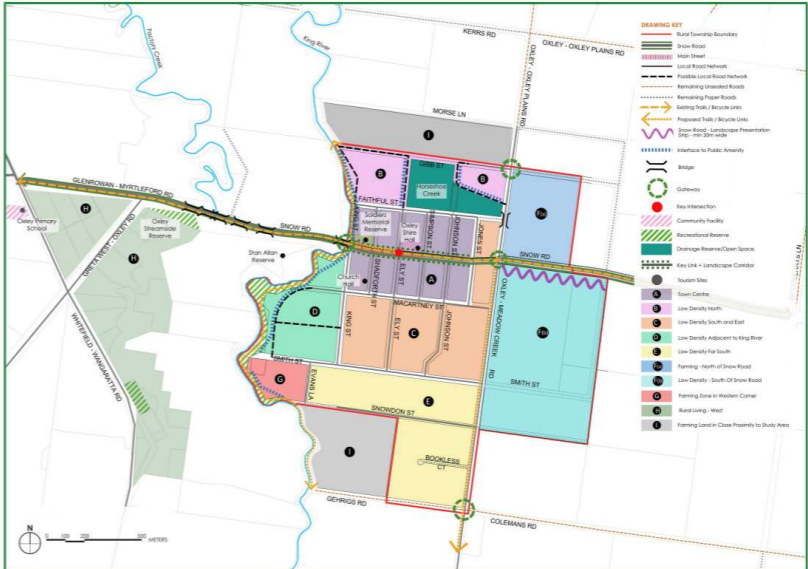


**Wangaratta Planning Scheme Amendment C83: Low Density and Rural Living Strategy**

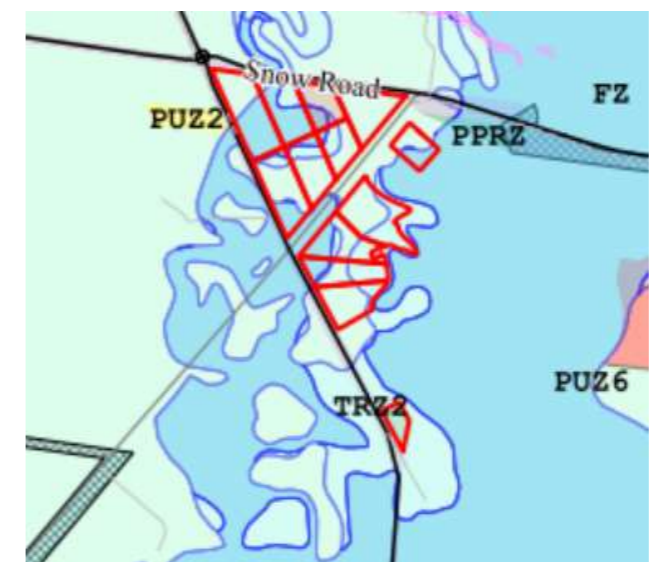
**Submitters Summary Table**

Wangaratta C83 - Assessment of Submissions			
Submitter	Submission Details	Officer Review	Recommendation
<b>Authority Submissions</b>			
<b>Submitter 1: NECMA (North East Catchment Management Authority)</b>	<p><u>Submission's position on the amendment:</u></p> <ul style="list-style-type: none"> <li>- Part support.</li> <li>- Request changes to the amendment.</li> </ul> <p><u>Submission summary:</u></p> <ul style="list-style-type: none"> <li>- <u>Key Concern:</u></li> <li>- Rezoning in Precinct H of the Oxley Township Development Plan from <u>Farming Zoned to Rural Living Zone 2</u> as it reduces current restrictions on some forms of development. (specifically relating to accommodation uses like community care accommodation).</li> <li>- Allowing 'accommodation uses' increase risk of flood activity to impact community safety and cause property damage.</li> <li>- <u>Specific example:</u> Community care accommodation' not requiring a permit under the Rural Living Zone, (currently, in the Farming Zone this specific use requires a permit).</li> </ul> <p>Cites other forms of accommodation which have raised concern from a flood risk perspective. These are:</p> <ul style="list-style-type: none"> <li>- Accommodation other than bed and breakfast</li> <li>- Camping and caravan park</li> <li>- Dwelling</li> <li>- Group accommodation</li> <li>- Host farm</li> <li>- Residential hotel</li> <li>- Rural worker accommodation</li> <li>- Small second dwelling</li> </ul> <p>Submission notes that a planning permit would be triggered for such uses in areas subject to the Flood Overlay and Land Subject to Inundation Overlay</p> <ul style="list-style-type: none"> <li>- Supports the local policy changes at Clause 11.01-1L-03 Oxley Township Development Plan, that avoid future subdivision.</li> <li>- Does not cite any concerns with the other changes proposed as part of this amendment.</li> </ul> <p><u>Requested Changes:</u></p> <ul style="list-style-type: none"> <li>- Whilst not specifically requested in the submission, post consultation discussions resulted in requesting changes that assist in minimising risks associated with flood risk in Precinct H of the Oxley Township Development Plan.</li> </ul>	<p>Thank NECMA for their submission and notes the advice the authority has provided.</p> <p><u>Discussion:</u></p> <p>Oxley: C83 proposes to rezone properties in Precinct H of the Oxley Township Development Plan (which is identified in Clause 11.01-1L-03 Oxley Township) from Farming Zone to Rural Living Zone 2 to reflect the existing scale of use and development.</p> <p>Lots in Precinct H don't meet the minimum lot size for the farming zone are not used for farming activities. Generally existing lots represent development of a Rural Living scale, density and activity, with all sites within this precinct having some existing development present.</p> <p>All properties in Precinct H of the Oxley Township Development Plan are subject to the Flood Overlay or Land Subject to Inundation Overlay (with the exception of <u>two properties</u> which are already developed).</p> <p>All the accommodation uses referred to in this submission would trigger a planning permit under FO and LSIO and be captured for consideration by Planning Officers and NECMA as the referral authority under this permit trigger.</p> <p>The change in zone from Farming Zone to Rural Living Zone in precinct H of the Oxley Township Development Plan will not result in the creation of any additional residential lots due to size of the existing lots. The existing lot sizes and residential uses are more reflective of the scale of Rural Living Zone Schedule 2.</p> <p>Oxley Township Development Plan: <b>Precinct H</b> is located to the west of the precinct shown in pale green shading.</p> 	<p><b>Change proposed:</b></p> <p>Additional strategy proposed at Clause 11.01-1L-03 Oxley Township:</p> <p>Proposed change is considered to address submitters concerns to the exhibited amendment documents, without materially changing the scope of the amendment.</p> <p><b>Action:</b> Keep submitter informed of the progress of the amendment</p>

**Wangaratta C83 - Assessment of Submissions**

Submitter	Submission Details	Officer Review	Recommendation
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**Precinct H** of the Oxley Township Development Plan and the extent of the Flood Overlay (darker blue) and Land Subject to Inundation Overlay (pale blue):



Post Exhibition Discussion Meeting:

- RCOW Officers held a post exhibition meeting with NECMA representative

Post Exhibition Discussions:

- Council officers met with NECMA to discuss key concerns. As suggested in the submission the concerns are around uses that would potentially expose larger numbers of people and property to impacts of flooding.
- Such uses are not permitted under the current zone – Farming Zone but can be considered if the land is rezoned to Rural Living Zone.

Post Exhibition Changes:

- To address concerns a number of proposed changes were discussed and included the following:

Proposed change to exhibited documents supported:

- Addition of a strategy at Clause 11.01.1L-03 Oxley Township – Precinct H  
**'Avoid residential buildings and group accommodation'**

The additional policy gives weighting to the consideration of flood risk in decision making processes. Officers support avoiding specific types of accommodation i.e. residential buildings and group accommodation as suggested by NECMA provides policy supports around unsuitable development risk associated with flooding for uses that can be considered as the result of the proposed zone change.

Proposed changes to exhibited documents that are not supported:

- Addition of a Strategy at Clause 12.03-1L River corridors, waterways lakes and wetlands  
**'Avoid residential buildings and group accommodation development on land that is flood prone'**
- Addition of a Strategy at Clause 13.03-1L Floodplain Management  
**'Avoid residential buildings and group accommodation development on land that is flood prone'**
- Adding 10 Oxley Greta West Road to the FO or LSIO (as appropriate)
- Addition of application requirements and decision guidelines to Schedule 44.03 Floodway overlay

## Wangaratta C83 - Assessment of Submissions

Submitter	Submission Details	Officer Review	Recommendation
		<ul style="list-style-type: none"> <li>- Addition of application requirements and decision guidelines to Schedule to 44.04 Land Subject to Inundation Overlay</li> <li>- Addition of application requirements and decision guidelines to Schedule to 44.04 Land Subject to Inundation Overlay</li> </ul> <p>These changes can't be supported as part of this amendment for the following reasons:</p> <ul style="list-style-type: none"> <li>- They are considered to be material changes to the amendment.</li> <li>- Have insufficient strategic justification provided as part of this amendment (It's not suggesting these changes can't be justified, however, in the case of this amendment these measures are not included the existing strategic justification).</li> <li>- Any re-exhibition to provide additional strategic justification would require significant resourcing.</li> </ul> <p><u>Outcome:</u></p> <ul style="list-style-type: none"> <li>- The proposed post exhibition change i.e. the addition of a strategy at Clause 11.01.1L-03 Oxley Township – Precinct H 'Avoid residential buildings and group accommodation' was discussed with the authority and satisfies the concerns raised in the submission.</li> <li>- If the proposed change is adopted this submission is considered to be resolved.</li> </ul>	
<b>Submitter 4: Vic Track</b>	<p><u>Submission's position on the amendment:</u></p> <ul style="list-style-type: none"> <li>- No Objection to the amendment</li> </ul> <p><u>Submission summary:</u></p> <ul style="list-style-type: none"> <li>- Notes the amendment implements recommendations of the Low Density and Rural Residential Strategy.</li> <li>- Vic Track have reviewed in the context of the railway corridor that runs through the Glenrowan Township.</li> <li>- Advised Council that the amendment will not impact the existing rail networks or future railway operations.</li> </ul>	<p>Thank Vic Track for their the submission and notes the advice that the amendment is not considered to impact Vic Tracks operation.</p> <p><u>Discussion:</u></p> <ul style="list-style-type: none"> <li>- No changes required as there is support for the amendment in its current form.</li> </ul> <p><u>Outcome:</u></p> <ul style="list-style-type: none"> <li>- As there are no objections or requested changes, this submission is considered to be in support of the exhibited amendment.</li> </ul>	<p><b>Change Proposed:</b> No changes required.</p> <p><b>Action:</b> Keep the submitter informed of proposed post exhibition changes and progress of the amendment.</p>
<b>Submitter 7: Goulburn Murray Water (GMW)</b>	<p><u>Submission position of the amendment:</u></p> <ul style="list-style-type: none"> <li>- In support of amendment</li> </ul> <p><u>Submission Summary:</u></p> <ul style="list-style-type: none"> <li>- GMW key area of interest is surface water and ground water quality, use and disposal. Further the amendment doesn't detrimentally impact on GMW infrastructure or quality of surface and ground water</li> <li>- Submission notes: GMW have been consulted with as part of the amendment and development of the Low Density and Rural Living Strategy.</li> <li>- A large part of the municipality is located within a special water catchment.</li> <li>- Advises that specific considerations need to taken into account when identifying areas for development to protect water quality and supply and access to groundwater.</li> </ul>	<p>Thank Goulburn Murray Water for their submission and note the advice the authority has provided.</p> <p><u>Discussion:</u></p> <ul style="list-style-type: none"> <li>- Note support for the amendment, particularly as it the outcome has incorporated feedback from the authority during the drafting process.</li> <li>- Notes as part of a land use planning/development permit, where land is identified in the special water supply catchment, GMW are a referral authority and its noted best practice is to engage with the authority early (eg before a permit is required) or during the inception stages of major developments to address any potential impacts on ground water quality use and disposal. Council officers flag and advocate for this measure at pre-application meetings.</li> <li>- No further changes to amendment documents are recommended.</li> </ul> <p><u>Outcome:</u></p> <ul style="list-style-type: none"> <li>- Submission is in support of the exhibited amendment and does not request change.</li> </ul>	<p><b>Change Proposed:</b> No changes required.</p> <p><b>Action:</b> Keep the submitter informed of proposed post exhibition changes and progress of the amendment.</p>

## Wangaratta C83 - Assessment of Submissions

Submitter	Submission Details	Officer Review	Recommendation
	<ul style="list-style-type: none"> <li>- Due to the extensive geographical area of the strategy (i.e. municipal wide) its difficult to consider all the land, but as an alternative suggests Council and developers should consult at the early stages of development as an achievable action.</li> <li>- Notes the following points have been included in the Wangaratta Planning Scheme:               <ul style="list-style-type: none"> <li>o Facilitate of delivery of reticulated water and sewerage to a number of townships is identified as further strategic works.</li> <li>o Requirement for all lots to be connected to reticulated sewerage and water if available.</li> <li>o Minimum lot size requirements (1ha) where the land is not connected to reticulated sewerage.</li> <li>o Requirements for subdivision design and layout to protect and enhance riparian vegetation (waterway health), and wetlands biodiversity and landscape features to improve amenity. Consideration of the use of alternative water sources (public or private), including water tanks, stormwater re-use and localised water systems.</li> <li>o Support subdivision layouts and open space design that incorporates all services.</li> </ul> </li> <li>- For the purpose of this amendment, the submissions notes the majority of feedback provided by GMW has been used to inform the content of the amendment.</li> <li>- Notes that water supplied by GMW (inclusive of groundwater bores) is not suitable for human consumption.</li> </ul>		
<b>Submitter 9: North East Water (NEW)</b>	<p><u>Submission position of the amendment:</u></p> <ul style="list-style-type: none"> <li>- No objection to the amendment</li> <li>- North East Water is the authority for reticulated water and sewer in the municipality</li> <li>- Requests changes to the amendment</li> </ul> <p><u>Submission Summary:</u></p> <ul style="list-style-type: none"> <li>- In support of the amendment, request changes</li> <li>- The submission provides extensive details about reticulated services to areas that are subject to change as a result of the amendment, specifically:               <ul style="list-style-type: none"> <li>• North East Water is working on the 'Small Towns Servicing Options' report for Wangaratta which will inform future servicing capabilities in Milawa and Oxley (and informs this submission).</li> <li>• Proposed Oxley Precinct F (b) South of Snow Road – is within the water and sewer service area, however not currently supplied. There is capacity in the existing sewerage system future development in Oxley.</li> <li>• Proposed Precinct H of the Oxley Township Development Plan (described by this submission as Oxley West) is outside the declared water and sewer district. This is not intended to change in the future.</li> <li>• Proposed Precinct H of Milawa Township Development Plan is not supplied with reticulated water however reticulated servicing is being investigated (and could be implemented subject to high demand).</li> </ul> </li> </ul>	<p>Thank North East Water for their submission and note the advice the authority has provided.</p> <p><u>Discussion:</u></p> <ul style="list-style-type: none"> <li>- Officers have noted the support for the amendment and considered the requested changes.</li> <li>- <u>Oxley Township Development Plan Precinct F (b) South of Snow Road and Milawa Township Plan Precinct E (b) Low Density (ie. proposed areas for future subdivision):</u> Officers note:               <ul style="list-style-type: none"> <li>• there is no reticulated water service in Milawa however it could be supplied subject to high demand</li> <li>• there is capacity to service Precinct E (b) subject to costs for new customers in locations proposed for rezoning (Milawa).</li> <li>• Whilst reticulated services for water and wastewater are not currently in place this submission indicates they can be provided in future when the demand grows.</li> </ul> <p>This information will not result in changes to the amendment, however, flags that the areas can be serviced with sewer and water in the future and need to be considered at the future development occurs, with the exception of Oxley Precinct H.</p> </li> <li>- <u>Milawa Township Development Plan Precinct H:</u> Its noted that there are currently no reticulated services to this precinct. It is not proposed to rezone this precinct as part of this amendment. The future growth of this area is anticipated to be long term, and responsive to bushfire risk. These changes are communicated via a proposed change to Clause 11.01.01-02. Milawa Township. Future directions contained in the Schedule to Clause 74.02 Further Strategic Work advocate for reticulated water services and the production of a structure plan as required for the future development of the Township. These actions will address water and sewer prior to future development occurring.</li> <li>- <u>Oxley Township Development Plan – Precinct H:</u> Noticeable impacts are not expected. Development has occurred in the absence of these services in the past. The water and sewer requirements for existing development within this area</li> </ul>	<p><b>Change Proposed:</b> Include an additional strategy at 15.01-3L</p> <p>Include an additional subdivision requirement in DDO8:</p> <p>Include an additional subdivision requirement in DDO9:</p> <p>Proposed changes are considered to address submitters concerns to the exhibited amendment documents, without materially changing the scope of the amendment.</p> <p><b>Action:</b> Keep submitter informed of progress of the amendment.</p>

**Wangaratta C83 - Assessment of Submissions**

Submitter	Submission Details	Officer Review	Recommendation
	<ul style="list-style-type: none"> <li>• Proposed Precinct E (a) of Milawa Township Development Plan can be serviced with sewer but will likely attract a New Customer Contributions charge.</li> <li>• Currently there is no reticulated water in Milawa, however if there is have been options developed for this service subject to demand.</li> </ul> <ul style="list-style-type: none"> <li>- Would like to be informed of the preparation of any structure plan for Milawa and for it to include a sewer servicing strategy</li> <li>- Milawa There are no reticulated water services available in Milawa currently, for the future development of Precinct is E (b).</li> <li>- Requests an additional strategy at 15.01-3L; to require sewer servicing strategy to be provided to NEW for all new subdivision of 3 or more in LDRZ1, LDRZ2.</li> <li>- Requests an additional subdivision requirements for DDO8 and DDO9</li> </ul>	<p>are managed using on site techniques. (ie. Water tanks and onsite waste water management of sewerage) which is not uncommon in areas on the outskirts of townships. The proposed change in zoning in this area is not expected to generate further development due to minimum lot proposed in the Rural Living Zones being prohibitive of further subdivision and residential lifestyle development having already occurred on lots in this area in most cases.</p> <ul style="list-style-type: none"> <li>- Requested Changes:</li> </ul> <p><u>Requested change to Clause 15.01-3L Subdivision Design in Low Density and Rural Living Zones:</u></p> <p>Requests an additional strategy:</p> <p><b>Require sewer servicing strategy to be provided to North East Water for all new subdivision of 3 or more in LDRZ1, LDRZ2.</b></p> <p>For the purpose of referral for consideration by the authority. Given the services are not yet available (but anticipated to be in the future) an individual merit based approach with input from the authority should and will be included to avoid uncertainty around wastewater impacts in the short term.</p> <p><u>Requested change to DDO8 Milawa Triangle Low Density:</u></p> <p>Requests an additional subdivision requirement:</p> <p><b>All lots must be connected to reticulated sewerage and lots must be provided with access to water</b></p> <p>This requirement is supported and can be included at 3.0 Subdivision under the heading of Infrastructure, Access and Connectivity. Whilst Clause 56.07 Integrated water management provides standards for water supply and objectives for wastewater management, the proposed subdivision requirement acknowledges the existing limitations in this specific area of Milawa proposed for rezoning to allow further subdivision and covers requirements to ensure essential services are supplied.</p> <p><u>Requested change to DDO9 Oxley Low Density Residential:</u></p> <p>Requests an additional subdivision requirement:</p> <p><b>Require all lots to be connected to water and sewerage.</b></p> <p>This requirement is supported and can be included at 3.0 Subdivision under the heading of Infrastructure, Access and Connectivity. Whilst Clause 56.07 Integrated water management provides standards for water supply and objectives for wastewater management, the proposed subdivision requirement acknowledges the existing limitations in this specific area of Oxley proposed for rezoning to allow further subdivision and ensures essential services are supplied making use of existing infrastructure.</p> <p><u>Outcome:</u></p> <ul style="list-style-type: none"> <li>- The additional strategy at Clause 15.01-3L and subdivision requirements proposed for inclusion in DDO8 and DDO9 are supported changes to the amendment. These are not considered material changes to the exhibited amendment.</li> <li>- Subject to additional changes this submission matters raised are considered to be resolved.</li> </ul>	
<p><b>Submitter 11: Department of Transport and Planning</b></p>	<p><u>Submission position of the amendment:</u></p> <ul style="list-style-type: none"> <li>- In support of the amendment</li> <li>- Requests changes to the amendment</li> </ul>	<p>Thank DTP for their submission and advice the authority has provided</p> <p><u>Discussion:</u></p> <ul style="list-style-type: none"> <li>- Officers have noted the advice provided and considered the requested changes:</li> </ul>	<p><b>Change proposed:</b> Addition of proposed strategies at Clause 11.01-1L-03</p> <p>Proposed change is considered to address submitters concerns to the</p>

**Wangaratta C83 - Assessment of Submissions**

Submitter	Submission Details	Officer Review	Recommendation
	<p><u>Submission Summary and Requested Changes:</u></p> <ul style="list-style-type: none"> <li>- This submission relates to the transport aspects of the amendment.</li> <li>- Requests change to 11.01-1L-03 Oxley Township – Low Density Development Strategies – Precinct F(b) – South of Snow Road to include the following strategies:</li> <li>- Avoid direct access to Snow Road for new development or similar</li> <li>- Provide a safe pedestrian crossing on Snow Road between the Precinct and the pedestrian and cycle link on the northern side of Snow Road.</li> </ul>	<ul style="list-style-type: none"> <li>- Requests consideration of additional policy at Clause at 11.01-1L-03 Oxley Township to clarify and provide better certainty around the outcome of avoiding direct vehicle access on Snow Road.</li> <li>- The exhibited change proposed by C83 to Clause 11.01-1L-03 states the following strategy: Require an internal perimeter road around the development of the precinct to support protection from bushfire and provide an amenity buffer to adjoining farmland and major road interfaces</li> </ul> <p>It's further noted policy at Clause 43.02 Schedule 9 (which applies to the area of Oxley in Precinct 5 F (b) proposed for rezoning states:</p> <p>Avoid the creation of vehicular access to the Snow Road and direct estate access to the Oxley-Meadow Creek Road.</p> <p>It is acknowledged that Snow Road (Zoned Transport Zone 2) is a tourist route and it would be a poor traffic management outcome which is not keeping in with the character of the township to allow direct vehicle access for a new subdivision.</p> <p>The addition of a strategy that states to avoid direct access to Snow Road for new development is very similar to the requirement <i>Avoid the creation of vehicular access to the Snow Road</i> already included in the proposed Design and Development Overlay and considered to be a duplication, therefor this addition is not supported.</p> <ul style="list-style-type: none"> <li>- Requests consideration of additional policy at Clause at 11.01-1L-03 Oxley Township to Provide a safe pedestrian crossing on Snow Road between the Precinct and the pedestrian and cycle link on the northern side of Snow Road.</li> </ul> <p>The Murry to Mountain rail trail, traverses along the Snow Road, starting from the intersection of the Wangaratta-Whitfield Road, heading east along the south side of the road. It continues along the south side to the road until it intersect with Ely Street, Oxley where it continues along the Northern side of Snow Road, heading east until it hits the Township of Milawa.</p> <p>This addition of the requested strategy is supported as to encourage sustainable personal transport around the township. Additional pedestrian and cycle traffic is likely to be generated for local trips. There is an existing off road cycle trail on the northern side of Snow Road opposite where the rezoning is proposed, and a safe crossing point that prioritises walking and cycling is considered to have community benefit.</p> <p><u>Post Exhibition Changes and Outcomes:</u></p> <p>Proposed changes to the exhibited documents to be supported:</p> <ul style="list-style-type: none"> <li>- At Clause 11.01-1L-03 Oxley Township: Low Density Development Strategies - Precinct F(b) - South of the Snow Road, add the following strategy</li> </ul> <p style="color: red;">Provide a safe pedestrian crossing on Snow Road between the Precinct and the pedestrian and cycle link on the northern side of Snow Road.</p> <p>Proposed change to the exhibited documents not supported:</p> <ul style="list-style-type: none"> <li>- At Clause 11.01-1L-03 Oxley Township: Low Density Development Strategies - Precinct F(b) - South of the Snow Road, don't support the strategy Avoid direct access to Snow Road for new development.</li> </ul> <p>As the first requested change is considered to be already similar to an existing policy, it is considered the matters raised in this submission are addressed.</p>	<p>exhibited amendment documents, without materially changing the scope of the amendment.</p> <p><b>Action:</b> Keep submitter informed of progress of the amendment.</p>
<p><b>Submitter 12:</b> <b>Department of Energy,</b></p>	<p><u>Submission position of the amendment:</u></p> <ul style="list-style-type: none"> <li>- No objection to the amendment.</li> </ul>	<p>Thank DECCA for their submission and support for the amendment</p> <p><u>Discussion:</u></p>	<p><b>Change Proposed:</b> No changes required.</p>

## Wangaratta C83 - Assessment of Submissions

Submitter	Submission Details	Officer Review	Recommendation
<b>Environment and Climate Action</b>	<p><u>Submission Summary:</u></p> <ul style="list-style-type: none"> <li>- The submission is focused on the retention and protective of native vegetation and avoiding negative impacts on biodiversity.</li> <li>- The submission notes that the location of the proposed rezonings do not contain any significant biodiversity or threatened species and the proposed DDO schedules contain objectives and language within the objectives that ensure vegetation is protected from impacts of future development.</li> <li>- The removal of the DPO7 in Glenrowan does not impact recorded threatened species or broader biodiversity values in the area.</li> <li>- Retention and protection of vegetation is encouraged by Built Environment and particularly in Subdivision design (Clause 15.01-3L of the Wangaratta Planning Scheme)</li> </ul>	<ul style="list-style-type: none"> <li>- Note support for the amendment.</li> <li>- No further changes are recommended.</li> </ul> <p><u>Outcome:</u></p> <ul style="list-style-type: none"> <li>- Submission does not object to the amendment and does not request change.</li> </ul>	<p><b>Action:</b> Keep the submitter informed of progress of the amendment.</p>
<b>Submitter 14 EPA Vic:</b>	<p><u>Submission position of amendment:</u></p> <ul style="list-style-type: none"> <li>- Partial support for the amendment</li> <li>- Requests changes made or further assessment undertaken before amendment proceeds.</li> </ul> <p><u>Submission Summary:</u></p> <ul style="list-style-type: none"> <li>- Provides commentary on the development of the Low Density and Rural Living Strategy (Rural component), the document underpinning changes proposed to the Wangaratta Planning Scheme, specifically noting absence of opportunity to provide views to the strategy.</li> <li>- Advises that the amendment has been reviewed taking into account the potential risks of harm to human health, the environment and amenity from pollution and wastes, identifying the key risks for amendment are:</li> <li>- - Potentially Contaminated Land (Ministerial Direction 1)</li> <li>- - Landfill Gas</li> <li>- - Separation distances</li> <li>- - Interface land uses</li> </ul> <p><u>Requested Changes:</u> Rather than requesting specific changes to the amendment the EPA recommends:</p> <ul style="list-style-type: none"> <li>- Further consideration updates to the Explanatory Report to clarify that proposed rezoning ins not considered contaminated or potentially contaminated in accordance with Ministerial Direction 1.</li> <li>- Recommends that the retired landfill impacts should be considered in any rezoning proposal in the context of the Landfill Buffer Guideline (introduced in August, 2024), noting that there is no statutory trigger for an 'upfront' assessment at planning scheme amendment stage.</li> <li>- Recommends that Separation Distances (introduced in August 2024) be considered and addressed in the context of production of dairy products in proximity to the proposed Milawa rezoning site and production of wine in proximity of the proposed Oxley west rezoning site.</li> </ul>	<p>Thank EPA for their submission and note the advice provided.</p> <p><u>Discussion:</u></p> <ul style="list-style-type: none"> <li>- Its unclear as to why the EPA were not involved in the development of the Low Density and Rural Residential Strategy (Rural Component). However, the EPA were advised, prior (end of July) to the amendment that the exhibition would occur mid-August). The EPA advised they were not in a position to review the strategy at that time and would review the amendment once formally exhibited.</li> <li>- <u>Ministerial Direction 1:</u> The request/recommendation to amend explanatory report to <u>specifically state</u> if land is potentially contaminated or not. The issue of potential contamination is discussed in the explanatory report. It discusses the activities that have potential for contamination and states that there are no know high risk activities. It's appropriate to update explanatory report to clarify that Council believes the <u>land is not potentially contaminated</u> in accordance with the recommendation.</li> <li>- <u>Landfill gas and Landfill Buffer Guidelines (EPA Publication 1950, August 2024):</u> It's noted these guidelines came in operation after the commencement of the exhibition process. The guidelines nether-the-less are addressed as per the recommendation from the EPA; In relation to landfill buffers, the recommendation from this submission sates it should be determined if the former Oxley landfill site (Faithful street, Oxley) is within 500m of proposed new development i.e. the area of Oxley subject to rezoning for LDRZ development. (Its noted that the guidelines recommend a 500 m buffer for land fill gas in the instance of a Type 2 landfill category – a landfill accepting municipal (putrescible waste. This has been applied in this instance. If development occurs outside this buffer no further assessment is required.</li> </ul> <p>It is determined that proposed rezoning site in Oxley, South of the Snow Road) is approximately 470 metres from the former Oxley landfill site at its closest point. A landscape presentation buffer of 20 metres from the Snow road interface is proposed as part of DDO9 Oxley Low Density Residential. This means the closest point to the former Oxley landfill is 490 metres.</p> <p>To address the remainder of the 10 metres of the landfill buffer, the Snow Road Landscape Presentation Buffer provided for in proposed DDO9 Oxley Township can be increased to 30 metres), this will ensure no developable area will be located within the 500 metre former landfill buffer. This would require an update to the DDO9 at 3.0 subdivision requirements; Snow Road and adjoining farmland interfaces for the northern boundary and an update to the map contained within the map.</p> <p>This proposed change will ensure landscape gas impacts are appropriately dealt with up front and address the recommendation.</p> <ul style="list-style-type: none"> <li>- <u>Separation distances and Separation Distance Guidelines (EPA Publication 1949, August 2024):</u></li> </ul>	<p><b>Change Proposed:</b> Update the explanatory report to specifically state that Council believes the land affected by the amendment is not potentially contaminated.</p> <p>Change the exhibited DDO9 to increase the landscape presentation buffer from 20 meters to 30 meters along the boundary of Snow Road to ensure no development occurs within the 500 metre landfill gas buffer</p> <p>Proposed changes are considered to address submitters concerns to the exhibited amendment documents, without materially changing the scope of the amendment.</p> <p><b>Action:</b> Keep submitter informed of progress of the amendment.</p>

**Wangaratta C83 - Assessment of Submissions**

Submitter	Submission Details	Officer Review	Recommendation
		<p>Its noted that this guideline came into operation after the commencement of the exhibition process. Nether-the-less, the buffer requirements highlighted by the EAP in this context are dairy production (in proximity to the proposed rezoning site in Milawa) and wine production (in proximity of the proposed rezoning site in Oxley West are addressed.</p> <p>Dairy Production in Milawa. The separation distance guideline requirement for production of dairy products for a dairy producing more 200 t/per year is 100 metres. There is a property that runs dairy operations in Kerrs Road Milawa, however this is located outside this buffer requirement. The Milawa Cheese factory bounds the norther boundary of the Milawa rezoning site, however it produces less than 200 tonnes a year so a boundary is not required.</p> <p>Wine Production in Oxley. The separation distance guideline requirement for the production of wine in excess of 5,000 litres/ per day is 500 metres. San Miranda's wine processing facility falls within this buffer requirement, however its considered that this would be a retrospective application of the buffer requirements. Whilst the Oxley West site is proposed for rezoning it will not result in any additional lots. Land in this area is already developed at a Rural Living Scale and this has been an existing land use situation prior to the introduction of this guideline. It is understood it's not the intent of this guideline to be applied retrospectively, therefore no change required.</p> <p><u>Farming Zone Interface:</u> The EPA makes commentary about adverse amenity impacts, at residential/rural interfaces and notes the requirements of Clause 13.07.1S Land Use Compatibility and further that proposed DDO9 addresses interface issues and the EPA notes any risks from road traffic pollution would be low. Given this no further action is required.</p> <p>Proposed changes to the exhibited documents to be supported:</p> <ul style="list-style-type: none"> <li>- Update the exhibited explanatory report to state land is not considered to be potentially contaminated</li> <li>- Update the Snow Road interface buffer to increase to 30 metres to ensure development doesn't occur within a 500 metre buffer of the former Oxley landfill site.</li> <li>- Matters raised in this submission are considered to be addressed.</li> </ul>	
<p><b>Submitter 16: Country Fire Authority</b></p>	<p><u>Submission position of amendment:</u></p> <ul style="list-style-type: none"> <li>- Support for the Amendment</li> </ul> <p><u>Submission summary:</u></p> <ul style="list-style-type: none"> <li>- Notes the CFA were involved with the development of the Low Density and Rural Residential Strategy (Strategy).</li> <li>- Notes the Strategy directs growth to townships with lower risk bushfire settings and uses policy to further reduce (bushfire) risk and improve resilience.</li> <li>- Advises that there have been changes to bushfire policy since the adoption of the Strategy.</li> <li>- Recommends a review of bushfire policy to ensure the policy is addressing the most up to date guidelines, specifically <i>Design Guidelines Settlement Planning at the Bushfire Interface</i>, with a focus on: <ul style="list-style-type: none"> <li>- Assessment of existing roads used as buffers between bushfire hazards and future development and for the requirements for the provision of perimeter roads as a buffer to bushfire hazard and the requirements for perimeter</li> </ul> </li> </ul> <p><u>Requested Change:</u></p> <ul style="list-style-type: none"> <li>- To achieve site-based exposure policy, reference should be made to setbacks to ensure minimum exposure of radiant heat benchmarks, rather than a construction standard.</li> </ul>	<p>Thank the CFA for their submission and note the advice the authority has provided.</p> <p><u>Discussion:</u></p> <ul style="list-style-type: none"> <li>- Officers have reviewed policy in the context of relevant and updated bushfire guidelines, specifically <i>Design Guidelines Settlement Planning at the Bushfire Interface</i>. Of particular relevance are the following: <ul style="list-style-type: none"> <li>- Perimeter Roads – the use of perimeter roads and locating development in a location away from the front of bushfire risks have been used in accordance with the recommendations of this document, shown in Clause 15.03 at subdivision design which proposes, <i>development of a perimeter road is to separate land uses such as accommodation from bushfire hazards</i>, and shown in landscape presentation strip in Oxley Precinct F (b). Its further anticipated this strip would be maintained to reflect urban standards and ensure roadside vegetation doesn't result in increased bushfire risk.</li> <li>- The request for change to ensure minimum exposure to exposure to radiant heat benchmarks can be accommodated as this is a change to policy guidance, which has been recently updated.</li> <li>- At Clause 15.01-3L Subdivision Design in Low Density and Rural Living Zones an additional strategy is proposed under the Bushfire Design Response heading: <ul style="list-style-type: none"> <li>- <b>Require informed and appropriate setbacks from bushfire hazard interfaces</b></li> </ul> </li> </ul> </li> </ul>	<p><b>Change Proposed:</b> Addition of strategy at Clause 15.01-3L</p> <p>Addition of subdivision requirement at DDO8 and DDO9</p> <p>Proposed changes are considered to address submitters concerns to the exhibited amendment documents, without materially changing the scope of the amendment.</p> <p><b>Action:</b> Keep the submitter informed of progress of the amendment.</p>



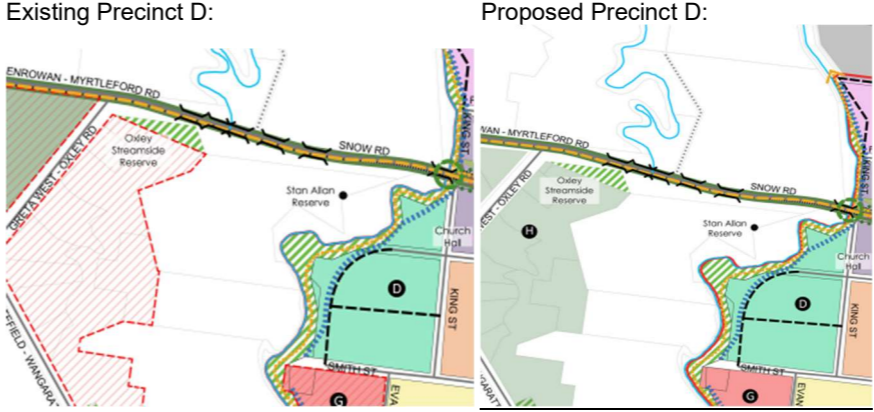
## Wangaratta C83 - Assessment of Submissions

Submitter	Submission Details	Officer Review	Recommendation
		<ul style="list-style-type: none"> <li>- At bushfire design in DDO8 and DDO9 the requirement</li> <li>- The provision of defendable space and vegetation management controls if applicable to ensure all dwellings can achieve a BAL 12.5 rating in accordance with AS.3959-2018, can be changed to</li> <li>- <b>The provision of defendable space and vegetation management controls if applicable to ensure all dwellings can achieve a setback that appropriately accounts for the type of vegetation and the slope under the vegetation.</b></li> </ul> <p>These changes are supported as they are not material changes to the amendment, they reflect relevant updates in bushfire planning outcomes that are more site specific rather than based on a generic construction standard. These changes specifically address requested changes and requirements of the Design Guidelines for the Settlement Planning at the Bushfire Interface, a document developed by the Department of Transport and Planning and the Country Fire Authority. This change ensures the Wangaratta Planning Scheme remains current and up to date.</p> <p><u>Post Exhibition Changes and Outcomes:</u></p> <p>Proposed changes to the exhibited documents to be supported:</p> <ul style="list-style-type: none"> <li>- At Clause 15.01-3L support additional strategy: <b>Require informed and appropriate setbacks from bushfire hazard interfaces</b></li> <li>- At DDO8 and DDO9 support amended subdivision requirement:</li> <li>- <b>The provision of defendable space and vegetation management controls if applicable to ensure all dwellings can achieve a setback that appropriately accounts for the type of vegetation and the slope under the vegetation.</b></li> </ul> <p>Changes requested in this submission are considered to be addressed.</p>	
<b>Community Submissions</b>			
<b>Submitter 2:</b>	<p><u>Submissions position on the amendment:</u></p> <ul style="list-style-type: none"> <li>- Support amendment as exhibited.</li> </ul> <p><u>Submission summary:</u></p> <ul style="list-style-type: none"> <li>- Supports the strategic intent and directions of precinct F and G of the Milawa Township Development Plan (i.e. limiting growth and non-agricultural uses, specifically at Clause 11.01-1L-02).</li> <li>- The direction of future residential growth in an easterly direction is considered to be logical infill towards the Milawa Recreation Reserve.</li> <li>- If there are post exhibition changes that result in policy changes to precinct F and G of the Milawa Township Development Plan, the submission objects to this part of the amendment.</li> </ul>	<p>Thank the submitter for providing this submission and note the support for the amendment prior to any post exhibition change.</p> <p><u>Discussion and Outcome:</u></p> <ul style="list-style-type: none"> <li>- There are no changes proposed Clause 11.01-1L-02 resulting from post exhibition considerations.</li> <li>- Therefore, no changes required as there is support for the amendment in its current form.</li> </ul>	<p><b>Change Proposed:</b> No changes required.</p> <p><b>Action:</b> Advise submitter of proposed post exhibition changes.  Keep the submitter informed of progress of the amendment.</p>
<b>Submitter 3:</b>	<p><u>Submissions position on the amendment:</u></p> <ul style="list-style-type: none"> <li>- Does not support the amendment in its current form, specifically due to the inclusion of a strategy as it relates to 'battle axe' lots contained in of Clause 15.01-3L and</li> <li>- Requests change to Clause 15.01-3L Subdivision to include additional strategies or exemptions to allow unnecessary restrictions of larger lots for development purposes.</li> </ul> <p><u>Submission summary:</u></p>	<p>Thank the submitter for their submission and note request for a change to the amendment and objection to the amendment in its current form.</p> <p><u>Discussion:</u></p> <ul style="list-style-type: none"> <li>- The amendment proposes to introduce policy at Clause 15.01-3L Subdivision Design in Low Density Residential and Rural Living Zones and Schedules 8 and 9 to 43.02 (Design and Development Overlay) to avoid battle axe style access to lots.</li> </ul>	<p><b>Change Proposed:</b> No changes recommended. Requested change not supported.</p> <p><b>Action:</b> Refer matter to a Planning Panel for further consideration.</p>

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Submitter	Submission Details	Officer Review	Recommendation
	<ul style="list-style-type: none"> <li>- The submitter has planned for a future site-specific subdivision, based on the assumption it's located in the centre of the Eldorado township.</li> </ul> <p><u>Requested Change:</u></p> <ul style="list-style-type: none"> <li>- The submission <u>requests a change to the amendment</u>, to allow for consideration of battle axe lots with large 'handles' to prevent un-necessary restriction on larger lots.</li> </ul>	<ul style="list-style-type: none"> <li>- This change is supported by the Strategic Bushfire Assessment, completed by Nexus Planning as part of the Low Density and Rural Residential Strategy identifies a number of actions to mitigate risks against bushfire. Avoiding the creation of battle axe lots was one of these actions. The report recommended that mitigation action be implemented by policy changes. Its noted that this report was adopted by Council.</li> <li>- Further, the Strategic Bushfire Assessment identifies Eldorado as a highest risk township at a landscape scale bushfire assessment and subdivision in Eldorado should be avoided.</li> <li>- It further advises avoiding battle-axe lots, particularly where access is long and narrow as a design principle and bushfire protection method to guide development (where development is supported)</li> <li>- Changing the amendment in the way requested by this submitter is not considered to support bushfire protection, nor considered to the best way to mitigate risk posed by bushfire specifically in highest risk areas or generally where bushfire risk exists in Townships and Rural Townships, as it limits access to properties.</li> <li>- therefore cannot be supported by Council in this case.</li> <li>- No changes to exhibited documents are recommended.</li> </ul> <p><u>Post Exhibition Discussions with Submitter:</u></p> <ul style="list-style-type: none"> <li>- Officers invited the submitter to further discuss issues raised in this submission.</li> <li>- A follow up phone conversation occurred with the submitter where Councils officers explained where the position on battle axe lots has originated from and the context of why the requested change is not supported.</li> </ul> <p><u>Outcome:</u></p> <ul style="list-style-type: none"> <li>- This submission remains outstanding and its recommended the matter be referred to a Planning Panel for further review.</li> </ul>	<p>Advise the submitter and keep submitter informed of the progress of the amendment.</p>
<p><b>Submitter 5:</b></p>	<p><u>Submissions position on the amendment:</u></p> <ul style="list-style-type: none"> <li>- Support amendment as exhibited.</li> </ul> <p><u>Submission summary:</u></p> <ul style="list-style-type: none"> <li>- The submitter is directly impacted by proposed changes to zoning in Milawa (identified as Precinct E(b) of the updated Milawa Township Development Plan.</li> <li>- Supports the future development of this area because of the availability of amenities in Milawa, proximity to Wangaratta and the need for additional housing in the climate of a national housing shortage.</li> </ul>	<p>Thank the submitter for providing this submission and make note of the support for the amendment.</p> <p><u>Discussion and Outcome:</u></p> <ul style="list-style-type: none"> <li>- Notes the LDRZ and RLZ Strategy respond to need for housing at a specific scale, which contributes to part of a solution to the national housing crisis. Its good practice to centre development around existing services, like those identified in Milawa.</li> <li>- No changes required as there is support for the amendment in its current form.</li> </ul>	<p><b>Change Proposed:</b> No changes recommended.</p> <p><b>Action:</b> Keep the submitter informed of progress of the amendment.</p>
<p><b>Submitter 6:</b></p>	<p><u>Submission position on the amendment:</u></p> <ul style="list-style-type: none"> <li>- Partly support amendment as exhibited.</li> <li>- Partly object to the amendment as exhibited.</li> </ul> <p><u>Submission Summary:</u></p> <ul style="list-style-type: none"> <li>- Notes the walking path along the King River is located on public land.</li> <li>- Notes development front appropriately confirm with fire safety considerations.</li> <li>- Supports a walking cycling path from the Oxley township to the Recreation Reserve; advocates that this is a better location for a walking path than along King River frontage and would like to</li> </ul>	<p>Thank the submitter for their submission, make note of support and part objection to the amendment.</p> <p><u>Discussion:</u></p> <p><u>Bushfire Safety Considerations:</u></p> <ul style="list-style-type: none"> <li>- This submission supports the change of direction of the development from precinct I to Precinct F(b) for the purposes of mitigating bushfire risk.</li> <li>- The development front in Oxley identified as proposed precinct F(b) of the Oxley Township is also supported by state and local policy underpinned by the Strategic Bushfire Assessment, completed by Nexus Planning as part of the Low Density and Rural Residential Strategy that underpins changes to the Oxley Township Development Plan at Clause 11.01-.01-1L-02, and as adopted by Council in 2021. Further given its low risk from flood events and consideration of</li> </ul>	<p><b>Change Proposed:</b> No changes recommended.</p> <p><b>Action:</b> Keep the submitter informed of progress of the amendment.</p>


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	<p>see developer of the Oxley Solar Farm contribute to this path as a safety initiative as detailed in a local newspaper article.</p> <ul style="list-style-type: none"> <li>- Concerned about impacts from walking track along King River, (shared path within public land), especially given impacts from development on fire risk, riparian risks, sanitary risks and potential occurrence detritus as the location is unique. This concern is also attributed to the owner interest in respectfully maintaining the reserve based on an existing leasing arrangement and contributed to the reason land owner purchased land in Oxley.</li> <li>- Concerned about possible road connectivity (described as an indicative road across the submitters property in this submission)</li> <li>- Requests that all land holders are treated in the same way irrespective of zoning.</li> </ul>	<p>other environmental risks including potential for contamination this is considered a logical location to direct future development to, to address future housing needs.</p> <p><u>Precinct D of Oxley Township Development Plan - King River interface matters:</u></p> <ul style="list-style-type: none"> <li>- As part of Amendment C83 there has been <b>no change</b> to:</li> <li>- The location of the walking path identified on public land along the King River interface Oxley.</li> <li>- Indicative connectivity identified as possible road connection in Precinct D – Low Density Adjacent to the King River of the Oxley Township Development Plan.</li> </ul> <p><u>Existing Precinct D (left) and proposed Precinct D (right) illustrating no change to walking path along King River interface.</u></p>  <p>These actions are contained in the Oxley Township Development Plan which was implemented into the Wangaratta Planning Scheme in 2017 by Planning Scheme Amendment C67. Amendment C67 was the subject of a Panel, and the exhibited amendment was subject to changes that explicitly clarified any future walking path is on public land (not private land).</p> <p>Its noted that Planning Schemes are not static and the ordinance location of the Oxley Township Development Plan and associated policy has changed from time to time. The ordinance location of the Oxley Township Development Plan within the Wangaratta Scheme has changed as a result of the following planning scheme amendments, including:</p> <ul style="list-style-type: none"> <li>• Wangaratta C75 – Wangaratta Planning Scheme Review, approved in 2018</li> <li>• Wangaratta C71 - Wangaratta North West and Wangaratta South Growth Area Structure Plans approved in 2019.</li> <li>• Wangaratta C82 - PPF translation approved in 2022. It's noted a change to the way Township Development Plans look (ie a changed graphic), occurred during this amendment.</li> </ul> <p>The change of the location of the ordinance doesn't change the intent of the strategy or its objectives.</p> <ul style="list-style-type: none"> <li>- Officers agree the King River frontage and public land is unique and supports biodiversity.</li> <li>- Concerns raised about impacts from a public walking path is beyond the scope of what is being considered by this amendment. Nether-the-less, There is no proposal to 'take' land from land owners adjoining or place a pathway on private land holdings. It is reiterated that a public open space pathway/network along the frontage of the King River is an appropriate open space connection to seek if future subdivision occurs in Precincts A, B, and D of the Oxley Township, either by in kind contribution or resulting from an open space cash contribution (as considered in the initial development of the Oxley Township Development Plan). Therefore, no change is recommended.</li> </ul>	

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Submitter	Submission Details	Officer Review	Recommendation
		<ul style="list-style-type: none"> <li>- Suggestion that developer of a proposed solar farm should provide a walking path from the Township to the Oxley Recreation Reserve is a sensible idea, however beyond the scope of this amendment. Its noted that Councils Walking and Cycling Strategy. 2020-2030 suggest a shared path alignment between Oxley township and Oxley Rec Reserve, however it is a low priority when balanced against other projects within that strategy. This suggestion can be pursued via the Meadow Creek Solar Farm planning permit application which is a sperate process to this amendment.</li> <li>- Concerns raised about the impacts of an indicative road network across the submitters property are beyond the scope of what is being considered by this amendment. Nether-the-less its noted that this connectivity is only considered if the land in precinct D is subdivided, and the graphic in the Oxley Township Development Plan illustrates east west connectivity rather than an absolute outcome. A final alignment if required would be determined as appropriate at during a planning permit process for subdivision. Therefore, no change is recommended.</li> <li>- Its further noted that the above issues were addressed in Planning Scheme Amendment C67.</li> </ul> <p><u>Post Exhibition Discussions with Submitter:</u></p> <ul style="list-style-type: none"> <li>- Council officers met with Submitter 6 during the exhibition process and again during the post exhibition period to better understand concerns and negotiate any changes that could potentially alleviate any concerns with the exhibited amendment.</li> <li>- Discussions concluded that whilst there are a range of matters the submitter has concerns with they are beyond the scope of this amendment, officers are happy to continue working with the submitter separately on other matters.</li> </ul> <p><u>Outcome:</u></p> <ul style="list-style-type: none"> <li>- No further changes are recommended.</li> </ul>	
<p><b>Submitter 8:</b></p>	<p><u>Submission position of the amendment</u></p> <ul style="list-style-type: none"> <li>- In full support of amendment</li> </ul> <p>Submission Summary:</p> <p>Supports the amendment:</p> <ul style="list-style-type: none"> <li>- In line with the need for low density housing as concluded by the Low Density and Rural Residential Strategy.</li> <li>- There is no land supply remaining in Milawa in accordance with the Milawa Township Development Plan.</li> <li>- The proposed rezoning in Milawa ensures all land within the Township boundary along Milawa-Bobinawarra Road is appropriately zoned for residential development. Its exclusion makes it an anomaly, within the township).</li> </ul>	<p>Thank the submitter for their submission, make note of support.</p> <p><u>Discussion and Outcome:</u></p> <ul style="list-style-type: none"> <li>- The response supports the recommendations of the Low Density and Rural Residential Strategy.</li> <li>- The changes proposed by this amendment addresses land supply and provides for additional housing.</li> <li>- The changes proposed by this amendment will ensure that the township area along the Milawa-Bobinawarra Road are zoned appropriately for sustainable Townships growth.</li> <li>- No changes required as there is support for the amendment in its current form.</li> </ul>	<p><b>Change Proposed:</b> No changes recommended.</p> <p><b>Action:</b> Keep the submitter informed of progress of the amendment.</p>
<p><b>Submitter 10:</b></p>	<p><u>Submission position of the amendment</u></p> <ul style="list-style-type: none"> <li>- <u>Objects</u> to the amendment in part, in particular to the removal of DPO7 from 246 Old Hume Highway Glenrowan and the subsequent changes to Precinct H(b) of the Glenrowan Township Development Plan which changes its status from investigation area of land in Glenrowan (246 Old Hume Highway).</li> <li>- Request change to the amendment to allow for the future development of 246 Old Hume Highway, Glenrowan by: <ul style="list-style-type: none"> <li>• Updating the Low Density and Rural Residential Strategy to support the rezoning of the site</li> </ul> </li> </ul>	<p>Thank the consultant on behalf of the landowner for their submission and associated reports in support of retaining Precinct H (b) of the Glenrowan Township Development Plan for future residential development (at Rural Living Scale).</p> <p><u>Discussion:</u></p> <ul style="list-style-type: none"> <li>- The Glenrowan Township Development Plan, 2016 was supported by Council and its recommendations implemented into the Wangaratta Planning Scheme by C66 parts 1 and 2 which was finalised in 2017. Key parts of this amendment relating to this submission were:</li> </ul>	<p><b>Change Proposed:</b> No changes recommended. Requested change not supported.</p> <p><b>Action:</b> Refer matter to a Planning Panel for further consideration.</p> <p>Keep submitter informed of progress of the amendment.</p>

## Wangaratta C83 - Assessment of Submissions

Submitter	Submission Details	Officer Review	Recommendation
	<ul style="list-style-type: none"> <li>• Rezone the site to Rural Living Zone Schedule 1</li> <li>• Retain the Development Plan Overlay 7 on the site</li> <li>• Retain the existing Clause 11.01.1L-01 (Glenrowan)</li> </ul> <p><u>Submission Summary:</u></p> <ul style="list-style-type: none"> <li>- The site was identified as being strategically located to provide for rural residential development, by the Glenrowan Township Development Plan (2019) and the Glenrowan Bushfire Assessment (2014).</li> <li>- Council supported the long-term rezoning of the site as a buffer between the township and the rural areas where bushfire risk is greatest.</li> <li>- Development Plan Overlay 7 was applied to the site to manage future development of the land.</li> <li>- Specific elements of subdivision design have been sized and constructed in the first phase of developing Precinct H, (these include roads and reticulated water supply) based on the assumption that they will service Precinct H in its entirety.</li> <li>- A full assessment against criteria strategic planning policy and development assessment has been undertaken for the site and concludes that this site is appropriate for future development.</li> <li>- The submitter has undertaken a site specific bushfire assessment that concludes that subdivision can be undertaken safely.</li> <li>- Requests that changes are made to the amendment to facilitate the original vision of developing this site and can reduce bushfire risk for existing residents within that location.</li> </ul>	<ul style="list-style-type: none"> <li>• Including a local policy at Clause 11.01.01-1L Glenrowan Township which identifies design outcomes for subdivision within Precinct H (a) and protects agricultural use in Precinct H(b) until the site is considered for rezoning.</li> <li>• Rezoning land within in precinct H (a) of the Glenrowan Township Development Plan from Farming Zone to Rural Living Zone 2</li> <li>• The application of the Development Plan Overlay 7 on Precinct H of the Glenrowan Township Development Plan, which allow for the orderly development of Precincts H (a) and (b) of the Glenrowan Township at a rural living scale.</li> </ul>  <p>Precinct H (a) &amp; (b) in grey</p> <p>Rezoning precinct H(a) was considered to provide adequate land supply at that scale, and further strategic work would be required prior to rezoning the balance of Precinct H, based on demand. This allowed for the provision of lots for development without providing an oversupply of land.</p> <p>Since that time there have been changes to state policy that respond to catastrophic bushfire events. Within the planning schemes across Victoria Clause 13.02 Bushfire planning (which includes a section specific to settlement planning) and Clause 53.02 Bushfire Planning, both identify protection of life as the highest planning consideration above all other considerations and direction population growth and development to low risk locations, where human life can be better protected against effects of bushfire.</p> <p>Further the Hume Regional Growth Plan (2014) recommends minimising the risk of bushfire by applying a precautionary approach in conjunction with state bushfire planning policy.</p> <p>Existing Planning Policy: As explained above there is revised planning policy that underpins decision making relating to settlement planning and bushfire considerations, within this policy a framework identifies the 4 key strategies in bushfire planning:</p> <ul style="list-style-type: none"> <li>- Consider bushfire wherever there is a bushfire hazard</li> <li>- Direct proposals to low risk locations</li> <li>- Assess and apply bushfire protection</li> <li>- No increase in risk and reduce risk where possible</li> </ul> <p>Its noted the revisions came into affect, after the implementation of the Glenrowan Township Development Plan.</p> <p>Strategic Bushfire Assessment Low Density and Rural Residential Strategy:</p>	


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		<ul style="list-style-type: none"> <li>- Within this settlement context the Strategic Bushfire Assessment for Low Density and Rural Residential Strategy the methodology identifies places of low risk and directs growth to those locations. Specifically relating to Glenrowan, the report advises:</li> <li>- Bushfire hazards surround the township on all sides</li> <li>- Substantial parts of the township and its surrounds are identified as BMO.</li> <li>- That whilst there is a Neighbourhood Safer Place (located in the south east of the township) there is no location where the protection of human life can be reasonably assured from the impacts of bushfire</li> <li>- The bushfire report demonstrates that bushfire is considered, the changes to local policy in Glenrowan demonstrates Council is directing development to low risk locations (given there are multiple other locations in low and medium risk categories, there is no reason to provide opportunity for new development in Glenrowan going forward on this basis).</li> <li>- Requested rezoning: The request to rezone 246 Old Hume Highway is beyond the scope of what was proposed by the amendment and is considered a material change to the amendment.</li> <li>- The classification Glenrowan as a high risk settlement recommends its should not be considered for further expansion and development, therefore the request to keep the current controls which allow the development of Precinct H b cannot be supported at this time.</li> </ul> <p><u>Post Exhibition Discussions with Submitter:</u></p> <ul style="list-style-type: none"> <li>- A discussion with the landowner and one of their consultants occurred and a request to formally consider and adopt the bushfire report contained within their submission was made. It was advised given that rezoning precinct H b was not included as part of this request any rezoning would be subject to a separate amendment request (a discussion that rezoning precinct Hb did not form part of the amendment,</li> <li>- Post exhibition discussions have requested:  Council consider and formally adopt the Bushfire Risk Assessment for 246 Old Hume Highway, Glenrowan.  Particularly noting that Precinct H a of the Glenrowan Township Development Plan is fully completed. Precinct H b is now required based on market demand.  The failure to complete Precinct Hb will result in in the overall vision for development being incomplete (eg roads that were anticipated as through roads would become dead end)  Completing the development of Precinct Hb would better improve fire protection of 2 existing dwellings located within this precinct.</li> <li>- As part of the consideration of this submission the Bushfire Risk Assessment, 246 Old Hume Highway Wangaratta (Risk Assessment Report, has been considered by Council (by planning staff only – not peer reviewed by a bushfire expert). In considering in the context of planning policy, the Risk Assessment Report agrees with the assessment of Glenrowan being a high-risk location compared to other settlements in the municipality as identified by the Strategic Bushfire Assessment for Low Density and Rural Residential Strategy.</li> <li>- The Risk Assessment Report further notes that a site assessment wasn't completed as a result of the high risk categorisation – the Risk Assessment Report provides this next level of assessment for 246 Old Hume Highway.  Key points of note from this assessment include:</li> <li>- There is advantage to 'shielding' existing development within the Glenrowan Township and providing resilience at the interface (by developing precinct Hb).</li> </ul>	

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Submitter	Submission Details	Officer Review	Recommendation
		<ul style="list-style-type: none"> <li>- Stopping development in high risk areas...creates tension and leaves the area undeveloped at the same risk level as it was when previously addressed.</li> <li>- Developing the area with additional restrictions and scrutiny can create an acceptable risk to adjacent areas.</li> </ul> <p>The report is not disputing previous assessments made however stating at a more localised level that 246 Old Hume Highway can be developed. Whilst there is acknowledged that at a localised level, with specific conditions risk from bushfire could be reduced at 246 Old Hume Highway.</p> <p>However, pursuing development in this location does not comply with Clause 13.02 of the Wangaratta Planning Scheme by directing development to a low risk locations, and is contrary to the recommendations of the Strategic Bushfire Planning Assessment for the Low Density and Rural Living Strategy, which list a number of factors that impact safety of residents in a bushfire event. Whilst there is merit in competing the vision for the development in Precinct H a and b for the purpose of completing road links and protecting existing residents, the development of this site is still subject to risk which makes it inconsistent with settlement planning principles where there are locations with much lower bushfire risk ratings.</p> <p>For these reasons the requested changes cannot be accommodated.</p> <p><u>Outcome:</u></p> <ul style="list-style-type: none"> <li>- Requested changes are not supported as:</li> <li>- Changes are inconsistent with Councils most recent adopted bushfire strategy (Strategic Bushfire Assessment for the Low Density and Rural Residential Strategy, March 2020, Nexus Planning as it applies to the Glenrowan Township)</li> <li>- Do not follow the intent of Clause 13.02 Bushfire Planning when assessing bushfire hazard identification and assessment for settlement planning, specifically in the context of landscape conditions (which apply to landscape conditions within 20km and up to 75km of the site).</li> <li>- This submission remains outstanding and it's recommended the matter be referred to an Planning Panel for further review.</li> </ul>	
<p><b>Submitter 13:</b></p>	<p><u>Submission position of the amendment</u></p> <ul style="list-style-type: none"> <li>- Supports the amendment in part</li> <li>- Objects to specific aspects of the amendment</li> </ul> <p><u>Submission Summary:</u></p> <ul style="list-style-type: none"> <li>- Objects to acquisition of private land.</li> <li>- Objects to path along the King River between the Snow Road and Lang Place.</li> </ul> <p>Advises:</p> <ul style="list-style-type: none"> <li>- Land owner has invested significant time and resources caring for flora and fauna in the crown land reserve area leased and adjoining her private property.</li> <li>- Submitter has experienced 'unwelcome attention from undesirable visitors' trespassing on her property and believes a pathway along the King River will cause this to increase.</li> <li>- Advises the pathway along the King River was not an action the Oxley community wanted.</li> </ul>	<p>Thank the Submitter for their submission.</p> <p><u>Discussion:</u></p> <ul style="list-style-type: none"> <li>- Amendment C83 does not propose to acquire private land.</li> <li>- As part of Amendment C83 there has been <b>no change</b> to:</li> <li>- The location of the walking path identified on public land along the King River interface Oxley.</li> <li>- Indicative connectivity identified as possible road connection in Precinct D – Low Density Adjacent to the King River of the Oxley Township Development Plan.</li> <li>- <u>Existing Precinct D (left) and proposed Precinct D (right) illustrating no change to walking path along King River interface.</u></li> </ul>	<p><b>Change Proposed:</b> No changes recommended.</p> <p><b>Action:</b> Keep the submitter informed of progress of the amendment.</p>

**Wangaratta C83 - Assessment of Submissions**

Submitter	Submission Details	Officer Review	Recommendation
		<p>Existing Precinct D: <span style="float: right;">Proposed Precinct D:</span></p>  <p>These actions are contained in the Oxley Township Development Plan which was implemented into the Wangaratta Planning Scheme in 2017 by Planning Scheme Amendment C67. Amendment C67 was the subject of a Panel, and the exhibited amendment was subject to changes that explicitly clarified any future walking path is on public land (not private land).</p> <p>Its acknowledged that that land owner has invested time and resources in caring for flora and fauna and the beneficial outcomes are appreciated.</p> <p>Crown land adjoining rivers and streams does not exclude public access, Any matters relating to trespassers should be referred directly to police.</p> <p>Extensive consultation with the community occurred in the development of the Oxley Township Development Plan and the resulting final document was implemented as the result of Wangaratta Planning Scheme Amendment.</p> <p><u>Outcome:</u></p> <ul style="list-style-type: none"> <li>- Matters raised are beyond the scope of the amendment</li> <li>- No further changes are recommended</li> <li>- The issues raised in this submission are considered to be addressed</li> </ul>	
<p><b>Submitter 15:</b></p>	<p><u>Submission position of amendment:</u></p> <ul style="list-style-type: none"> <li>- In support of amendment</li> </ul> <p><u>Submission Summary:</u></p> <ul style="list-style-type: none"> <li>- Support for the amendment however submission raises concerns around rezoning of Precinct F of Oxley Township Development Plan rezoning regarding:</li> <li>- Right to farm</li> <li>- Rate increases,</li> <li>- Windfall gains tax</li> <li>- Access to remaining farm land should the development go ahead.</li> </ul>	<p>Thank submitter for their submission</p> <p><u>Discussion:</u></p> <ul style="list-style-type: none"> <li>- The amendment rezones land in precinct F of the Oxley Township, rezoning does not automatically mean any existing land use will change. Existing uses can continue, and further subdivision and development will be assessed on individual merit as part of a planning permit application.</li> <li>- Rates will likely change (increase) due to the change in value of the land increasing. This is an impact that is considered beyond the scope of the amendment.</li> <li>- Windfall gains tax concerns are triggered by planning, however sit outside the scope of a planning scheme amendment. There are circumstances triggered by rezoning the cause a windfall gains tax event, however all matters relating to windfall gains tax should be directed to the state revenue office for accurate information specific to individual circumstance.</li> <li>- It would be an unacceptable outcome to eliminate access to an existing property as part of any rezoning. Property access can be addressed through new roads networks within estate, and any final alignment and road network will be assessed during a planning permit application, guided by the planning scheme and any new provisions implemented by this amendment.</li> </ul> <p><u>Outcome:</u></p> <ul style="list-style-type: none"> <li>- Matters raised are beyond the scope of this amendment.</li> </ul>	<p><b>Change Proposed:</b> No changes recommended.</p> <p><b>Action:</b> Keep the submitter informed of progress of the amendment.</p>



**Wangaratta C83 - Assessment of Submissions**

Submitter	Submission Details	Officer Review	Recommendation
		- No changes to the amendment are recommended.	