)(a) of the Act requires Council to have regard to any statement of policy issued by Government of Victoria which is in force with respect to its wages policy (or equivalent). The current Victorian Government Wages Policy applies in the public sector and came into effect on 4 April 2023.. See: <https://www.vic.gov.au/wages-policy-and-enterprise-bargaining-framework>

² Section 45(3)(b) of the Act requires Council to have regard to the published remuneration bands for executives employed in public service bodies. See: <https://www.vic.gov.au/tribunals-determination-vps-executive-remuneration-bands>

any other necessary matters.

- 9.2 The Council will develop a final report only after meeting with the CEO to discuss the Councillor's recommendations.
- 9.3 Council shall, resolve upon the matters described in paragraph 9.1 and advise the CEO of the terms or effect of the resolution.

10. Independent advice

- 10.1 The Independent Advisor is responsible for providing independent professional advice in relation to the matters dealt with under this Policy in accordance with section 45(2)(a) of the Act.

- 10.2 Council will determine the:

10.2.1 term of appointment of the Independent Advisor; and

10.2.2 remuneration of the Independent Advisor,

and ensure that it is a term of the Independent Advisor's engagement that the Independent Advisor keep confidential all information which the Independent Advisor acquires by virtue of the engagement.

- 10.3 Council, with the approval of a Resolution, can, on an as needed basis, obtain additional independent professional advice in relation to the matters dealt with under this Policy.

11. Administrative Support

- 11.1 Council acknowledges that, in implementing this Policy, it, and/or the Independent Advisor will from time to time require the assistance of members of staff, including assistance in relation to governance and human resources matters.
- 11.2 Council, and/or the Independent Advisor may from time to time request a member of staff to provide assistance in implementing this Policy, recognising that the position of the member of staff is made difficult because they are accountable to the CEO (or a person acting as CEO) and therefore acknowledging that requests for assistance need to be limited to no more than those which are reasonably necessary.

12. Interaction with Act and Regulations

- 12.1 This Policy applies subject to any inconsistent obligations in the Act or the Regulations.

13. Confidentiality

- 13.1 Council is not required to disclose any personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

14. Delegations

- 14.1 Council must not delegate the power to appoint the CEO, whether on a permanent or acting basis, however, it may delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days (sections 11(2)(d) and 11(3) of the Act).
- 14.2 Council must not delegate the power to make any decision in relation to the employment, dismissal or removal of the CEO (section 11(2)(e) of the Act).



4. POLICY REVIEW

This Policy will be reviewed at least every four years by the Council and within six months of each Council election.

At the time of review, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

5. FURTHER INFORMATION

Members of the public may inspect all policies at Gannawarra Shire Council's Kerang and Cohuna office or online at www.gsc.vic.gov.au

Any enquiries in relation to this policy should be directed to the Manager People and Culture on (03) 5450 9333.

ECM Folder & Ref #	3.000518 & INT21/181047D2
Originally Developed:	20/10/2021
Revised	18/11/2024
To be reviewed:	2028



7.2 GANNAWARRA PLANNING SCHEME REVIEW

Author:	Stevie Pearce, Strategic Planning Officer
Authoriser:	Wade Williams, Director Infrastructure and Development
Attachments:	1 Gannawarra Planning Scheme Review Report
	2 Appendix 5 - 2018 Review Recommendations

RECOMMENDATION

That Council:

- 1. Adopt the Gannawarra Planning Scheme Review Report 2024.**
- 2. Forward the report to the Minister for Planning in accordance with Section 12B of the Planning and Environment Act 1987.**

EXECUTIVE SUMMARY

This report presents the Gannawarra Planning Scheme Review Report 2024 for Council consideration. The review evaluates the effectiveness of the planning scheme in meeting its legislative objectives, identifies areas for improvement, and outlines strategic priorities to guide future development. Adoption of this report will complete the first phase of the review process.

PURPOSE

1. Fulfill Council's statutory obligation to review its planning scheme every four years.
2. Enhance the Gannawarra Planning Scheme's alignment with State policies, local strategic priorities, and emerging trends.
3. Set the foundation for a future planning scheme amendment process to implement the review findings.

ATTACHMENTS

- Planning Scheme Review Report 2024.
- Appendix 5 – Review Recommendations.
- Marked up Planning Scheme.

DISCUSSION

Under Section 12B of the Planning and Environment Act 1987, Council must review its planning scheme to ensure its relevance and efficiency. This review was supported by funding from the Regional Planning Hub Program and undertaken by Transect Planning Pty Ltd.

The review seeks to evaluate the planning scheme to ensure that it is consistent in form and content with the directions or guidelines issued by the Minister under section 7 of the Act, which sets out the policy objectives for use and development of land and makes effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

The review found the scheme to be largely effective but identified necessary updates, including:

- Replacing outdated references in the Municipal Planning Strategy (MPS) with the Council Plan 2021–2025 and recent demographic data.
- Incorporating strategic directions from the Economic Development Strategy 2019–2024, Climate Change Adaptation Strategy (2023), and Urban Growth Strategy (2023).
- Aligning zone and overlay schedules with the Ministerial Direction on Form and Content of Planning Schemes.
- Prioritising further strategic work, such as urban structure plans, housing strategies, and flood management initiatives.

Next Steps

A planning scheme amendment will be initiated as part of the second phase of the review process. Community consultation and statutory processes will follow.

RELEVANT LAW

This review satisfies the requirements of Section 12B of the Planning and Environment Act 1987 and has taken into consideration Section 9(2c) of the *Local Government Act 2020*.

RELATED COUNCIL DECISIONS

The last comprehensive review was completed in 2018 but was not fully implemented. This review builds upon its findings while addressing updates to state policies and local priorities.

OPTIONS

1. Adopt the review report and forward it to the Minister for Planning.
2. Defer adoption, requesting further amendments or clarification.

SUSTAINABILITY IMPLICATIONS

The review incorporates climate adaptation strategies and sustainable development policies, promoting long-term environmental and economic resilience.

COMMUNITY ENGAGEMENT

Stakeholder workshops, internal surveys, and consultations with state agencies have informed the review. Further community engagement will occur during the planning scheme amendment process.

INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

COLLABORATION

The Gannawarra Planning Scheme Review was informed by collaborative efforts across multiple stakeholders. Council's planning team and other departments provided valuable insights through workshops and surveys, while agencies listed in Clauses 66.04 and 66.06 of the planning scheme contributed feedback to ensure a robust evaluation. Transect Planning Pty Ltd supported the review with expertise, using funding from the Regional Planning Hub Program. This approach

ensures alignment with local needs and state priorities, paving the way for effective implementation of recommendations.

FINANCIAL VIABILITY

Budget allocations for amendment-related costs, including public consultation are planned for the 2024–25 financial year.

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Loddon Mallee North Regional Growth Plan: Reinforces sustainable land use and growth in regional Victoria, addressing population and economic trends.

Victoria's Planning Provisions (VPP): Ensures compliance with state planning guidelines, particularly through the recent translation of the Gannawarra Planning Scheme to the Planning Policy Framework (PPF).

North Central Catchment Management Strategy (2021–2027): Incorporates flood management and water sustainability considerations.

COUNCIL PLANS AND POLICIES

The review aligns with the **Council Plan 2021–2025**, particularly in enhancing liveability, supporting economic growth, and addressing environmental challenges.

Urban Growth Strategy (2023): Guides sustainable development within Gannawarra's urban areas, ensuring infrastructure planning and land use policies align with population growth and housing demands.

Climate Change Adaptation and Mitigation Strategy: Reflects national and state commitments to climate resilience and sustainable development.

TRANSPARENCY OF COUNCIL DECISIONS

This report will be considered in an open Council meeting.

CONFLICT OF INTEREST

No conflicts of interest have been declared in the preparation of this report.

CONCLUSION

The Gannawarra Planning Scheme Review Report 2024 ensures that Council's planning framework remains relevant and responsive. Adoption of this report concludes the first stage of the review process, paving the way for a future amendment to implement its findings.

Gannawarra Planning Scheme Review

Version 1.2

August 23, 2024

Final

Unofficial

Acronyms

Abbreviation	Meaning
ABS	Australian Bureau of Statistics
DEECA	Department of Energy, Environment and Climate Action
DTP	Department of Transport and Planning
FO	Flood Overlay
GPS	Gannawarra Planning Scheme
LPPF	Local Planning Policy Framework
LSIO	Land Subject to Inundation Overlay
LWFS	Lower Wimmera Flood Study
MDFC	Ministerial Direction on the Form and Content of Planning Schemes
MPS	Municipal Planning Strategy
NCCMS	North Central Regional Catchment Strategy
P&E Act	Planning and Environment Act 1987
PPV	Planning Panels Victoria
PPARS	Planning Permit Activity and Report System
PG	Practitioner's Guide to Victoria's Planning Schemes
PPF	Planning Policy Framework
RAP	Registered Aboriginal Party
RPH	Regional Planning Hub
RPP	Regional Planning Partnerships
VCAT	Victorian Civil and Administrative Tribunal

VIF	Victoria in Future
VPPs	Victoria Planning Provisions

Planning and Environment Act 1987

Planning scheme review pursuant to Section 12B of the P&E Act

Gannawarra Planning Scheme

Version	Author	Issue date
1.0 – Draft for Council	MM	31 May 2024
1.1 – Final draft for Council	MM	12 August 2024
1.2 - Final	MM	23 August 2024

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1. Executive summary

1.1 Why is the planning scheme being reviewed?

Council as the planning authority for the Gannawarra Planning Scheme (GPS) is required to review its planning scheme every four years under Section 12(B) of the *Planning and Environment Act 1987* (P&E Act).

Council last undertook a comprehensive review of the planning scheme in 2018. The outcomes of this review were not implemented because of lack of resources.

The previous planning scheme review was undertaken in 2010 and was implemented via Amendment C30 in November 2015.

The GPS was restructured by the state government to insert a new Municipal Planning Strategy (MPS) and local planning policies to replace the former Local Policy Planning Framework (LPPF). This was done via Amendment C46gann gazetted on 26 May 2022.

Amendment C44gann, which was approved in September 2021, removed inconsistencies in local schedules with the Victorian Planning Provisions (VPPs) and the Ministerial Direction on the Form and Content of Planning Schemes as part of the Smart Planning Local Schedules Update.

The GPS was also changed with the approval of Amendment C42gann, which corrected mapping errors. This Amendment was gazetted in March 2018.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the P&E Act once complete. A planning scheme amendment to implement the findings of the review will be prepared and is attached in the form of marked-up ordinance as Appendix Two of this report.

1.2 Scope of review

This review has been undertaken using the methodology outlined in *A Good Practice Guide to Planning Scheme Reviews* (October 2023) prepared by the Department of Transport and Planning (DTPA). The review has involved:

- Identifying population and demographic changes occurring in the municipality
- Consideration of the recommendations arising from the previous planning scheme reviews, which occurred in 2015 and 2018
- Undertaking an audit and assessment of the current planning scheme
- Assessing the performance of the planning scheme
- Consideration of issues arising from stakeholder engagement
- Consideration of current and proposed strategic projects
- Identifying key issues.

1.3 Health check and key findings

The last planning scheme review that resulted in changes to the GPS was completed in 2015 with the approval of Amendment C30.

A very comprehensive review of the GPS was undertaken in 2018. This review included 33 recommendations and 23 “additional recommendations.” It also identified 17 future strategic projects and 23 “additional strategic projects.”

The 2018 review was considered in the context of the Local Planning Policy Framework (LPPF), which, as noted above, was replaced with the translation of the GPS into the PPF in 2022.

Many of the recommendations from the 2018 review have been superseded by:

- The translation of the GPS into the PPF approved via Amendment C46gann in May 2022
- The review of the zone and overlay schedules approved via Amendment C44 in September 2021
- Emerging strategic priorities that have occurred over the past few years.

In addition, it is noted that a number of the recommendations from the 2018 review to insert new policies required further strategic justification before they could be considered for inclusion into the GPS and that a number of suggested policies now duplicate State policies in the PPF (noting that a number of State policies have been updated via VC amendments over the past few years).

Over the past few years, the Council has adopted a number of significant strategies that have implications on the planning scheme in terms of updating the MPS and local policies in the PPF. These projects include:

- Growing Gannawarra Council Plan and Community Health and Wellbeing Plan 2021-2025 (Shire of Gannawarra)
- Economic Development Strategy 2019-2024 (Shire of Gannawarra)
- Climate Change Adaptation and Mitigation Strategy, Ironbark Sustainability, 2022
- Gannawarra Urban Growth Strategy (Remplan, August 2023)
- Gannawarra Shire Domestic Wastewater Plan 2020-2023
- Gannawarra Aerodromes Development Plan 2016
- Gannawarra Waterfront Masterplans, Urban Enterprise, March 2019

Following feedback from Council planners and other stakeholders as part of this review, and having regard to the nature of the issues identified in the 2018 review, it is considered that the key strategic priorities for Council include preparing the following:

- Detailed structure plans for the urban settlements, including as first priority the larger townships of Kerang, Cohuna and Koondrook to guide the future direction of these settlements and ensure they are highly liveable places;
- An integrated rural land use strategy to support established rural industries, promote emerging opportunities, and recognise and protect important environmental and landscape values;
- A housing strategy to ensure that Gannawarra is an attractive place to live and meets different housing needs, including opportunities for rural living and greater housing diversity in townships;
- An analysis of the supply and demand for industrial land;
- Implementation of the North Central Catchment Management Authority flood studies; and
- Review and implementation of the 2013 heritage study.

1.4 Recommendations

Gannawarra Shire Council, with assistance from the Transect Planning Pty Ltd, and with funding from the Regional Planning Hub Program, has prepared a planning scheme review as required by section 12B(1) of the P&E Act.

In accordance with section 12B(3) of the P&E Act this review identifies opportunities, as set out in this report, enhances the effectiveness and efficiency of the planning scheme in achieving the

objectives of planning in Victoria and the objectives of the planning framework established in the P&E Act.

In accordance with section 12B(4) of the P&E Act, the review evaluates the planning scheme to ensure that it:

- Is consistent with Ministerial Direction: on the Form and Content of Planning Schemes.
- Sets out the policy objectives for the use and development of land.
- Makes effective use of state and local provisions to achieve state and local planning policy objectives.

Overall recommendation:

That Gannawarra Shire Council accept this Planning Scheme Review and forward to the Minister for Planning as evidence Gannawarra Shire Council, as the planning authority for Gannawarra Planning Scheme, has met its obligations in accordance with Section 12B of the *Planning and Environment Act 1987* to review the planning scheme every four years.

Detailed recommendations

Audit and assessment of the current planning scheme

Initiate a planning scheme amendment to amend the MPS, local PPF policies and zone and overlay schedules to include changes identified in the audit of the planning scheme review and shown on the marked-up ordinance at Appendix Two.

Performance of the planning scheme

Monitor the permit activity in the Shire to ensure that adequate resources are allocated to the statutory planning department to process applications, and to identify opportunities for streamlining of planning scheme controls to remove permit applications for minor buildings and works.

Future strategic work

Upon the election of the new Council in late 2024 that a discussion be held with councillors on the funding, resourcing and prioritisation of the following strategic planning projects between 2025-2029:

- An integrated rural land use strategy to support established rural industries, promote emerging opportunities, and recognise and protect important environmental and landscape values;
- A housing strategy to ensure that Gannawarra is an attractive place to live and meets different housing needs, including opportunities for rural living and greater housing diversity in townships;
- Implementing recommendations of the Urban Growth Strategy, including updating Kerang, Cohuna and Koondrook Structure Plans;
- An analysis of the supply and demand for industrial land;
- Implementation of the North Central Catchment Management Authority flood studies; and
- Review of the 2013 heritage study.

2. Introduction

2.1 Purpose

Council as the planning authority for the Gannawarra Planning Scheme (GPS) is required to review its planning scheme every four years under Section 12(B) of the *Planning and Environment Act 1987* (the P&E Act).

The scope of a planning scheme review is established under Section 12(B) of the P&E Act and planning scheme reviews should focus on:

- The effectiveness and efficiency of the planning scheme in achieving the objectives of planning and the planning framework in Victoria.
- Aligning the planning scheme with the Ministerial Direction: the Form and Content of Planning Schemes.
- Ensuring the planning scheme contains a clear narrative about the way use and development of land will be managed to achieve the planning vision or objectives of the area.

Planning scheme reviews also provide the opportunity to:

- Align Council's policy position with the planning scheme.
- Update out of date or redundant information.
- Educate and inform stakeholders about how the planning scheme works and the process by which to improve it.

Council last undertook a comprehensive review of the planning scheme in 2018 which was adopted by Council in August 2018. However, the review was not implemented because of a lack of resources.

The GPS was restructured as part of the Smart Planning reforms in May 2022. A new Municipal Planning Strategy (MPS) and local planning policies were inserted and replaced the former Municipal Strategic Statement (MSS) and Local Policy Planning Framework (LPPF). This was done via Amendment C46gann and was generally policy neutral.

Amendment C44gann updated local provisions of the GPS where local schedules in zones, overlays, particular provisions and general provisions were inconsistent with:

- the Victoria Planning Provisions as a result of Amendment VC142 and VC148, and
- the Ministerial Direction – Form and Content of Planning Schemes.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the P&E Act once complete. A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as Appendix Two to this report.

2.2 Methodology

A six-stage methodology prepared by the DTP has been adopted by Transect Planning to undertake the planning scheme review as shown in Figure 1.

The methodology is supported by the *Good Practice Guide to Planning Scheme Reviews* (October 2023) and templates that have been developed to assist with each stage of the process.

Transect Planning has been engaged to conduct stages 1 – 4 for Gannawarra Shire Council.

Figure 1: Planning scheme review methodology



The timing for the project is:

Stage	Timing
Initiate	February 2024
Analyse	February – April 2024
Engage	February – April 2024
Report	May - June 2024
Consult	Council’s discretion
Implement	Council’s discretion

This planning scheme review has been prepared in consideration of the following directions and guidance provided by DTP.

Ministerial directions:

- Ministerial Direction: on the Form and Content of Planning Schemes
- Ministerial Direction No. 11 Strategic Assessment of Amendments

Planning practice notes and advice:

- A Practitioner’s Guide to Victorian Planning Schemes
- PPN – 46 Strategic Assessment Guidelines
- PPN32 – Review of planning schemes

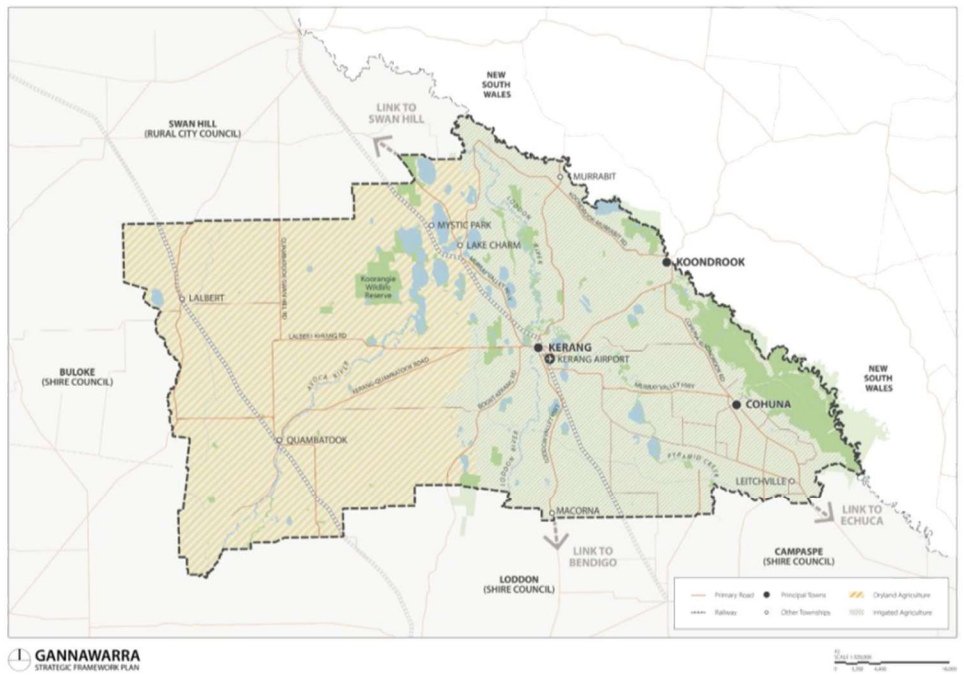
2.3 Council context

Located in north-western Victoria, Gannawarra Shire encompasses a number of towns including the major settlements of Kerang, Cohuna and Kondrook, and smaller settlements of Lake Charm, Lalbert, Leitchville, Macorna, Murrabit, Mystic Park and Quambatook. The Shire covers a diverse range of landscapes and there is in the north of Victoria with an evolving agriculture sector and growing

tourism industry. It is located on the Murray River, 1.25 hours from Bendigo, 40 minutes from Swan Hill and three hours from Melbourne by road. It is serviced by the Murray Valley and Loddon Valley highways. Major towns include Kerang, Cohuna and Kondrook and the Shire contains significant natural assets such as the Murray River, Gunbower National Park and the Kerang Lakes.

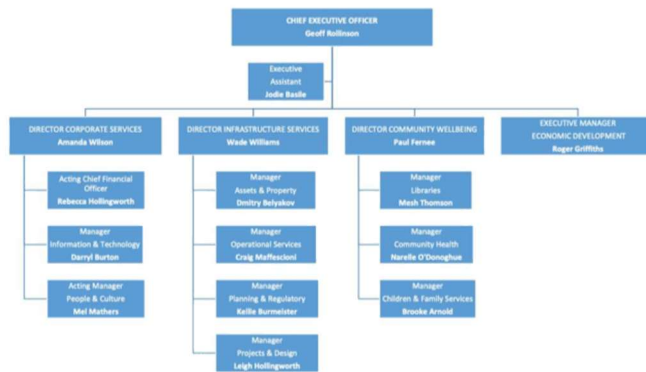
2.4 Framework plan

The figure below is Gannawarra’s strategic framework plan included in the MPS:



2.5 Organisational structure

Council’s organisation structure is shown in the figure below:



The Manager Planning and Regulatory Services has responsibility for all planning functions, both strategic and statutory. The Manager also has responsibilities for other areas, including local laws and building services.

In addition to the Manager, Council currently employs one planner, one para planner and engages a consultant to review delegate reports to be signed off by the Manager.

3. What is driving change

3.1 Population, growth and economy

Gannawarra Shire Council's population grew from 10,567 persons in 2016 (ABS, 2016) to 10,685 in 2021 (ABS, 2021). This slight increase of population reverses a historic trend that saw a decrease of population in the Shire. In 2021, the Shire had 5,317 private dwellings (ABS, 2021).

Remplan estimates that population is forecast to grow by between 317 and 782 people over the next two decades (to between 10,929 and 11,394 people in 2046). Dwelling numbers are also forecast to increase by between 315 and 551 over the same period (to between 5,702 and 5,938 dwellings in 2046).¹

The Shire has a diverse regional economy with strengths in agriculture, manufacturing, trades and health services industries. Specifically, the major employing industries in the region are Agriculture, Fisheries and Food (24%) followed by Healthcare & Social Assistance (12%), Retail Trade (10.5%) and Construction (7.5%). Gannawarra has a diversified agricultural base. Dairy is the most prominent sector (39% of agricultural production) followed by cropping (38%), livestock (13%) and horticulture 10%.²

Tourism is currently a relatively minor industry in the municipality, accounting for around 4% of employment. Council's Economic Development Strategy 2019-2024 identifies key economic growth opportunities to be renewable energy (particularly solar farms); favourably priced rural, industrial and resident land; manufacturing in the major towns and technology.

3.2 Climate change and other environmental risks

In December 2021, Council adopted its Climate Change Policy, confirming its commitment to long-term climate adaptation and mitigation. The objectives of the Policy include reducing the environmental impacts and operating costs of Council operations, undertaking actions to reduce the Gannawarra community's emissions, responding to the risks of climate change to Council assets and services, and assisting the community to be more resilient to the effects of climate change.

Council adopted the Climate Change and Adaptation and Mitigation Strategy in March 2023. Council is committed to taking strong and decisive action to minimise Council's environmental impact and build the resilience of Council operations, services and assets to reduce the vulnerability of the community to climate change.

Climate change risks include extreme heat, low rainfall, drought, bushfire, riverine flooding and extreme weather. The Shire has recently experienced significant flooding events, in October 2022 and December 2023. Clause 02.03-3 of the MPS includes the following strategic direction:

Plan for the likelihood of additional extreme weather events, including droughts, fire, floods and storms.

3.3 Victorian government amendments and advice

The Victoria Planning Provisions (VPPs) are constantly being reviewed and updated at a state level with numerous VC and GC amendments occurring each year. The State also provides advice to

¹ Gannawarra Urban Growth Strategy, Remplan, August 2023

² Gannawarra Economic Development Strategy 2019-2024, Gannawarra Shire Council

planners in the form of updates to the Practitioner’s Guide and new planning practice notes. The full list of Victorian and Regional amendments that have been gazetted since the last review can be found in Appendix One.

The way in which the GPS should respond at a local level to these changes to the VPPs and how they should be applied has been considered in this review.

4. Previous planning scheme review

4.1 Previous planning scheme review

The last review of the GPS that resulted in changes to the planning scheme was conducted in 2010 and implemented into the planning scheme in 2015.

In 2018, a comprehensive review was undertaken by Council officers. A report was prepared that includes 56 recommendations (comprising 33 recommendations and 23 “additional recommendations”) as well as recommendations identifying 40 further strategic work projects (comprising 17 future strategic projects and 23 “additional strategic projects.”). However, due to resourcing constraints the recommendations from the 2018 review have not been implemented.

4.2 Progress since last review

Clause 74.02 of the GPS contains 17 future strategic projects (See Appendix 3). It is understood these projects were identified in the 2015 review.

4.2.1 2015 review progress

The Table below provides an update on the status of each project and a recommendation on an appropriate way forward.

Project	Status	Recommendation
Prepare design guidelines that promote the sensitive development of waterfront land alongside rivers, lakes and wetlands.	Gannawarra Shire Waterfront Development Guidelines, adopted 20 April 2011, included in Schedule to Background Documents in Amendment C30 which was exhibited 12 November 2015	Review and update Waterfront Development Guidelines
Investigate opportunities for better use and development of Kerang Airport, including light industrial development pertinent to the airport and combined residential and hangar lots.	Not commenced. Airport has constraints that may prevent substantial redevelopment.	Delete
Investigate the potential for an ‘airpark’ adjoining Kerang Airport, where a dwelling and a personal hangar would be built on the same lot in the same ownership.	Not commenced. See comment above	Delete
Identify, evaluate and protect wetlands on freehold land, which make an important contribution	Not commenced. Requires substantial resources to engage consultants with relevant expertise.	Delete

to the maintenance of biodiversity.		
Re-examine and re-map flood controls, including the Floodway Overlay and Land Subject to Inundation Overlay, to take account of the removal of irrigation channels which also act as levee banks.	<p>Not commenced. North Central CMA have advised updated flood studies are being prepared which will require changes to the flood overlays.</p> <p>CMA has also advised that it is undertaking a strategic project regarding levees</p>	<p>Retain on Future Work list but amend as follows:</p> <p>Seek funding and/or support from DTP under the Regional flood-related amendments program to prepare a planning scheme amendment in partnership with the NCCMA to implement the following flood studies:</p> <ul style="list-style-type: none"> • Quambatook Flood Study 2013 (post mitigation work) • Lower Avoca River Regional Flood Mapping Project 2021 • Lower Loddon Regional Flood Mapping Project 2023 • Torrumbarry Flood Study (Murray River – Echuca to Murrabit) 2024
Remap the Environmental Significance Overlay, Schedule 4 to identify land with poor drainage.	Not commenced. North Central CMA have advised that a flood study is currently being undertaken which will reduce the flood extent.	Retain on Future Work List (but amend as above)
Assist in implementing the North Central Regional Catchment Strategy as needed.	This is part of on-going operational responsibilities of Council's planning department.	Delete
Re-examine and re-map areas of significant remnant indigenous vegetation including grasslands in order to reassess the extent of the Vegetation Protection Overlay.	Not commenced. Requires substantial resources to engage consultants with relevant expertise. Discussion to occur with DTP.	Delete
Consider implementing the Lake Charm, Kangaroo Lake and	Not commenced.	This should be considered in the context of a wider

Gunbower Creek Environs Strategy to provide additional land for rural residential development.		rural land use and housing strategy. See recommended Strategic Work list in Appendix 4 (Table 2)
Investigate whether some parcels of land in the Farming Zone would be suitable for re-subdivision to provide a small number of rural living lots and one or more large farming lots.	Not commenced.	This should be considered in the context of a rural land use and housing strategy. See recommended Strategic Work list in Appendix 4 (Table 2)
Consider in the longer term whether some land in the Farming Zone could be rezoned to Rural Activity Zone, to increase opportunities for non-agricultural uses and developments.	Not commenced.	This should be considered in the context of a rural land use and housing strategy. See recommended Strategic Work list in Appendix 4 (Table 2)
Map significant trees, including those identified in the Gannawarra Heritage Study, for possible inclusion in the Heritage Overlay.	Not commenced. Requires substantial resources to engage with relevant expertise.	Delete
Implement the first stage of the Gannawarra Heritage Study.	Study is completed and was adopted by Council, however, given the time since developed and adopted, significant ground truthing would be required. The study would need to be updated and the reviewed document adopted by Council again.	Retain
Investigate whether more land should be identified for highway-oriented business use along the Murray Valley Highway at the southern entrance to Kerang.	No commenced. Should be considered as part of implementation of the Gannawarra Urban Growth Strategy	Add to the future Strategic Work list: Implement the Gannawarra Urban Growth Strategy. Prepare structure plans for Kerang, Cohuna and Koondrook (high priority) and for Leitchville, Murrabit and Quambatook (medium priority).

Investigate whether additional land should be identified for very large-scale industrial development in rural areas well away from residential and other sensitive uses.	Not commenced.	This should be considered in the context of a wider rural land use and housing strategy. See recommended Strategic Work list in Appendix 4 (Table 2)
Investigate directing low-density residential development or rural living development to the east side of Lake Charm.	Not commenced.	This should be considered in the context of a wider rural land use and housing strategy. See recommended Strategic Work list in Appendix 4 (Table 2)
Investigate directing rural living development to the east side of Kangaroo Lake.	Not commenced.	This should be considered in the context of a wider rural land use and housing strategy. See recommended Strategic Work list in Appendix 4 (Table 2)

4.2.2 2018 Review progress

All recommendations from the 2018 planning scheme review are in Appendix 5.

The 2018 review was considered in the context of the Local Planning Policy Framework (LPPF), which, as noted above, was replaced with the translation of the GPS into the PPF in 2022.

Many of the recommendations from the 2018 have been superseded by:

- The translation of the GPS into the PPF approved via Amendment C46gann in May 2022,
- The review of the zone and overlay schedules approved via Amendment C44 in September 2021, and
- Emerging strategic priorities that have occurred over the past few years.

In addition, it is noted that a number of the recommendations from the 2018 review to insert new policies required further strategic justification before they could be considered for inclusion into the GPS and that a number of suggested policies now duplicate State policies in the PPF (noting that a number of State policies have been updated via VC amendments over the past few years).

Since the 2018 review, Council has adopted three major strategies which address some of the policy gaps identified in that review. These strategies include:

- the Economic Development Strategy 2019-2024 adopted in November 2018
- the Gannawarra Urban Growth Strategy adopted in August 2023
- the Climate Change Adaptation and Mitigation Strategy adopted in March 2023

It is considered that there is sufficient strategic justification to update parts of the GPS to implement the above recommendations as part of this review.

In addition, following the planners' workshop and feedback from other stakeholders, including referral authorities, a new list of strategic projects has been prepared.

4.3 Findings

Few recommendations of the 2018 review were implemented because of resourcing constraints. However, with the translation of the GPS into the PPF, the review of zone and overlay schedules, as well as new emerging strategic priorities, many of the recommendations have been effectively superseded.

Notwithstanding, it is appropriate that, as part of this planning scheme review:

- The GPS is updated having regard to the adoption of a number of Council documents, notably the Economic Development Strategy, Gannawarra Urban Growth Strategy and Climate Change Adaptation and Mitigation Strategy (See Appendix 2 for updated Ordinance); and
- The strategic work list in Clause 74.02 is updated to provide Council with a clear road map forward on its strategic planning priorities (See Table 2 in Appendix 3).

5. Audit and assessment of current scheme

5.1 Methodology

An audit of each section of the planning scheme has been undertaken. This audit has compared the drafting and application of each provision against the Ministerial Direction: the Form and Content of Planning Schemes, a Practitioner's Guide to Victorian Planning Schemes (13 December 2023) and relevant planning practice notes.

Each provision has also been assessed with consideration to the work it is doing in achieving the strategic objectives that are set out in the state, regional and local planning provisions.

Findings on improvements that could be made are listed below. These can occur as part of a planning scheme review based on the findings in this report and are included in the marked-up ordinance at Appendix Two.

Action column meanings:

Complies	This means that policy or schedule is correctly constructed and does not require amending as a result of the audit (recommendations in other parts of this review might indicate a change is required).
PSR Policy neutral amendment	This means that a change has been identified to ensure that the policy or schedule complies with the MDFC and good drafting practice. The change is of no policy consequence and can be made through an alternative planning scheme amendment pathway at the discretion of the Minister for Planning
PSR Full amendment	This means that a change has been identified to ensure that the policy or schedule complies with the MDFC and good drafting practice. The change may or does have policy consequence and should be made through a full planning scheme amendment process that provides for public notification and review by a Planning Panel.
PSR Further strategic work	This means that a change has been identified to ensure that the policy or schedule complies with the MDFC and good drafting practice. It is beyond the scope of what can be achieved through the planning scheme review, as strategic justification is required to make the change, and Council is yet to do this work OR the change is complex and requires a separate piece of work to understand the ramifications on other parts of the scheme.

5.2 MPS

There are some updates required to the MPS, including:

- Replacement of the 2017-2021 Council Plan with the Council Plan 2021-2025, including the vision and goals
- Inserting acknowledgement to Traditional Owners
- Inserting the updated ABS, Victorian in Future (VIF) and Remplan data.
- Updating contextual information and a number of strategic directions having regard to the adoption of:
 - Economic Development Strategy 2019-2024
 - Climate Change Adaptation and Mitigation Strategy (March 2023).
 - Gannawarra Urban Growth Strategy (August 2023)

The MPS was cross referenced against all the other local provisions in the scheme to ensure that there is a link to all local policies in the MPS.

Clause no. and name	Change	Action
02.01 Context	Make minor amendments to include updated population and housing data. Insert acknowledgement to traditional owners.	PSR Policy neutral amendment
02.02 Vision	Update to implement and give effect to: Gannawarra Council Plan 2021-2025 (Growing Gannawarra).	PSR Policy neutral amendment
02.03 Strategic directions		
02.03.1 Settlement and housing	Update and give effect to Gannawarra Urban Growth Strategy 2023	PSR Full amendment
02.03-2 Environmental and landscape values		
02.03-3 Environmental risks and amenity	Update and give effect to Climate Change and Adaptation Strategy 2022	PSR Full amendment
02.03-4 Natural resource management	Update and give effect Economic Development Strategy 2019-2024	PSR Full amendment
02.03-5 Built environment and heritage		
02.03-6 Economic development	Update and give effect Economic Development Strategy 2019-2024	PSR Full amendment
02.03-7 Transport		
02.03-8 Infrastructure	Update and give effect to Climate Change and Adaptation Strategy 2022	PSR Full amendment
02.04 Strategic framework plans		

5.3 PPF

All the local PPF policies that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing because of this review. Changes may be required to align with the Ministerial Direction: the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action
11.01-1L-01 Cohuna		Complies
11.01-1L-02 Kerang		Complies
11.01-1L-03 Kondrook		Complies
11.01-1L-04 Leitchville		Complies

Clause no. and name	Changes required (if relevant)	Action
11.01-1L-05 Murrabit		Complies
11.01-1L-06 Quambatook		Complies
11.01-1L-07 Settlement in Gannawarra		Complies
12.01-1L Flora and fauna protection		Complies
13.03-1L Levee banks		Complies
14.01-1L Protection of agricultural land - Gannawarra		Complies
14.01-2L Sustainable farming	Update and give effect Economic Development Strategy 2019-2024	PSR Full amendment
14.02-1L Murray-Darling catchment		Complies
15.01-1L Urban design		Complies
15.01-2L Building siting - Gannawarra		Complies
15.03-1L Post-contact heritage		Complies
16.01-1L Residential development in the Commercial 1 Zone		Complies
16.01-3L Rural housing		Complies
18.02-4L Roads - Gannawarra		Complies
18.02-7L Kerang Airport		Complies
19.03-2L Infrastructure provision and design		Complies

5.4 Zones

The zone schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing because of this review. Changes may be required to align with the Ministerial Direction: the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no	Name and if changes required	Action
Residential Zones		
32.03-1 Low Density Residential Zone	Minimum subdivision area (hectares) Land comprised in CA 73 and 74, Section D, Parish of Cohuna, Cohuna Island Road, Cohuna Minor word changes to comply with Ministerial Direction	PSR Policy neutral amendment
32.04-1L Mixed Use Zone	Gannawarra Mixed Use Areas No local provisions specified.	N/A
32.05-1 Township Zone	Gannawarra Townships No local provisions specified.	N/A
32.08-1 General Residential Zone	Gannawarra General Residential Areas No local provisions specified.	N/A
Industrial Zones		

Clause no	Name and if changes required	Action
33.01-1 Industrial 1 Zone	No local provisions specified	N/A
33.03-1 Industrial 3 Zone	No local provisions specified	N/A
Commercial Zones		
34.01-1 Commercial 1 Zone	No local provisions specified	N/A
Rural Zones		
35.07-1 Farming Zone	<p>Subdivision and other requirements</p> <p>Subdivision</p> <p>Dryland areas - land outside the declared or licensed</p> <p>Irrigated areas – 40 ha</p> <p>Irrigated areas - land within a declared and gazetted irrigation district; or where a water licence has been issued by the appropriate water authority - 20 ha, or less than 20 ha where the proposal satisfies the objectives and strategies of Clause 14.01-2 (Sustainable agricultural land use) to the satisfaction of the responsible authority</p> <p>Minimum area for which no permit is required to use land for a dwelling (hectares)</p> <p>Dryland areas – 40 ha</p> <p>Irrigated areas – 20 ha</p> <p>Minimum setback from a road (metres)</p> <p>A Transport Zone 2 or land in a Public Acquisition Overlay if:</p> <p>The Head, Transport for Victoria is the acquiring authority; and</p> <p>The purpose of the acquisition is for a road.</p> <p>- 100 m</p> <p>A Transport Zone 3 or land in a Public Acquisition Overlay if:</p> <p>The Head, Transport for Victoria is not the acquiring authority; and</p> <p>The purpose of the acquisition is for a road.</p> <p>- 40 m</p> <p>Any other road – 20 m</p> <p>Minimum setback from a boundary (metres)</p> <p>Any other boundary – 5 m</p> <p>Minimum setback from a dwelling not in the same ownership (metres)</p> <p>Any dwelling not in the same ownership – 100m</p> <p>Permit requirement for earthworks</p> <p>Earthworks which change the rate of flow or the discharge point of water across a property boundary – All land</p> <p>Earthworks which increase the discharge of saline groundwater – All land</p> <p>Minor word changes to comply with Ministerial Direction</p>	PSR Policy neutral amendment
Public Use Zones		
36.01-1 Public Use Zone	Permit exemptions and conditions	PSR Policy neutral amendment

Clause no	Name and if changes required	Action
	Land, described as Crown Allotment 3A, Section 11, Township of Kerang, formerly known as Nancarrow Park, Shadforth Street, Kerang Use or development Must be used and developed for the purpose of a Residential aged care facility Conditions Must be undertaken by or on behalf of Kerang District Health. A minimum area of 0.2 ha must be set aside for public open space. Minor word changes to comply with Ministerial Direction	
36.02-1 Public Park and Recreation Zone	No local provisions specified	N/A
36.03-1 Public Conservation and Resource Zone	No local provisions specified	N/A
Special Purpose Zones		
37.01-1 Special Use Zone	Private Educational or Religious Facilities	Complies
37.01-2 Special Use Zone	Private golf course	Complies
37.01-3 Special Use Zone	Arbuthnot Timber Mill	Complies
37.01-4 Special Use Zone	Caravan Park Minor word changes to comply with Ministerial Direction	PSR Policy neutral amendment

5.5 Overlays

All the overlay schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the Ministerial Direction: the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no.	Name and if changes required	Action
42.01-1 Environmental Significance Overlay	Waterway Environs Reduce the number of environmental objectives to one.	PSR Full amendment
42.01-2 Environmental Significance Overlay	Highway Protection Environs Reduce the number of environmental objectives to one.	PSR Full amendment
42.01-3 Environmental Significance Overlay	Lake Environs Reduce the number of environmental objectives to one.	PSR Full amendment
42.01-4 Environmental Significance Overlay	Areas of Poor Drainage or Potentially subject to Inundation Reduce the number of environmental objectives to one.	PSR Full amendment
42.02-1 Vegetation Protection Overlay	Roadside and Corridor Protection Minor word changes to comply with Ministerial Direction	PSR Policy neutral amendment

Clause no.	Name and if changes required	Action
42.02-2 Vegetation Protection Overlay	Remnant Vegetation	Complies
43.01s Heritage Overlay		Complies
43.02-1 Design and Development Overlay	Airport Environs	Complies
43.02-2 Design and Development Overlay	Mixed Use Area – Ninth Street Kerang Mixed Use Area – Cohuna-Koondrook Road Cohuna	Complies
43.02s- Design and Development Overlay	Hospital Emergency Medical Services helicopter Flight Path Protection (Inner Area)	Complies
43.02- 4 Design and Development Overlay	Hospital Emergency Medical Services helicopter Flight Path Protection (Outer Area)	Complies
43.04-1 Development Plan Overlay	General Residential Zone Development Plan	Complies
43.04-2 Development Plan Overlay	Low Density Residential Zone Development Plan	Complies
43.04-3 Development Plan Overlay	Industrial Development Plan Minor word changes to comply with Ministerial Direction	PSR Policy neutral amendment
43.04-5 Development Plan Overlay	Cohuna Island Road Cohuna Minor word changes to comply with Ministerial Direction	PSR Policy neutral amendment
44.03-1 Flood Overlay		Complies
44.04-1 Land Subject to Inundation Overlay		Complies
45.02-2 Airport Environs Overlay		Complies
45.05-1 Restructure Overlay	RO20 Settlement Road and Ninyeunook Road, Ninyeunook	Complies
45.12-1 Special Controls Overlay	SCO1 - Hospital Emergency Medical Services - Helicopter Flight Path Protection Areas Incorporated Document, June 2017 SCO2 - Goulburn-Murray Water: Connections Project and Water Efficiency Project Incorporated Document, November 2021	Complies

5.6 Particular provisions

All the particular provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the Ministerial Direction: the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action
51.01s Specific sites and inclusions The Robinvale Line Wimmera Mallee Pipeline Project - Supply System 5 Wimmera Mallee Pipeline Project.	Applied	Complies
52.02s Easements, restrictions and reserves	Not applied	N/A
52.05s Signs	Not applied	N/A
52.16s Native vegetation precinct plan	Not applied	
52.17s Native vegetation Land required for the construction of the Wimmera Mallee Pipeline Project as shown on Figure 2 on page 39 of the Environmental Management Plan.	Applied	Complies
52.27s Licenced premises	Not applied	N/A
52.28s Gaming	Not applied	N/A
52.32s Wind energy facility	Not applied	N/A
52.33 Post boxes and drystone walls	Not applied	N/A
53.01s Public open space contributions and subdivision – Former Queenscliff High School site	Not applied	N/A
53.06s Live music entertainment venues	Not applied	N/A
53.15s Statement of underlying provisions	Not applied	N/A

5.7 General provisions

There are two general provisions that have a schedule available. They are included in the table below with a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the Ministerial Direction: the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action
66.04s Referral of permit applications under local provisions.	Applied Schedule 2 to Clause 45.02 (AEO)	Complies

Clause no. and name	Is it applied? Changes required (if relevant)	Action
	Clause 3.0 of Schedule 1 to Clause 43.02 (DDO) Clause 2.0 of Schedule 3 to Clause 43.02 (DDO) Clause 2.0 of Schedule 4 to Clause 43.02 (DDO)	
66.06s Notice of permit applications under local provisions	Applied Clause 42.01 - Schedule 1 (ESO) Clause 42.01 - Schedule 2 (ESO) Clause 42.01 - Schedule 3 (ESO) Clause 42.02 - Schedule 1 (VPO) Clause 42.02 - Schedule 2 (VPO) Clause 43.02 - Schedule 1 (DDO)	Complies

5.8 Operational provisions

All the operational provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the Ministerial Direction: the Form and Content of Planning Schemes, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action
72.01s Responsible authority for this planning scheme	Applied. No changes required.	Complies
72.01s What area is covered by this planning scheme?	Applied. No changes required.	Complies
72.03s What does this planning scheme consist of?	Applied. No changes required.	Complies
72.04s Documents incorporated into this planning scheme.	Applied. No changes required.	Complies
72.05s When did this planning scheme begin?	Applied. No changes required.	Complies
72.08s Background documents	Applied. This will require updating as a result of this planning scheme review.	Complies
74.01s Application of zones, overlays and provisions	Applied. No changes required.	Complies
74.02s Further strategic work	Applied. This will require updating as a result of this planning scheme review.	PSR Policy neutral amendment

5.9 Findings

It can be seen from the above analysis that:

- Changes to the MPS are proposed to insert relevant planning-related strategies from three major strategies adopted by Council, namely the Economic Development Strategy 2019-2024, the Climate Change Adaptation and Mitigation Strategy 2022 and the Gannawarra Urban Growth Strategy 2023;
- An additional policy has been added to Clause 14.01-2L Sustainable farming to give effect to the Economic Development Strategy 2019-2024;
- Changes are proposed to some zone, overlay, particular provisions and general provisions schedules to ensure compliance with the Ministerial Direction on the Form and Content of Planning Schemes, and to also ensure names of referral authorities are updated to reflect machinery to government changes; and
- The most significant change to the schedules is to the Environmental Significance Overlay schedules. The number of environmental objectives in each ESO schedule is reduce to one, consistent with Ministerial Direction on the Form and Content of Planning Schemes.

5.10 Recommendation

Amend the MPS, local PPF policies and zone and overlay schedules to include changes identified in the audit of the planning scheme review and shown on the marked-up ordinance at Appendix Two.

6. Planning scheme performance

This section contains an analysis of planning permit activity that has taken place during the last four years. It draws on both publicly available Planning Permit Activity and Reporting System (PPARs) data.

6.1 Planning permit activity

6.1.1 Number of permits received and assessed

Evidence

Table 1 shows the number of permit applications received between 2020 and 2023. The numbers indicate that there was a high number of applications in 2020 and 2021, but there has been a significant decline over the past two years.

Table 1: PPARs report for permits issued between the 2020 and 2023.

Permits (including refusals)	2020	2021	2022	2023
Applications Received	166	168	135	106
RA Outcome	158	150	149	99
NOD	1	4	2	1
Permit issued	151	164	141	98
Refusal				
Withdrawn/Not required/Lapsed	6	11	6	

VicSmart applications

VicSmart provides a fast-track permit process. Such applications must be decided within 10 days. Below is a list of the number of VicSmart applications received between 2020 and 2023. These are inclusive to the number of applications in Table 1.

Table 2: VicSmart applications

VicSmart applications	2020	2021	2022	2023
Received	9	10	6	12

Council decisions

Table 3 provides the number of planning applications that were considered by Council rather than by officers under delegated authority.

Table 3: Council decisions

Council decisions	2020	2021	2022	2023
Number	0	2	1	1

Source: Council agendas 2020-2023

Findings

It can be seen from Table 1 there was a relatively high number of applications in 2020 and 2021 with the number of applications declining in 2022 and 2023. This could reflect a general trend across the state in increased planning permit activity in regional areas, which has been largely attributed to the COVID-19 pandemic. The number of applications has since declined.

At the planners' workshop it was indicated that VicSmart is useful process for fast tracking applications and avoiding unnecessary objections. However, there appears to be limited take up with the VicSmart application process, with only a small proportion of applications lodged under this process. More analysis is required to determine whether the small take up is because either applications do not meet the VicSmart criteria or lack of awareness of the process. There does not appear to be any information about VicSmart on Council's web site.

Very few applications are referred to Council for decision. From a review of all Council meeting agendas between 2020 and 2023, only four applications were presented for Council decision. Three of these applications involved major proposals, including a cattle feedlot, piggery and poultry farm.

Very few applications are refused. This would appear to demonstrate that applicants are aware of Council's requirements and Council's planners work pro-actively with applicants to resolve issues and seek approvals rather than have applications refused and contested at VCAT.

6.1.2 Type of applications and timeframes**Findings**

PPAR's data shows that over the last four years the category of permits generating the highest activity have consistently been 'one or more buildings', 'single dwellings', 'extension/change of use', 'subdivision', 'buildings and works', 'extension to dwelling' and 'other'.

Whilst spatial data is not available, it would appear that the relatively high number of applications for single dwellings and subdivisions are occurring outside the urban settlements.

It would also appear many of the applications for alterations, extensions, one or more buildings and buildings and works are for relatively minor matters that are triggered by permit requirements in zone and overlay schedules.

Unfortunately, Council does not have data that is readily available that would enable a closer examination of the source of applications. Such data would be useful in examining whether such applications are achieving a planning purpose and whether there is scope for greater use of exemptions from buildings and works. Increasing the number of exemptions would reduce the workload of the statutory planning team.

6.1.3 Comparison with other comparable councils**Findings**

Table 4 sets out data against four different indicators for Gannawarra against other comparable councils.

Table 4: Comparison of service performance against comparable councils

Measure description	Council	2020	2021	2022	2023
Time taken to decide planning applications (days)	Gannawarra	44	60	95	82
	Buloke	42	49	73	128
	Loddon	65	79	70	74
	Yarriambiack	45	50	63	82
Planning applications decided within required time frames (standard applications)	Gannawarra	92%	80%	61%	64%
	Buloke	94%	61%	27%	39%
	Loddon	88%	81%	91%	94%
	Yarriambiack	96%	73%	51%	63%
Planning applications decided within required time frames (VicSmart applications)	Gannawarra	100%	90%	67%	42%
	Buloke	100%	80%	80%	80%
	Loddon	75%	70%	100%	100%
	Yarriambiack	89%	80%	46%	36%

Source: Planning Permit Activity in Victoria
<https://public.tableau.com/app/profile/planning.victoria/viz/PlanningPermitActivityReport/Activityoutcomes>
 (downloaded 7 February 2024)

Findings

According to the PPARs data, Council has exceeded the average 60 days statutory time frame for making decisions in the past two years. This is a similar trend with the other comparable councils in the region.

The main challenge for Gannawarra and the other rural councils is resourcing of the statutory planning function. Rural and regional councils face a significant challenge attracting and retaining qualified and experienced planners. Currently, Gannawarra employs two planners, a para planner and a part-time consultant planner. One of the two planners is the Manager Planning and Regulatory Services, which involves other responsibilities, including the busy local laws and building areas. In addition, Council has recently migrated to an online planning portal which has taken significant resourcing and navigation of the system.

Whilst understanding Council has limited resources, more planners need to be employed to meet improve the level of service to applicants and to meet statutory time frames for decision-making. A full-time strategic planner should be employed to assist in the preparation of the further strategic work projects in Clause 72.04.

6.1.4 Decision making

By Council

Based on Council-supplied data (Table 5), the vast majority of applications are determined under delegated authority. 92.4% of final decisions were made under delegation while 0.8% were made by Council as shown in Table 4.

Table 5: Decision outcome data from 2018 to 2021

No.	Final Outcome	Percentage
556	Permit issued by Delegate	95.38%
4	Permit decided by Council	0.68%
23	Other	3.94%
583		100%

Source: Council supplied data

By VCAT

Gannawarra Shire Council has very few applications reviewed by VCAT. Since 2018, there have been three VCAT decisions. One decision involved amended conditions following a dispute between the neighbours, which the Tribunal supported in part (that is, it amended some of Council conditions); one decision involved a Council NOD for an industry in a rural area, which the Tribunal set aside; and the remaining decision involved a third party challenge to a piggery, with the Tribunal supporting Council's decision to approve the application.

Planning Panels Victoria

There have been no Panel hearings involving Gannawarra over the past four years.

7. Stakeholder engagement

This section contains an overview and analysis of the stakeholder engagement that has informed the planning scheme review. It includes data collected as part of a briefing with Council's planners, a workshop with Council's Planning team, responses from referral authorities and agencies and four regular applicants.

The intention of this part of the review is to provide context from those who most use the planning scheme and Councillors, as the community representatives. The findings of this engagement help to refine the key issues that Council needs to address and prioritise the scope of further strategic work that should be undertaken during the next four years.

7.1 Planners' survey

The *Good Practice Guide to Planning Scheme Reviews* (October 2023) prepared by DTP suggests that a planners' survey be undertaken to identify key issues associated with the planning scheme. On the basis that the Shire of Gannawarra has a small planning team it was agreed that a survey would not provide much assistance and that a workshop should be held instead.

7.2 Planners' workshop

The Planners' workshop was held on 1 May, 2024. The planning team comprises the Manager Planning and Regulatory Services and two planning staff.

The main issues discussed at the Workshop included:

- Reviewing the detailed recommendations from the 2018 review to ascertain whether they should be deleted, amended or retained;
- Reviewing the list of strategic projects from the 2018 review to ascertain whether they should be deleted, amended or retained; and
- Considering the feedback from the referral authorities who had been requested to provide comment on the review.
- Identifying current strategic policy gaps. In summary, these included:
 - Reviewing the town structure plans.
 - Reviewing the extent of the Bushfire Management Overlay (BMO) to ensure bushfire prone areas were identified, particularly near urban settlements;
 - Reviewing flood controls having regard to current and completed flood studies by North Central CMA, taking into account recent major flooding events;
 - Revitalisation of commercial areas in the urban settlements;
 - Changing farming practices, with larger broadacre farming impacting on the capacity to diversify agricultural production;
 - Lack of land to provide rural living opportunities, need to provide for workforce accommodation (such as for mineral sands projects) and need for townhouses in urban settlements;
 - Implementation of the completed Heritage Study; and
 - Stormwater management, particularly in Kerang.

7.3 Internal staff

A survey was sent to relevant Council business units which provide advice on applications for planning permits. Key questions were:

- What are the type of planning permit applications that are referred to you?
- What is the nature of advice you provide on the applications. (e.g., engineering, environmental health, urban design, heritage, landscaping, ESD)
- How is the advice provided? (e.g. object, not object, suggested changes, conditions)
- How many applications are you asked to comment on (ave per month)
- Are you requested to provide a response within certain timeframes and are you able to meet these timeframes?
- Are there any types of applications that are referred to you unnecessarily (in the sense there's no need to make any comments)?
- Are you satisfied that your comments are taken into account by the planning department? Is the internal referral process working well and do you have any suggestions for improvement?
- Are there any other comments you wish to make?

Responses were received from engineering (project and design and traffic and stormwater) and environmental health.

With respect to the engineering referrals, some concern was expressed by the project and design team about the timely allocation of referrals and it was noted that enforcement of recommended conditions are not followed up.

Environmental health suggested that a weekly or fortnightly meeting on new applications would provide the Environmental Health Officer (EHO) with any background on the applications proposal and timelines, which would assist the EHO to return comments in a timely manner and in their workplan.

Positive comments were made by all teams about the Greenlight software system.

Overall it would appear that with relatively few applications the internal referrals system is generally working well. It was noted by the project and design team that there has been a significant decline of applications in 2023. This accords with the PPARS data.

7.4 Councillors and executive team

Council has requested that a briefing with Council occur upon completion of this review by Transect Planning. It would be appropriate that this occur post the October 2024 local government elections.

7.5 Referral agencies

All agencies and authorities listed in Clauses 66.04 and 66.06 were invited to comment upon current arrangements for the referral of permit applications under local provisions. Agencies and authorities were also invited to comment upon any other aspects of the operation of the planning scheme as relevant to their area(s) of responsibility. A follow up email was sent to those authorities who had not responded by the due date.

Agriculture Victoria

No response

Civil Aviation Safety Authority

CASA advised that it has reviewed the applicable existing wording in the GPS as requested and advises that the current wording is still appropriate and not requiring any changes.

Coliban Water

No response

Country Fire Authority

CFA advised:

- Of key importance is to direct growth away from bushland area into lower risk grassland areas;
- Further existing townships should consolidate the external edge with solid line – incorporating a fuel modified buffer (boulevard roads, effective use of Open Space) to prevent fires entering into urbanized areas; and
- The design of Roadways to permit easy unimpeded access for emergency service vehicles combined with reliable efficient reticulated water supplies with appropriate fire hydrants (pressure and flow) is also a fundamental requirement.

Department of Energy, Environment and Climate Action (DEECA)

No response

Department of Transport and Planning (Transport)

No response.

Department of Housing and Human Services

No response

Environment Protection Authority

Did not wish to comment

Gas Networks Victoria

No response

Goulburn Murray Water

GMW advised that it frequently corresponds with Council regarding rural infrastructure in clear residential zones, particularly in relation to open channels and drains. In most circumstances, it is considered inappropriate to have rural infrastructure in urban areas. Rural infrastructure in built up areas potentially presents hazards for adjoining landowners and undesirable planning outcomes.

Open channels attract snakes and issues surrounding water safety for adjoining home owners. GMW also requires a 30m building setback from open channels and drains, in many subdivision applications this adversely affects lot yield. Accordingly, it is considered in identified areas, and where appropriate, this infrastructure should be piped. Furthermore, Council should also take responsibility for all drainage from the subdivision, and the development area added to the Council's Special Charge for drainage where considered appropriate.

It is considered the issues raised above in identified areas should be dealt with potentially via development plan overlays (DPO). It is difficult to resolve these issues at Planning Permit stage, a DPO would ensure stakeholders are aware of the planning requirements and their obligations surrounding GMW infrastructure up front, improving overall planning outcomes.

North Central Catchment Management Authority

The NCMA made the following comments;

Revisions to the Flood Overlays

Revisions to other overlays where the North Central CMA is a referral authority:

Clause 44.03-6 Floodway Overlay - need to introduce an exemption to the 200m non habitable building setback 30m from any watercourse.

Clause 44.04-7 Land Subject to Inundation Overlay - need to introduce an exemption to the 200m non habitable building setback 30m from any watercourse.

Revisions to other overlays where the North Central CMA is a referral authority:

Clause 42.01 Environmental Significance Overlay Schedule 1 Waterway Environs - no changes.

Clause 42.01 Environmental Significance Overlay Schedule 4 Areas of Poor Drainage or Potential Subject to Inundation - this schedule controls inundation in area contained within the Echuca-Torrumbarry Flood Study. Once this flood study is completed, there will be an amendment to update the flood controls. This overlay would likely be replaced with LSIO and refining extent.

13.03-1L – Floodplains Levee banks

North Central CMA is undertaking a strategic project regarding levees. There may be policy updates once this project is complete.

14.02-1L Water – Murray Darling Catchment

Incorporate a strategy to protect Ramsar sites.

Incorporate a strategy to recognise salinity where buildings and works can occur near or on sensitive sites, e.g. Lake Bael Bael.

Future Amendments to the Gannawarra Planning Scheme

Quambatook Flood Study 2013 (post mitigation work) - an amendment to update the flood controls in Quambatook after the completion of mitigation works (errors and anomalies amendment).

Lower Avoca River Regional Flood Mapping Project 2021 - a flood study amendment to update flood controls in the planning scheme.

Lower Loddon Regional Flood Mapping Project 2023 - a flood study amendment to update flood controls in the planning scheme.

Torrumbarry Flood Study (Murray River – Echuca to Murrabit) 2024 - via a planning scheme amendment; data from this study will be used to replace the ESO4; providing a planning tool which more effectively recognises flood hazards and mitigates against flood risk.

Powercor Australia

No comment

7.6 Registered Aboriginal Parties

The *Victorian Aboriginal Heritage Act (2006)* recognises Traditional Owners as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage. At a local level, Registered

Aboriginal Parties (RAP) are the voice of Aboriginal people in the management and protection of Aboriginal cultural heritage in Victoria.

Yorta Yorta Nation Aboriginal Corporation is the RAP for part of Gannawarra. There is no RAP for the remaining area in the municipality.

An approach was made to the Yorta Yorta RAP but limited resources and short time frames made it difficult for the Yorta Yorta to be engaged in this part of the planning scheme review. However, further opportunities will be explored in the future.

7.7 Applicants

Council provided a list of seven applicants who often lodge planning applications in the municipality. An email was sent to the seven applicants requesting responses on a set of questions with an invitation to meet on-line for further discussion.

Responses were received from three applicants and an on-line meeting was held with one of these applicants.

In summary, the main issues raised were:

- Urgent priority needs to be given to the implementation of the township structure plans – opportunities for residential development are being missed because of lack of residential land;
- The township structure plans in the GPS should apply to the whole township, some sites are cut in half and excluded from the image. This provides a level of uncertainty for strategic projects as it is difficult to ascertain whether the balance of the site is meant to be included in the mapped area;
- Lack of short-term rental accommodation and itinerant workers' accommodation is a significant issue in attracting a workforce to the municipality;
- Minimum subdivision area for Farming Zoned land appears quite low in comparison to other Council areas and a review of land requirements and trends for agriculture within Shire may be beneficial so that Council can assess whether the minimum subdivision area remains suitable;
- Some referral authorities are not meeting their statutory requirements to provide comments within 28 days, causing considerable delay in approving some applications;
- DTP (Transport) have been requiring conditions requiring full construction of crossovers for applications referred to them pursuant to Clause 52.29-4. Such works require a standard of works that may be greater than the adjoining roads and cost in the order of \$30k; and
- Greenlight is somewhat clunky however SPEAR that is used for subdivision applications is a great system.

In addition, one applicant queried Clause 62.04 which allows exemptions from permits for subdivisions if certain criteria is met, including land that does not have legal access. It was questioned whether the criteria should be land that has legal access.

8. Current and proposed strategic projects

The intention of this part of the review process is to incorporate policy that may have been developed by another part of Council and that is unlikely to be incorporated into the planning scheme through a stand-alone amendment.

The scope of this does not include significant strategic land use planning projects such as structure plans for activity centres or housing strategies, which should go through a separate dedicated planning scheme amendment process.

Regional documents are also reviewed, to identify if there are any Council specific proposals that should be reflected in the planning scheme.

8.1 Council strategies and documents

Council provided seven documents for consideration that have been developed since the last planning scheme review. Each of these documents are adopted positions of Council and have been through a consultation process. There is strategic justification for the policies outlined in these documents to be included in the planning scheme where they have a planning-related outcome.

Each document was reviewed by Transect Planning. It was found that policy outlined in some documents should be brought across to the planning scheme as they relate to matters that applicants and decision makers should be considering in order to achieve the objectives set out in those strategies.

8.1.1 Documents reviewed

- Growing Gannawarra Council Plan and Community Health and Wellbeing Plan 2021-2025 (Shire of Gannawarra).
- Economic Development Strategy 2019-2024 (Shire of Gannawarra)
- Climate Change Adaptation and Mitigation Strategy, Ironbark Sustainability, 2022
- Gannawarra Urban Growth Strategy (Remplan, August 2023)
- Gannawarra Shire Domestic Wastewater Plan 2020-2023
- Gannawarra Aerodromes Development Plan 2016
- Gannawarra Waterfront Masterplans, Urban Enterprise, March 2019.

Council Plan 2021-2025

The Council Plan 2021-2025 describes the strategic direction of the Council for the next five years and outlines strategic objectives for achieving the strategic direction.

Recommendation

To implement the Council Plan 2021-2025 in the planning scheme:

Insert the vision at Clause (02.02) to reflect the updated vision for the Shire:

Our community will be proud, connected and inclusive as we actively seek opportunities that enhance lifestyle and liveability.

We will recognise and appreciate the value of the natural environment and how it connects our communities.

We will strive to be resilient to a changing environment through innovation and collaboration.

The Gannawarra will grow through encouraging economic diversity, creating unique tourism destinations, and embracing our cultural and natural assets.

The Council Plan 2021-2025 identifies three key strategy platforms, as follows::

- *Liveability – Enhance the wellbeing and liveability of the Gannawarra through creative infrastructure and services*
- *Growth – Grow the Gannawarra through a diverse and broad economy*
- *Sustainability – Achieve long term financial and environmental sustainability*

Insert recognition of Traditional Owners:

Gannawarra Shire Council acknowledges the Barapa Barapa, Yorta Yorta and Wamba Wamba people as the traditional owners of the land now known as Gannawarra.

Economic Development Strategy 2019-2024

The purpose of the Gannawarra Shire Economic Development Strategy is to respond to the existing economic situation of the Gannawarra Shire and to align with Council's vision by presenting a clear and achievable strategy/action plan for the next five years.

The following changes are proposed to the GPS:

Add the following strategic direction under Clause 02.03-4 (Natural resource management)

Support innovative agricultural projects and diversified rural land uses such as intensive livestock, organics, intensive dairy and horticulture.

Add the following contextual information under Clause 02-03-7 (Economic Development):

Gannawarra is included in the Murray River Renewable Energy Zone. Renewable energy is providing significant investment, employment, rate revenue and business leverage potential.

The Murray Basin of northwest Victoria provides opportunities for the mining of mineral sands.

Add the following strategic directions to Clause 02.03-7

Providing infrastructure that supports commercial development.

Maximising the renewable energy opportunities in the Shire.

Maximising the mineral sands mining opportunities in the Murray Basin.

Under the sub heading Industry add the following strategic direction:

Provide fully serviced industrial land in Kerang, Cohuna and Koondrook

In Clause 14.01-2L (Sustainable farming) add the following strategies:

Facilitate organic farming opportunities.

Facilitate the development of intensive hydroponic growing systems for the agricultural sector.

In addition, the Economic Development Strategy is to be included in the schedule to Clause 72.08 (Background documents).

Climate Change Adaptation and Mitigation Strategy 2022

The Climate Change Adaptation and Mitigation Strategy outlines actions and set goals to assist Council achieving its goal of being a highly sustainable and resilient regional Council and a leading region for renewable energy and low carbon technology by 2040.

The following changes are proposed to the GPS:

Add the following sentence under the sub-heading:

In the Loddon Mallee region climate change has brought longer and harsher bushfire seasons, changed rainfall patterns, greater drought risk, more extreme heat and rainfall events and ecological changes.

Add to the sentence on flooding risk:

with riverine flooding having the greatest overall risk on Council and private property, assets and infrastructure.

Add the following three strategic directions:

Increase tree cover and shading in town nature strips, centres and major parks to reduce the impact of extreme heat.

Implement an Ecologically Suitable Development (ESD) policy for new buildings and redevelopments and phase out all gas systems.

In addition, the Climate Change Adaptation and Mitigation Strategy is to be included in the schedule to Clause 72.08 (Background documents).

Gannawarra Urban Growth Strategy 2023

The primary purpose of this Strategy is to undertake an evidence-based assessment of urban land supply and demand, to prepare population forecasts, and reconcile them within a set of implementable strategic planning directions that are consistent with State, regional and local policies.

The project scope is limited to the preparation of a high-level Urban Growth Strategy for Gannawarra. It will provide the basis and guidance for further detailed work that will bring residential and employment land to the market. Much of this detailed work will be advanced by the private sector in partnership with the Shire.

The following changes are proposed to the GPS:

Add the following strategic direction under Clause 02-03-1 (Townships, settlement and growth)

Implement new structure plans for the urban settlements having regard to the Gannawarra Urban Growth Strategy 2023.

In addition, the Gannawarra Urban Growth Strategy is to be included in the schedule to Clause 72.08 (Background documents).

Gannawarra Shire Domestic Wastewater Plan 2020-2023

The Domestic Wastewater Management Plan (DWMP) provides an opportunity for Council to strategically assess wastewater disposal within the municipality and develop appropriate strategies and actions to prevent or minimise wastewater issues.

There are existing strategic directions, local policies and requirements in some of the Development Plan schedules relating to domestic wastewater.

Council officers have advised that the current DWMP is being reviewed and will be updated in the near future.

There is no need to change any of the existing provisions in the GPS relating to wastewater management. Should the new DWMP be adopted by Council before the preparation of a planning scheme amendment to implement the findings of this planning scheme review, it would be appropriate to update the reference to the DWMP in Clause 72.08.

Gannawarra Aerodromes Development Plan 2016

This report identifies the:

- Current state and capability of the Kerang and Cohuna Aerodromes including their capacity to accommodate additional operators (private or commercial)
- Impact of the Kerang and Cohuna Aerodromes on the Gannawarra local economy
- The characteristics of airports/aerodromes in the wider region
- Trends in population, visitation and the General Aviation industry that may influence the requirements of the Kerang and Cohuna Aerodromes.

There are no planning implications or changes required to the GPS arising from this document.

Gannawarra Waterfront Masterplans

The purpose of the Masterplans is to better utilise the natural environment of the Kerang Lakes (Kangaroo Lake and Lake Charm), Murray River precinct at Koondrook and the Gunbower Creek precinct in Cohuna to maximise their tourism, recreation, commercial and residential opportunities.

Council officers advised that the Masterplans provide guidance to future developers and any changes required to the GPS would be proponent led.

8.2 Regional strategies

8.2.1 Loddon Mallee North Regional Growth Plan

The Loddon Mallee North Regional Growth Plan details a regional approach to land use planning across the five municipalities of Buloke, Campaspe, Gannawarra, Mildura and Swan Hill. The plan identifies opportunities to encourage and accommodate growth and address challenges over the next 30 years, building on the directions of the Loddon Mallee Regional Strategic Plan – Northern Region (2010).

References to the Growth Plan in the GPS are made in various regional sections of the PPF.

The Plan for Victoria initiative, currently being prepared by the State Government, is likely to replace this Plan.

8.2.2 North Central Catchment Management Strategy 2021-2027

The North Central Regional Catchment Strategy (NCCMS) is the primary integrated planning framework for land, water and biodiversity in each of Victoria's ten catchment management authority regions.

The NCCMS is the overarching strategy for integrated catchment management in the North West and comprises four inland river catchments, the Campaspe; Loddon; Avoca and Avon-Richardson, that rise on the northern slopes of the Great Dividing Range and flow northward emerging onto the wide, flat riverine plains of northern Victoria.

Integrated catchment management recognises that land, water and biodiversity are all part of connected systems that span from the top of the catchment to aquatic environments.

The NCCMS sets the long-term vision for integrated catchment management in the North West and is based around five themes and four Local Areas.

Preparation of the NCCMS is required under the *Water Act 1989* and the Victorian Waterway Management Strategy (VWMS).

The NCCMA has not requested any changes to the GPS from matters arising under the WRCS.

8.3 Current planning scheme amendments

There are no Council (C) amendments currently underway for the GPS.

8.4 Strategic planning projects

Council is currently substantially underway with the following strategic planning projects:

Project name	What the project is intended to do	Stage
Loddon Mallee Housing Group	Identify regional housing needs	Commencement

9. Key issues

From the above analysis, the following key issues have emerged for further consideration by Council:

9.1 Policy issues

9.1.1 Agricultural land

The Economic Development Strategy 2019-2024 notes that Gannawarra has a diversified agricultural base. Dairy is the most prominent sector (39% of agricultural production) followed by cropping (38%), livestock (13%) and horticulture 10%. The dairy sector is undergoing significant change while broad acre irrigated cropping and horticulture are growing and likely to overtake dairy as the key sectors.

The GPS currently contains strategic directions on protecting the agricultural base of the municipality and discouraging the fragmentation of agricultural land, as well as a local policy on the protection of agricultural land.

It is recommended that as part of this review that the GPS is further strengthened with the incorporation of relevant strategies from the Economic Development Strategy as identified in section 8.1 of this report.

Council should give consideration to preparing an integrated rural land use strategy to support established rural industries, promote emerging opportunities, and recognise and protect important environmental and landscape values.

9.1.2 Settlement and Housing

Gannawarra's Urban Growth Strategy notes that the historic population decline has reversed since 2016, with the municipality experiencing a positive growth trend over the last 10 years.

Council has commenced planning for future growth with the adoption of the Urban Growth Strategy which includes recommendations to prepare new structure plans for the urban settlements.

Lack of rural living opportunities in the municipality has been identified as a constraint on attracting more population growth. The Economic Development Strategy identifies waterfront opportunities along the Gunbower Creek in Koondrook and Cohuna as a significant opportunity to attract more population given their lifestyle and amenity attributes.

Lack of diverse housing stock such as townhouses in the urban settlements has also been identified as an issue to address, particularly given the ageing population.

Council's planners have also identified a need to provide workers' accommodation, particularly for major industries such as mineral sands.

The Urban Growth Strategy recommends that Development Plan Overlays Schedule 1 (General Residential Zone Development Plan) and Schedule 2 (Low Density Residential Zone Development Plan) are reviewed to ensure that they will facilitate coordinated development across multiple sites and ownerships. This should be done as part of the review of the structure plans for the urban settlements.

9.1.3 Industrial land

The Urban Growth Strategy recommends that more industrial land is needed to support Gannawarra's growing population, and recommends specifically that Council investigate opportunities for the Tate Drive Industrial Precinct to be extended to the east.

It would be appropriate that analysis is undertaken on the supply and demand for industrial land in the municipality and that the findings of this analysis inform the structure plans for the urban settlements.

9.1.4 Post settlement heritage

There are currently 23 local places in the Heritage Overlay (and 16 places on the Victorian Heritage Register).

Council prepared a Thematic Environmental History in 2008 and the Gannawarra Shire Heritage Study in 2013. The Study recommended that 88 local places be included in the Heritage Overlay.

Lack of resources has prevented the implementation of the Heritage Study, which is likely to be resulting in the loss of Gannawarra's heritage stock. Council has a statutory responsibility to protect heritage assets, as reflected in section 4(1)(d) of the P&E Act that planning authorities:

conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

It is considered that given the passage of time since the Study was completed, that it should be reviewed and then implemented.

9.1.5 Rural irrigation and drainage areas

Goulburn-Murray Water (GMW) noted that in recent times as townships have developed and expanded in to the rural irrigation and drainage areas across various municipalities, issues have arisen in relation to land use and development impacting on GMW's infrastructure, in particular, channels and drains.

GMW consider it is inappropriate to have rural infrastructure in urban areas as such infrastructure in built up areas potentially presents hazards for adjoining landowners and undesirable planning outcomes.

GWM consider their concerns should be dealt with potentially via Development Plan Overlays (DPOs).

It is considered that GWM has raised a number of important issues. GWM will be an important stakeholder with the preparation of the township structure plans which will guide the future planning of the urban settlements, which will provide an opportunity to address their concerns about the impact on rural infrastructure.

Conclusion

The above analysis indicates that there is considerable policy work will be required to be undertaken by Council to strengthen the MPS and local policies. Funding and resources will need to be found to undertake the projects.

Recommendations

Upon the election of the new Council in late 2024 that a discussion be held with councillors on the funding, resourcing and prioritisation of strategic planning projects between 2025-2029.

9.2 Planning scheme issues

With the translation of the GPS into the PPF and the review of zone and overlay schedules, the planning scheme is in reasonably good shape and not many improvements are required.

However, the following three matters should be addressed:

- Update of flood overlays;
- Opportunities to streamline the planning scheme by removing redundant provisions and introducing more exemptions from minor buildings and works; and
- Updating schedules to ensure compliance with the Ministerial Direction on the Form and Content of Planning Schemes.

Update of flood overlays

As noted above, North Central CMA have advised that upon completion of a number of flood studies, that a planning scheme amendment should be prepared to introduce new Flood Overlays (FOs) and Land Subject to Inundation Overlays (LSIOs). These studies include:

- Quambatook Flood Study 2013 (post mitigation work) - an amendment to update the flood controls in Quambatook after the completion of mitigation works (errors and anomalies amendment).
- Lower Avoca River Regional Flood Mapping Project 2021 - a flood study amendment to update flood controls in the planning scheme.
- Lower Loddon Regional Flood Mapping Project 2023 - a flood study amendment to update flood controls in the planning scheme.

In addition, the CMA advised that a study is being undertaken in relation to Clause 42.01 Environmental Significance Overlay Schedule 4 Areas of Poor Drainage or Potential Subject to Inundation (Echuca- Torrumbarry Flood Study). The outcome of this Study is likely to reduce the flood extent.

The CMA have suggested that the following exemptions should be included in the FO and LSIO schedules:

- Clause 44.03-6 Floodway Overlay - need to introduce an exemption to the 200m non habitable building setback 30m from any watercourse.
- Clause 44.04-7 Land Subject to Inundation Overlay - need to introduce an exemption to the 200m non habitable building setback 30m from any watercourse.

The CMA also advised that it is undertaking a strategic project regarding levees and that there may be policy updates once this project is complete.

The CMA consider that Clause 42.02-1L (Water – Murray Darling Catchment) should include a strategy to recognise salinity where buildings and works can occur near or on sensitive sites, e.g. Lake Bael Bael.

To implement the flood studies, funding may be available under the State Government's initiative in to support regional councils to implement existing flood studies into planning schemes. Applications for funding are open until 30 June 2025, subject to the availability of funds.

Opportunities to streamline the planning scheme by removing redundant provisions and introducing more exemptions from minor buildings and works

North Central CMA have identified an additional exemption from minor buildings and works in the FO and LSIO.

The track changes version of the GPS prepared as part of this review has incorporated this exemption.

However, scope exists to expand the number of exemptions in the FO and LSIO. Transect Planning was engaged in 2023 to prepare new flood controls to the Horsham Planning Scheme (C81hours). Part of the amendment introduced more exemptions from minor buildings and works in the FO and LSIO. The exemptions were discussed with the Wimmera CMA and supported by the Panel. It is suggested a review of the exemptions in the FO and LSIO be considered as part of an amendment to incorporate the LWFS into the GPS.

Third party exemptions from major projects

Council has expressed concern that a major development to establish a piggery at 127 & 191 Orrs Road and 1399 Cohuna-Koondrook Road did not proceed despite Council support and VCAT approval (see *Doyle & Ors v Gannawarra SC* [2024] VCAT 3). Council has been advised that because of the delay resulting from the objector's challenge to VCAT the proposal is no longer financially viable and will not proceed.

A piggery is defined as Animal Production in the VPPs which is a permit required use in the Farming Zone. Given the potential amenity and environmental impacts of animal production, it is not likely that the state government would support making such uses as-of-right.

It is noted, however, that Council issued the Notice of Decision to Grant a Permit on 15 June 2022, the Tribunal hearing commenced some ten months later on 5 April 2023, and the VCAT determination was made on 2 January 2024. It does not surprise that an 18 month delay as a result of the VCAT proceeding may have had a financial impact on the proponent.

Compliance with the Ministerial Direction on the Form and Content of Planning Schemes

A review of all local provisions in the GPS has been undertaken to check compliance with the Ministerial Direction. The most significant area of non-compliance is the number of objectives in the ESO schedules, with one schedule containing 11 objectives. The Ministerial Direction requires that the number of objectives is limited to one.

9.3 Top priorities for Council

As mentioned above, it would be appropriate that with the newly elected Council in late 2024 that a discussion occur on the funding, resourcing and prioritisation of the strategic planning projects that should be undertaken to strengthen the local policy framework.

10. Further strategic work

Clause 74.02 of the GPS contains 17 future strategic work projects.

Based on the findings of this review in relation to the strategic policy gaps, it is suggested that the following further strategic work be inserted into Clause 74.02.

- Detailed structure plans for the urban settlements, including both the larger townships of Kerang, Cohuna and Koondrook and smaller townships to guide the future direction of these settlements and ensure they are highly liveable places;
- Implementation of the North Central Catchment Management Authority flood studies;
- A housing strategy to ensure that Gannawarra is an attractive place to live and meets different housing needs, including opportunities for rural living and greater housing diversity in townships;
- An integrated rural land use strategy to support established rural industries, promote emerging opportunities, and recognise and protect important environmental and landscape values;
- An analysis of the supply and demand for industrial land; and
- Review and implementation of the 2013 heritage study.

A recommended Clause 74.02 is included in Appendix 3. As mentioned above, Council will need to discuss the funding, resourcing and prioritisation of the future projects.

Appendix One

State and regional planning scheme amendments issued since 2019:

VC (Victorian) and GC (group of council) amendments

Over the past four years, several VC and GC amendments have introduced new policy into the Hindmarsh Planning Scheme and are directly relevant to this review:

VC253 (01/05/2024) - introduced a new land use term and siting, design and amenity requirements for a small second dwelling into the Victoria Planning Provisions (VPP) and all planning schemes to implement Victoria's Housing Statement: The decade ahead 2024-2034 by making it easier to build a small second dwelling.

VC249 (01/05/2024) - changed the Victoria Planning Provisions and all planning schemes in Victoria by exempting development for a small second dwelling from Development Contributions Plan requirements and correcting typographical errors related to small second dwellings.

VC250 (01/05/2024) - supported Victoria's Gas Substitution Roadmap (Victorian Government, 2022) by prohibiting new gas connections for new dwellings, apartments and residential subdivisions where a planning permit is required.

VC252 (26/04/2024) - changed the VPP and 64 planning schemes in Victoria by correcting obvious or technical errors and by making consequential changes to local schedules to align with Amendment VC243 and Amendment VC253.

VC261 (04/04/2024) - expanded the operation of the existing Development Facilitation Program (DFP) planning provisions that fast-track the assessment of significant economic development by enabling an application for renewable energy facility, utility installation and associated subdivision to be assessed.

VC259 (28/04/2024) - changed the VPP and all planning schemes in Victoria by extending the transitional arrangements for a dependent persons unit for a period of 12 months.

VC254 (12/02/2024) - changes the Victoria Planning Provisions and all planning schemes related to Birrarung-Bolin Framework Plan, Proof of continuous use, signs in the Transport Zone and State projects.

VC241 (08/02/2024) - removed prohibitions for specified sign types for a Freeway service centre, Service station and Open sports ground in a zone where Category 4 - Sensitive areas sign controls apply.

VC247 (07/02/2024) - extended planning exemptions under clauses 52.07 (Emergency recovery) and 52.18 (Coronavirus (COVID 19) pandemic and recovery exemptions) and makes corrections to ordinance introduced in VC246 related to Container deposit scheme centres.

VC153 (01/02/2024) - extended planning exemptions under clauses 52.07 (Emergency recovery) and 52.18 (Coronavirus (COVID 19) pandemic and recovery exemptions) and makes corrections to ordinance introduced in VC246 related to Container deposit scheme centres.

VC178 (01/02/2024) - changed the VPP and all planning schemes by amending Clause 52.13-7 (2009 Bushfire - Recovery Exemptions) to extend the expiry date to 30 June 2020. The Amendment also changes the VPP and all planning schemes by amending the term stone extraction to extractive industry and the term solar energy facility to solar energy system to align with the intent of VC160.

- VC246 (01/02/2024) - introduces new land use controls in the Victoria Planning Provisions and all planning schemes to improve facilitation of Victoria's Container Deposit Scheme. The amendment introduces a new land use term, Container deposit scheme centre, nested under Transfer station. The amendment also makes corrections to ordinance.
- VC147 (01/02/2024) - enabled the online publishing of planning schemes through the Department of Environment, Land, Water and Planning's new Amendment Tracking System (ATS). The Amendment does not change the operation of policy or the effect of provisions in planning schemes.
- VC249 (15/01/2024) - changes the Victoria Planning Provisions and all planning schemes in Victoria by exempting development for a small second dwelling from Development Contributions Plan requirements and correcting typographical errors related to small second dwellings.
- VC250 (01/01/2024) - supported Victoria's Gas Substitution Roadmap (Victorian Government, 2022) by prohibiting new gas connections for new dwellings, apartments and residential subdivisions where a planning permit is required.
- VC253 (14/12/2023) - introduced a new land use term and siting, design and amenity requirements for a small second dwelling into the VPP and all planning schemes to implement Victoria's Housing Statement: The decade ahead 2024-2034 by making it easier to build a small second dwelling.
- VC243 (29/11/2023) - made changes to the VPP and all planning schemes to codify residential development standards, implement the Future Homes project across Victoria, remove permit requirements for single dwellings on lots of 300 square metres or more and introduce VicSmart permits for single dwellings on lots less than 300 square metres. These changes support the delivery of housing in Victoria.
- VC242 (29/11/2023) - made changes to the VPP and all planning schemes by introducing two new particular provisions to facilitate significant residential development and significant economic development.
- VC236 (01/11/2023) - supported renewable hydrogen gas production and distribution and makes the Minister for Planning the responsible authority for large-scale production of hydrogen gas.
- VC238 (01/11/2023) - changed the Victoria Planning Provisions and all planning schemes by amending clause 52.13, Victoria's container deposit scheme. The amendment changes the permit exemption threshold in clause 52.13 to enable an automated collection point to occupy 5 car spaces instead of 4 if the land contains 50 or more car spaces.
- VC27 (30/11/2023) - amended Clause 66 to ensure that referral provisions under section 55 of the Act and notice requirements under section 52(1)(c) are clear and set out in a single place in each planning scheme.
- VC234 (18/10/2023) - clarified noise requirements for wind energy facilities and the responsible authority for enforcement matters.
- VC031 (02/10/2023) - introduced a new Residential 3 Zone | Introduced a new Particular provision and amends Clause 19 to require an urban context report and design response for residential development of four (4) or more storeys | included a reference to Design Guidelines for Higher Density Housing in Clause 19 | and amended the ResCode provisions at Clauses 54.03-2 and 55.03-2 to give effect to residential height provisions.
- VC034 (02/10/2023) - introduced a new Clause 12 with consequential changes to other clauses in the State Planning Policy Framework, including Clauses 14, 15, 17, 18 & 19. Included reference to Alpine Resorts 2020 Strategy in Clause 15.13 and Activity Centre Design Guidelines and Safer Design Guidelines in Clause 19.03-3. Amended subdivision requirements in the Green Wedge Zone, Green

Wedge A Zone and Rural Conservation Zone. Makes changes to provisions the Rural Conservation Zone and Clause 57.01 regarding Wind energy facilities. Amended advertising sign controls along railway corridors in the Public Use Zone. Amends the Neighbourhood Character Overlay and Clauses 55 & 56 to refer to the Residential 3 Zone. Amended the Special Building Overlay to broaden the range of minor buildings and works that do not require a permit. Amended the Erosion Management Overlay, Salinity Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay, Public Acquisition Overlay, Airport Environs Overlay and Restructure Overlay to introduce exemptions from notice and review for permit applications. Clarified requirements for extractive industry and private tennis courts in Clauses 52.09, 52.21 and 66.05. Introduced definition for Metropolitan Melbourne in Clause 72 and introduced a Tramway definition and deletes reference to lightrail. Introduced a new incorporated document, Activity Centres and Principal Public Transport Network Plan, 2003 in Clause 81.

VC016 (03/10/2023) - Amended the clause 18.01-2 of SPPF to require transport routes to be designated to provide for grade separation at railways. Introduced a new renewable energy policy in Clause 15.14 of the SPPF. Introduced a new Particular provision for Wind energy facility in the Table of uses in the Public Conservation and Resource Zone. Makes the Minister for Planning the responsible authority in all planning schemes for considering and determining applications for Wind energy facilities with a capacity greater than 30 megawatts. Amended Clauses 62.01 & 62.02 to include that temporary use of land for wind measurement by an anemometer in the list uses that do not require a permit. Amends Clause 62.02 to include a temporary anemometer in the list of buildings and works that do not require a permit. Introduced a General term for Anemometer. Introduces a Land use term for Wind energy facility and Incorporated the Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria, 2002 into all planning schemes.

VC231 (20/09/2023) - amends existing planning permit exemption thresholds for dwelling extensions, out-buildings and buildings used for agriculture in clauses 35.03 (Rural Living Zone), 35.07 (Farming Zone) and 35.08 (Rural Activity Zone).

VC208 (05/09/2023) – amended Clause 52.10 to apply the use, notice and review exemptions to other types of emergencies.

VC227 (05/06/2023) - made changes to the VPP and all planning schemes to support the facilitation of container deposit scheme (CDS) infrastructure under the Victorian Governments, Recycling Victoria: a new economy policy.

VC222 (03/05/2023) - made changes to the Victoria Planning Provisions and all planning schemes to support the co-location of new government primary schools with kindergartens and facilitate projects that support the 2026 Commonwealth Games.

VC217 (25/05/2023) - changed the Victoria Planning Provisions (VPP) and all planning schemes to implement the decriminalisation of sex work.

VC169 (22/05/2023) – changed the Planning Policy Framework to help direct balanced outcomes for housing growth and built form, while also clarifying and consolidating housing policy.

VC042 (17/05/2023) – Introduced the Sustainable Neighbourhoods Provisions for residential subdivision; amended the coastal areas policies in Clause 15.08 to give effect to the land use and development strategies of the Victorian Coastal Strategy 2002; made changes to the Victorian Planning Provisions to provide for geothermal energy extraction; amended Clause 52.29 to introduce a decision guideline for road network safety and efficiency regarding access to adjoining properties to respond to the *Road Management Act 2004*; introduced a new Particular Provision - Clause 52.36 that includes the Director of Public Transport as a referral authority.

VC147 (17/05/2023) - enabled the online publishing of planning schemes through the Department of Environment, Land, Water and Planning's new Amendment Tracking System (ATS). The Amendment does not change the operation of policy or the effect of provisions in planning schemes.

VC224 (03/05/2023) - Amends the Victoria Planning Provisions and all planning schemes that relate to declared irrigation districts and solar energy facilities, delivery exemptions, electorate offices, Future Homes, healthy waterways, land use terms, stormwater management and tree removal under VicSmart.

VC226 (03/05/2023) - made changes to the Victoria Planning Provisions (VPP) and all planning schemes to support emergency recovery, telecommunications, solar energy systems and community care accommodation.

VC225 (03/05/2024) - changed the VPP and all planning schemes in Victoria by: making changes to correct obvious or technical errors and ensure they are current.

VC201 (03/05/2024) - updated the Planning Policy Framework, introduces two new regional policies and a series of new Significant Landscape Overlays to recognise, protect and improve waterway health, amenity, access and community values.

VC193 (11/04/2023) - amended clause 52.18 (State of emergency exemption) to support Victoria's social and economic recovery from the coronavirus (COVID-19) pandemic through temporary planning scheme and permit condition exemptions that enable outdoor dining and facilitate the reopening and safe operation of restaurants and other food and drink businesses.

VC190 (11/04/2023) - Introduces a new particular provision, Victoria's Big Housing Build at clause 52.20 of the Victoria Planning Provisions and all planning schemes. Clause 52.20 removes the need for a planning permit to develop a housing project if funded under Victoria's Big Housing Build and supported by the Director of Housing.

VC152 (11/04/2023) - amendment delivered on commitments of the Victorian Governments housing strategy Homes for Victorians (2017) through the introduction of permit exemptions for community care accommodation to enable the streamlined renewal and development of these facilities.

VC221 (11/04/2023) - amendment facilitated all-electric developments to support implementation of Victoria's Climate Change Strategy 2021 (Strategy) and Gas Substitution Roadmap 2022 (Roadmap)

VC213 (11/04/2023) - changes the VPP and all planning schemes to ensure consistency with existing requirements under the Melbourne Strategic Assessment (MSA) Program to achieve specific biodiversity outcomes within Melbourne's growth corridors.

VC223 (22/03/2023) - amended clause 73.01 (General terms) of the VPP and all planning schemes to define Minister for Planning to mean a Minister for the time being administering the P&E Act.

VC230 (08/02/2023) - revised clauses 52.20 and 72.01 to make the Minister for Planning the responsible authority for relevant applications to reflect the General Order dated 27 June 2022.

VC228 (22/11/2022) - made changes to the Victoria Planning Provisions and all planning schemes to facilitate Victoria's recovery from emergencies by allowing an exemption from operation hours for extractive industries.

VC216 (14/09/2022) - made changes to the Planning Policy Framework (PPF) in the Victoria Planning Provisions (VPP) and all planning schemes to support Environmentally Sustainable Development (ESD).

VC104 (18/01/2023) - made corrections to the Residential 1 Zone, Clause 54.04 and Clause 55.04.

VC012 (18/01/2023) - made changes to the SPPF, LPPF, Zones, Overlays, Particular Provisions, Definitions and list of Incorporated documents based on the general review of residential development provisions and the recommendations of the ResCode Advisory Committee. The changes include the introduction of schedules to four residential zones, a Neighbourhood Character Overlay, new residential development provisions in Clauses 54, 55 and 56 for dwellings and subdivision

VC220 (31/08/2022) - amendment supported the efficient delivery of neighbourhood batteries into the electricity distribution network by amending clause 73.03 Land use terms of the Victoria Planning Provisions (VPP) and all planning schemes.

VC031 (30/08/2022) - introduced a new Residential 3 Zone; introduced a new Particular provision and amended Clause 19 to require an urban context report and design response for residential development of four (4) or more storeys; included a reference to Design Guidelines for Higher Density Housing in Clause 19; and amended the ResCode provisions at Clauses 54.03-2 and 55.03-2 to give effect to residential height provisions.

VC214 (25/08/2022) - amended the public land exemptions in clause 52.18 (State of emergency and recovery exemptions) to apply to a broad range of uses.

VC216 (10/06/2022) - made changes to the Planning Policy Framework (PPF) in the Victoria Planning Provisions (VPP) and all planning schemes to support Environmentally Sustainable Development (ESD).

VC174 (06/04/2022) - implemented the recently announced revised Better Apartment Design Standards, which delivers improved external amenity and design outcomes for all apartment developments.

VC205 (06/04/2022) - introduced a new Transport Zone to replace the Road Zone and Public Use Zone Schedule 4. The amendment also makes consequential changes.

VC203 (16/09/2021) - implemented the new environment protection framework in the Victoria Planning Provisions and all planning schemes.

VC194 (04/08/2021) - inserted two new particular provisions at clauses 52.30 and 52.31 to facilitate state projects and local government projects.

VC183 (05/01/2021) - introduced a new state planning policy Clause 13.07-3S (Live Music) and makes changes to Clause 53.06 (Live Music Entertainment Venues) of the Victoria Planning Provisions (VPP) and all planning schemes to encourage, create and protect opportunities for the enjoyment of live music.

VC176 (13/11/2020) - amended Clause 52.12 (Bushfire Protection: Exemptions) to align the 10/30 and fence line vegetation exemptions with the Bushfire Prone Area map across all Victorian councils, make administrative updates and further clarify the exemptions for dwellings and defensible space under the Bushfire Management Overlay.

VC149 (24/07/2019) - amended the Victoria Planning Provisions by introducing the Commercial 3 Zone. Amends the Victorian Planning Provisions and all planning schemes by: (1) introducing new requirements for the assessment of solar panel overshadowing; and (2) revising Clause 52.32 (Wind Energy Facility) to implement the recommendations of the EPA Inquiry.

VC155 (24/07/2019) - amended the Planning Policy Framework in Clause 15.03 Heritage to introduce a new strategy to consider restoration or reconstruction of a heritage building unlawfully or unintentionally demolished and a policy guideline 'The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013'.

VC136 (24/07/2019) - introduced state-wide planning requirements for apartment developments.

VC148 (23/11/2019) - introduced changes to the Victoria Planning Provisions (VPP) and all planning schemes arising from the Victorian Government's Smart Planning program. The program aims to simplify and modernise Victoria's planning policy and rules to make planning more efficient, accessible and transparent.

Appendix Two

Marked up ordinance with recommendation changes

See separate document

Appendix Three – Further strategic work

Table 1 Existing list of further strategic work

Project Number	Projects	Project sources
Settlement		
1	Consider implementing the Lake Charm, Kangaroo Lake and Gunbower Creek Environs Strategy to provide additional land for rural residential development.	Clause 74.02
2	Investigate whether some parcels of land in the Farming Zone would be suitable for re-subdivision to provide a small number of rural living lots and one or more large farming lots.	Clause 74.02
3	Investigate directing low-density residential development or rural living development to the east side of Lake Charm.	Clause 74.02
4	Investigate directing rural living development to the east side of Kangaroo Lake.	Clause 74.02
Environment and landscape values		
5	Prepare design guidelines that promote the sensitive development of waterfront land alongside rivers, lakes and wetlands.	Clause 74.02
Environmental risks and amenity		
6	Identify, evaluate and protect wetlands on freehold land, which make an important contribution to the maintenance of biodiversity.	Clause 74.02
7	Re-examine and re-map flood controls, including the Floodway Overlay and Land Subject to Inundation Overlay, to take account of the removal of irrigation channels which also act as levee banks.	
8	Remap the Environmental Significance Overlay, Schedule 4 to identify land with poor drainage.	
9	Assist in implementing the North Central Regional Catchment Strategy as needed.	
10	Re-examine and re-map areas of significant remnant indigenous vegetation including grasslands in order to reassess the extent of the Vegetation Protection Overlay.	
Built environment and heritage		
11	Map significant trees, including those identified in the Gannawarra Heritage Study, for possible inclusion in the Heritage Overlay. Implement the first stage of the Gannawarra Heritage Study.	Clause 74.02
Economic development		
13	Investigate opportunities for better use and development of Kerang Airport, including light industrial development pertinent to the airport and combined residential and hangar lots.	Clause 74.02
14	Investigate the potential for an 'airpark' adjoining Kerang Airport, where a dwelling and a personal hangar would be built on the same lot in the same ownership.	
15	Consider in the longer term whether some land in the Farming Zone could be rezoned to Rural Activity Zone, to increase opportunities for non-agricultural uses and developments.	
16	Investigate whether more land should be identified for highway-oriented business use along the Murray Valley Highway at the southern entrance to Kerang.	
17	Investigate whether additional land should be identified for very large-scale industrial development in rural areas well away from residential and other sensitive uses.	
Transport		
		Clause 74.02

		Clause 74.02
	Community infrastructure	
		Clause 74.02

Table 2 Proposed list of further strategic work

Project Number	Projects	Project sources
Settlement		
1	the urban settlements, including both the larger townships of Kerang, Cohuna and Koondrook and smaller townships to guide the future direction of these settlements and ensure they are highly liveable places	Gannawarra Urban Growth Plan
2	Prepare a housing strategy to identify the future housing needs of the municipality, including opportunities for rural living and housing diversity in townships.	Planning scheme review - strategic gaps analysis
3	Prepare a rural land use strategy to support established rural industries, promote emerging opportunities and recognise and protect important environmental and landscape values.	Planning scheme review - strategic gaps analysis
Environment and landscape values		
Environmental risks and amenity		
4	Implementation of the North Central Catchment Management Authority flood studies	North Central Catchment flood studies
Built environment and heritage		
5	Review and implementation of the 2013 heritage study	Planning scheme review - strategic gaps analysis
Economic development		
6	Undertake a detailed retail strategy to provide direction for the sector to guide future growth opportunities.	Economic Development Strategy 2019-2024
7	Undertake an analysis of the supply and demand of industrial land to ensure there is sufficient land to support local industries.	Economic Development Strategy 2019-2024
Transport		
Community infrastructure		

Appendix Four – VCAT decisions

Case	Appeal	Outcome
<i>Howard v Gannawarra SC</i> [2018] VCAT 1690	Amendment to permit. Declaration.	Council decision varied with Tribunal substituting its own conditions. Held no substantial breach of permit conditions.
<i>Ryan v Gannawarra SC</i> [2020] VCAT 99	NOD	NOD set aside. Held no policy basis for locating a general engineering workshop in the FZ.
<i>Doyle & Ors v Gannawarra SC</i> [2024] VCAT 3	NOD	NOD varied. Held that while there are potential risks, the proposed management of the pig farm responds appropriately to manage and minimise them.

Appendix Five – 2018 planning scheme review recommendations

See separate document

2018 Review Recommendations

	Recommendation	PPF Clause	Status	Action
1	Update CI 21.01-1 (Snapshot of Gannawarra Shire) and 21.02-1 (Town Development) to include current statistical information relating to demographics, housing and cultural diversity.	02.01 (Context)	Not implemented	Update 02.01
2	Delete CI 21.01-3 (key issues) and CI 21.01-2 (Key influences) and incorporate any issues identified in these clauses, which are not already referenced in Key issues in CI 21.02-21.10, into the Key issues section of CI 21.02-21-10.	02.03 Strategic Directions)	Superseded by C46gann (22.5.22)	Review and update as appropriate as part of 2024 planning scheme review
3	Incorporate a new Clause 'Key issues and influences' into CI 21.01 (Gannawarra Shire Key Issues and strategic vision) which identifies the nine strategic themes set out in the MSS.	02.03 Strategic Directions)	Superseded by C46gann (22.5.22)	Review and update as appropriate as part of 2024 planning scheme review
4	Revise CI 21.01-4 (Strategic Vision) to ensure it aligns with the new Council Plan.	02.02 (Vision)	Implemented as part of C46gann	Update with reference to Council Plan 2021-2025
5	Insert a new sentence directly beneath the theme heading of Settlement (CI21.02) to specify that the clause should be read in conjunction with CI 21.11 (Local Areas).	02.03-1 (Townships, settlement and growth)	Superseded by C46gann (22.5.22)	No action required
6	Move strategy 5 from CI 21.03-1 (Native Vegetation) to CI 21.05-2 (Catchment Management).	02.03-2 (Environmental and landscape values)	Superseded by C46gann (22.5.22)	No action required
7	Amend the wording of strategy 3 for Objective 1 of CI 21.03-2 (Natural Assets) and amend the wording of strategy 2 of CI 21.08-1 (Commercial Development).	02.03-4 (Natural resources) and 02.03-7	Superseded by C46gann (22.5.22)	No action required

		(Economic development)		
8	In the overview section of Cl 21.05-1 add additional wording to explain the important role intensive animal industries have to play in contributing to agricultural productivity within the municipality. The importance of encouraging the appropriate siting and high quality design of intensive animal industries should be emphasised.	02.03-4 (Natural resources) and 14.01-2R (Agricultural productivity – Loddon Mallee North)	Implemented by VC148 (31.7.2018)	Strategic justification required – Economic Development Strategy 2019-2024 (Strategic Direction 1 – Facilitate the Development of an Innovative and Diverse Agricultural Sector)
9	Add a new strategy to Objective 1 of Cl.21.05-1 (Sustainable Farming) around encouraging and supporting innovative agriculture which aims to respond and adapt to climate change.	14.01-2L (Sustainable farming)	Not implemented	Duplicates State policy Cl 13.01-1S (Natural hazards and climate change)
10	Include an objective and strategies under Cl 21.04-1 (Climate Change) around promoting the use of water sensitive urban design.	02.03-3 (Environmental risks and amenity)	Not implemented	Duplicates State policy Cl 19.03-3S (Integrated water management)
11	Update Cl 21.04-3 (Fire Risk) to amend objectives and strategies to emphasis the absolute priority of protecting human life and minimising the risk to human life, ensuring new development does not increase the risk of bushfire.	02.03-3 (Environmental risks and amenity)	Not implemented	Duplicates State policy Cl 13.02 (Bushfire)
12	Delete strategy 4 from Cl.21.09-2 (Local Roads and Streets) and delete strategy 1 from Objective 1 of Cl 21.10-2 (Community Infrastructure).	02.03-9 (Infrastructure)	Deleted as part of C46gann	No action required
13	Update Cl 21.10 to include an objective and strategy around facilitating the orderly development of telecommunications infrastructure	02.03-9 (Infrastructure)	Not implemented	Duplicates State policy 19.03-4S (Telecommunications)

14	In the overview section of CI 21.10-3 (Development Infrastructure) add appropriate wording to provide recognition of the important function of Council's waste and resource recovery facilities.	02.03-9 (Infrastructure)	Not implemented	Strategic justification required Note: State policy 19.03-5S (Waste and resource recovery)
15	In the key issues section of CI 21.10-3 add appropriate wording around the need to protect existing waste and resource recovery facilities from potential future development encroachment.	02.03-9 (Infrastructure)	Not implemented	Strategic justification required Note: State policy 19.03-5S (Waste and resource recovery)
16	Update CI 21.10-3 to include a new objective and strategy around protecting Council's existing waste and resource recovery facilities.	02.03-9 (Infrastructure)	Not implemented	Strategic justification required Note: State policy 19.03-5S (Waste and resource recovery)
17	Make minor updates to the specific policies for particular towns listed in CI 21.11 and make some minor updates to town structure plans to ensure they are formatted appropriately.	02.03-1 (Townships, settlement and growth) and 11.01-1L-01-06)	Superseded by C46gann (22.5.22)	No action required
18	Revise CI 21.12 (Reference Documents) to ensure that all current strategic documents are referenced.	72.08 (Background documents)	Superseded by C46gann (22.5.22)	Review current list of Background documents
19	Delete those projects listed under CI 22.01 (Koondrook Heritage) which are not relevant to land use decision making.	11.01-1L-03 (Koondrook)	Implemented as part of C46gann	No action required
20	Revise the wording of the following strategies so they are expressed in plain English: <ul style="list-style-type: none"> Strategy 3 and strategy 5 of CI 21.08-1 (Commercial Development) Strategy 3 of CI 21.09-1 (Main Roads and Railways) 	02.03-7 (Economic development), 02.03-8 (Transport) and	Superseded by C46gann (22.5.22)	No action required

	<ul style="list-style-type: none"> Strategy 2 of Objective 1 of CI 21.10-1 (Renewable Energy) 	02.03-9 (Infrastructure)		
21	<p>Delete the following items from the list of Strategic Work:</p> <ul style="list-style-type: none"> Participating in any project or joint task force involving municipal councils and relevant statutory authorities in relation to the Murray River corridor Considering whether specific overlays or additional policies are required (to address fire risk) 	74.02 (Further strategic work)	Implemented as part of C46gann	No action required
22	<p>Add the following projects to the Future Strategic Work program to be outlined in the MSS:</p> <ul style="list-style-type: none"> Undertake a review of the U&RSP Undertake an industrial land supply analysis 	74.02 (Further strategic work)	Not implemented	Review list of Future strategic work
23	Make minor adjustments to the wording of the Special Use Zone Schedule 2 and Schedule 4 to improve clarity.	37.01-2 and 37.01.4 (Special Use Zone)	Implemented as part of C44gann	No action required
24	Amend Schedule 1 and 2 of the ESO to clarify that a permit is not triggered for any buildings and works on land that is not covered by ESO1 and ESO2.	42.01-1 and 42.01-2 (Environmental Significance Overlay)	Implemented as part of C44gann	No action required
25	Amend the schedule to the Heritage Overlay to correct minor spelling mistakes.	43.01-1 (Heritage Overlay)	Implemented as part of C44gann	No action required
26	In the MSS make reference to the strategic basis for the application of DDO2, DDO3 and the BMO.	11.01-1L-01 (Cohuna), 11.01-1L-2 (Kerang)	Implemented as part of C46gann	No action required

		and 02-3-2 (Environmental risks and amenity)		
27	Delete DPO1 and DPO2 from those parcels of land which have already been subdivided and developed.	43.04-1 and 43.04-2 (Development Plan Overlays)	Not implemented	Review as part of revised structure plans
28	Review the schedules to both the RFO and LSIO. Council will consult with NCCMA during the preparation of the review amendment to allow NCCMA the opportunity to comment on any changes proposed to be made to either schedule.	Rural Floodway Overlay? 44.04 (Land Subject to Inundation Overlay)	Not implemented	Requires strategic justification and liaison with NCCMA
29	Review the schedule CI 52.17 (Native Vegetation). Council will consult with GW Water in regards to this matter during the preparation of the review amendment.	52-17 (Native Vegetation)	Not implemented	Requires strategic justification
30	Review and update the schedule to CI 51.01 (Specific sites and exclusions).	51.01 (Specific sites and exclusions)	Implemented as part of C44gann	No action required (Note: no schedule exists)
31	Review the schedule to CI 72.04 (Table of Documents Incorporated into this Scheme).	72.04 (Incorporated Documents)		Review list
32	Further review existing policy provisions to determine whether it may be possible to refine objectives, strategies, policy guidelines, overview etc	All	Superseded by C46gann (22.5.22)	Check all provisions against Ministerial Direction on the Form and Content of Planning Schemes

33	Re-check all zone and overlay schedules as part of the review amendment and amend and edit for greater clarity where necessary.	All	Implemented as part of C44gann	Check all provisions against Ministerial Direction on the Form and Content of Planning Schemes
Additional recommendations				
1	In order to centralise the planning controls relating to urban design consider incorporating a new provision into the LPPF which relates specifically to urban design/built environment.	02-03-5 (Built form and heritage), 15.01-2L (Building siting – Gannawarra)	Implemented as part of C46gann	No action required
2	Consider adding a new strategy to the MSS which seeks to ensure that all community infrastructure and development provides safe accessibility for all members of the community.	02-03-9 (Community infrastructure)	Not implemented	Duplicates State policy CI 15.01-1S (Urban design)
3	Consider including a new objective and strategy in CI 21.08 around 'Innovation and Research'.	02-03-7 (Economic development)	Not implemented	Strategic justification required (Economic Development Strategy 2021-2025)
4	Consider adding a new strategy to CI 21.08-3 (Tourism) around promoting the development of a variety of tourist accommodation facilities, in appropriate locations, throughout the Shire, including host farms and RV parks.	02-03-7 (Economic development - Tourism), 17.04-1R (Tourism – Loddon Mallee North)	Not implemented	Strategic justification required (Economic Development Strategy 2021-2025)
5	Consider adding a strategy to CI 21.08-3 (Tourism) around encouraging development related to food, wine and boutique farming enterprises.	CI 02-03-7 (Economic development - Tourism), 17.04-1R (Tourism –	Not implemented	Strategic justification required (Economic Development Strategy 2021-2025)

		Loddon Mallee North)		
6	Consider whether a strategy needs to be added to CI 21.08-3 (Tourism) around supporting the development of tourism infrastructure in appropriate locations throughout the Shire.	CI 02-03-7 (Economic development - Tourism), 17.04-1R (Tourism – Loddon Mallee North)	CI 02-03-7 (Economic development - Tourism), 17.04-1R (Tourism – Loddon Mallee North)	Strategic justification required (Economic Development Strategy 2021-2025)
7	Consider adding new objectives to CI 22.01 (Koondrook Heritage) and editing the policy itself to ensure all objectives and policies are directly relevant to land use decision making.	43.01-1 (Heritage Overlay)	Implemented as part of C46gann	No further action required
8	Following the introduction of Amendments VC132 and VC140, it may be appropriate to review existing structure plans to ensure that the locations identified in the desired areas for future residential development will not result in the introduction or intensification of development in an area that has or will on completion have a bush fire rating of more than BAL-12.5.	02-03-1 (Townships, settlement and growth), 02-03-3 (Environmental risks and amenity), 11.01-1L-01-05 (Settlement) and 13.02-1S (Bushfire planning)	Not implemented	Strategic justification required (Gannawarra Urban Growth Strategy)
9	Investigate whether policy guidelines need to be provided in the GPS to assist decision making in the case of industrial proposals in the Farming Zone.	02.03-5 (Built environment and heritage), 15.01-2L (Building siting – Gannawarra)	Not implemented	Strategic justification required (Note: State policy 15.01-6 (Design for rural areas)

				VCAT decision Ryan v Gannawarra SC [2020] VCAT 99) that refused industrial use in FZ.
10	Consider the appropriateness of combining ES01 and ES03 together.	CI 42.01-1 and CI 42.01-3 (Environmental Significance Overlay)	Not implemented	Strategic justification required
11	Consider amending the following exemption listed in schedule 4 to ESO so as to increase the specified floor area: A single non-habitable building with a floor area of less than 200 sqm.	42.01-4 (Environmental Significance Overlay)	Implemented as part of C44gann	No further action required
12	Consider elevating DELWP to recommending or determining referral authority under CI 66.04 for applications under ES01, ES02, VPO1 and VPO2. However, the referral provisions for the VPO1 and VPO2 may be further considered as part of the future strategic project around the re-examination of the VPO mapping	42.01-1, 42.01-2 (Environmental Significance Overlay), 42.02-1, 42.02-3 (Vegetation Protection Overlay)	Implemented as part of C44gann	No further action required
13	Consider whether a LPP should be developed in relation to new large scale solar facilities. If necessary an item will be added to the future strategic work list around establishing a local planning policy for new large scale solar facilities. Council will seek to consult with DELWP with regards to this matter.	53.13 (Renewable Energy Facility (other than Wind Energy Facility)	Not implemented	Superseded by VC161 in September 2019
14	Any comments that may be made by GMW, during preparation of the review amendment, regarding the need to amend relevant planning	44.03 (Flood Overlay), CI 44.04 (land	Implemented as part of C44gann	No further action required

	permit triggers to ensure they receive all relevant applications for use and development that adjoin their assets.	Subject to Inundation Overlay), 42-10-4 (Environmental Significance Overlay – Areas of poor drainage or potentially subject to inundation)		
15	Any comments that may be made by the EPA, during preparation of the review amendment, regarding the need to amend the LPPF in order to strengthen provisions around minimising potential conflicts between intensive agriculture/industrial developments and sensitive uses.	02.03-7 (Economic development)	Not implemented	Strategic justification required (Note: State policy CI 13.07-1 (Land use compatibility))
16	Consider whether additional strategies should be added to the MSS around protecting irrigated farmland.	02.03-7 (Economic development)	Not implemented	Strategic justification required
17	Consider introducing a new objective and strategy in CI 21.08 around supporting new and emerging industries such as mineral sands and bio fuel production.	02.03-7 (Economic development)	Not implemented	Strategic justification required (Economic Development Strategy 2021-2025) Note: CI 17.01-1R (Diversified economy – Loddon Mallee North) includes a strategy on promoting minerals sands
18	Consider the need to re-examine the application requirements and decision guidelines for the use and development of land for intensive animal	CI 02.03-7 (Economic development), CI	Not implemented	No action required. Note: Planning Practice Note 87 (Preparing a planning permit

	husbandry (Cl.21.05-1: Sustainable Farming). This re-examination should occur once the state government has reformed the planning controls for animal industries in Victoria.	14.01-2R (Agricultural productivity - Loddon Mallee North)		application for animal production) December 2022 contains detailed application requirements
19	<p>Consider whether the following strategies need to be strengthened:</p> <ul style="list-style-type: none"> Support the diversification of agriculture, including the development of horticulture, agri-forestry and intensive animal industries, and the processing of agriculture products growth within the municipality. Encourage revegetation of farmland and retention of existing tree cover wherever practicable, so as to improve productivity by providing shelter for livestock and crops and by reducing wind erosion and salinity. Investigate the viability of tree-planting for land management, production of tree products such as nuts, fruits, timber and fodder, and the sale of carbon offsets. 	<p>02.03-7 (Economic development), 14.01-2R (Agricultural productivity - Loddon Mallee North) 02.03-4 (Natural resource management) 02.03-4 (Natural resource management)</p>	<p>Not implemented</p> <p>Not implemented</p> <p>Not implemented</p>	<p>Strategic justification required (Economic Development Strategy 2021-2025)</p> <p>Strategic justification required. Need to identify appropriate planning tools.</p> <p>Strategic justification required. Need to identify appropriate planning tools.</p>
20	Consider whether additional policy direction is required in GPS to address development pressures in proximity to Crown Land, rivers, lakes and wetlands.	02.03-3 (Environmental risks and amenity)	Not implemented	Strategic justification required
21	Consider the need to provide local strategic direction on the protection of Aboriginal cultural	02.03-5 (Built form and heritage –	Not implemented	Note: State policy Cl 15.03-2S (Aboriginal cultural heritage)

	heritage, particularly in the vicinity of lakes and lunettes.	Aboriginal cultural heritage)		and requirements of Aboriginal Heritage Act 2006
22	Consideration should be given as to whether there is any scope in the MSS to seek to address the issue of youth out-migration, in particular whether an objective could be included in the MSS around encouraging employment opportunities for local residents.	02-01 (Context)	Not implemented	(Economic Development Strategy 2021-2025) Strategic Direction 2 Drive Population Growth Through Business and Lifestyle Attraction
23	Consideration should be given to the need to incorporate a strategy into the MSS which promotes the development of green spaces and the planting of street trees in the public realm. The strategy should highlight the important role green spaces and trees have in cooling the urban realm.	CI 02.03-1 Environmental risks and amenity), 11.01-11-01-05 (Settlement)	Not implemented	Strategic justification required. Non statutory strategy

Further Strategic Work

	Project	Status	Recommendation
1	Implement the Gannawarra Heritage Study	Not implemented	Further strategic work
2	Review township structure plans	Not implemented	Implement as part Gannawarra Urban Growth Strategy
3	Re-examine areas of significant remnant indigenous and apply the VPO	Not implemented	Further strategic work
4	Review flood overlays, particularly having regard to removal of irrigation channels	Not implemented	Further strategic work
5	Remap ESO4 to identify areas of poor drainage	Not implemented	Further strategic work
6	Establish a program of levee management in conjunction with NCCMA, that:	Not implemented	Further strategic work

	<ul style="list-style-type: none"> • Develops a register of levees • Provides an impact assessment of levees (including on other land) • Implements a feasible funding and management arrangements for levees • Reviews the legal liabilities of levees • Includes a public relations campaign to improve levee management 		
7	Consider the findings of the Lake Charm, Kangaroo Lake and Gunbower Creek Environs Strategy and whether land in the FZ should be rezoned for rural living	Not implemented	Further strategic work
8	Consider whether land in the FZ should be rezoned to Rural Activity to increase non-farm uses	N/A	RAZ deleted from VPP
9	Map significant trees for potential inclusion in the HO	Not implemented	Further strategic work
10	Investigate whether some land in the FZ would be suitable for subdivision to promote rural living	Not implemented	Further strategic work
11	Investigate whether more land should be identified for highway oriented businesses along the Murray River Highway at the southern entrance to Kerang	Not implemented	Implement as part Gannawarra Urban Growth Strategy
12	Investigate whether additional land should be identified for large scale industrial developments in rural areas away from residential and other sensitive uses	Not implemented	Implement as part Gannawarra Urban Growth Strategy
13	Investigate opportunities for value adding at Kerang Airport by locating light and service industries related to the airport	Not implemented	Further strategic work – Airport Masterplan

14	Investigate subdividing part of Kerang Airport fronting Airport Road, and establishing a mixed use precinct of privately owned hangers facing the airport and dwellings	Not implemented	Further strategic work – Airport Masterplan
16	Investigate further opportunities to encourage large scale solar farms	Not implemented	Superseded by VC161 in September 2019
17	Investigate alternative energy sources, such as methane, and bio-mass	Not implemented	Further strategic work

Additional strategic projects

	Project	Status	Recommendation
1	Undertake a review of the U&RSP and Domestic Waste Water Management Plan to identify opportunities for rural living	Completed. Domestic Wastewater Management Plan 2020-2023	Implement provisions into GPS as appropriate
2	Following the review of the U&RSP, review township structure plans	Completed. Gannawarra Urban Growth Plan (Stage 1)	Implement via Urban Growth Plan (Stage 2)
3	Following the review of the U&RSP, review the Land Use Framework Plan	Completed. Gannawarra Urban Growth Plan (Stage 1)	Insert new Strategic Framework Plan in 02.03
4	Following the review of the U&RSP, consider revising the 'vision' for each settlement	Completed. Gannawarra Urban Growth Plan (Stage 1)	Implement via Urban Growth Plan (Stage 2)
5	Investigate whether there is sufficient supply of industrial land for the next 15 years.	Completed. Gannawarra Urban Growth Plan (Stage 1)	Update 02.03-7 Economic development

6	Undertake a review of the RLUPP Study: <i>Impacts of sales of permanent water entitlements and land use options for new dryland.</i>	Not implemented	Further strategic work
7	Investigate whether additional properties should be covered by the ESO.	Not implemented	Further strategic work
8	Undertake amendments to ensure privately owned recreation facilities and caravan parks are zoned as non-public zones.	Not implemented	Further strategic work
9	Investigate whether the AEO2 should be reduced in area.	Not implemented	Further strategic work – Airport Masterplan
10	Investigate whether DPO1, DPO2 and DPO3 should be retained or removed.	Not implemented	Not implemented
11	Investigate whether water bodies located on privately owned land should have a non-public zone, and consider how the environmental values of these water bodies will be protected.	Not implemented	Further strategic work
12	Investigate lack of services and limited land capability for the treatment of disposal of wastewater limits the suitability of land for residential development in Macorna. Consider whether the Restructure Overlay should apply.	Implemented. Domestic Wastewater Management Plan 2020-2023	Implement provisions into GPS as appropriate
13	Reconsider the extent of ESO2 and the ESO2 schedule	Not implemented	Further strategic work
14	Conduct a fix up mapping amendment	Implemented. Amendment C42gann	No action required
15	Investigate potential for alternative methods of waste disposal other than landfills	Not implemented	Not a statutory provision
16	Investigate the need to protect rural infrastructure, such as channels and drains	Not implemented	Further strategic work

17	Investigate whether a schedule needs to apply to the BMO	Not implemented	Further strategic work
18	Review whether residential land adjoining IN1Z and IN3Z is appropriate	Not implemented	Consider as part of Gannawarra Urban Growth Strategy (Stage 2)
19	Raise awareness that the term 'Waterside Development' is multifaceted, by ensuring those plans are on Council's web site	Not implemented	Not a statutory provision
20	Prepare an information sheet on CHMPs	Not implemented	Not a statutory provision. Note: Information available on www.firstpeoplesrelations.vic.gov.au
21	Consult with NCCMA on preparing a Local Floodplain Development Plan	Not implemented	Further strategic work
22	Consider whether as-of-right dwellings being constructed near animal industries	Not implemented	Not implemented
23	Undertake neighbourhood character studies for the townships and consider whether schedules should be applied to Township Zone, Mixed Use Zone/GRZ	Not implemented	Consider implementing as part of Gannawarra Urban Growth Strategy (Stage 2)

8 URGENT BUSINESS

9 NOTICES OF MOTION

10 QUESTION TIME

Question Time provides an opportunity for members of the public to submit questions, in advance, to gain a response at the Council meeting.

QUESTIONS FROM THE GALLERY

Completed Question Time forms must be submitted to the Chief Executive Officer via email council@gsc.vic.gov.au no later than 5:00pm on the day prior to the Council meeting.

A maximum number of two questions may be submitted in writing by any one person.

Questions will be read by the author, Mayor or Chief Executive Officer.

The Mayor or Chief Executive Officer may indicate that they require further time to research an answer. In this case, an answer will be provided in writing generally within ten (10) business days.

Questions will be answered at the meeting, or later in writing, unless the Mayor or Chief Executive Officer has determined that the relevant question seeks confidential information defined in Section 3 of the *Local Government Act 2020* such as:

- Council business information
- security information
- land use planning information
- law enforcement information
- legal privileged information
- personal information
- private commercial information
- confidential meeting information
- internal arbitration information
- Councillor Conduct Panel confidential information
- an issue outside the Gannawarra Shire Council core business

or if the question is:

- defamatory, indecent, abusive or objectionable in language or substance
- repetitive of a question already answered (whether at the same or an earlier meeting)
- asked to embarrass a Councillor or Council officer.

No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

9 DELEGATES REPORTS

11.1 DELEGATES REPORTS

Author: Jodie Basile, Executive Assistant to CEO

Authoriser: Geoff Rollinson, Chief Executive Officer

Attachments: Nil

EXECUTIVE SUMMARY

Council has memberships with peak Local Government associations, local and regional forums, along with statutory committees. Some memberships require that a Councillor be appointed to act as a delegates to formally represent Council, typically in a voting capacity.

This Agenda item provides an opportunity for Council appointed delegates to present a verbal update on any pertinent matters arising from Council's membership with the following associations.

COUNCILLOR COMMITTEES 2024/2025	
COMMITTEE	COUNCILLOR
Murray River Group of Councils (MRGC)	Cr Garner Smith, Mayor
Loddon Campaspe Group of Councils (LCGC)	Cr Garner Smith, Mayor
Central Victorian Greenhouse Alliance (CVGA)	Cr Daniel Bolitho
Municipal Fire Management Planning Committee (MFMPC)	Cr Lisa Farrant
Municipal Emergency Management Planning Committee (MEMPC)	Cr Lisa Farrant
Municipal Association of Victoria (MAV)	Cr Ross Stanton
Audit and Risk Committee (ARC)(x 2)	Cr Garner Smith Cr Ross Stanton
Transport Committee including Rail Freight Alliance	Cr Pat Quinn
Rural Councils Victoria (RCV)	Cr Charlie Gillingham
Timber Towns Victoria (TTV)	Cr Pat Quinn
Community Halls Community Asset Committee	Cr Keith Link

10 CONFIDENTIAL ITEMS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66(2)(a) of the Local Government Act 2020 (the Act):

12.1 AWARDING OF 2025 AUSTRALIA DAY AWARDS

This matter is considered to be confidential as defined by Section 3(1) of the Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personal information.