Who is the planning authority?
This amendment has been prepared by Towong Shire Council, which is the planning authority for this amendment. The Amendment has been made at the request of Council.

Land affected by the Amendment
The amendment applies to various parcels of land as described below. The amendment corrects mapping errors and updates the Towong Planning Scheme by removing redundant planning controls, revising Schedules and correcting zoning anomalies in order to improve the overall operation of the Scheme.

What the amendment does
Amendment C34 seeks to make the following changes to the Towong Planning Scheme:

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Land subject to the Development Plan Overlay at Bellbridge</td>
</tr>
<tr>
<td>Boundary Street, Corryong (Lots 1,2,3,4,5 and 6 on PS 444190)</td>
</tr>
<tr>
<td>Land subject to the Restructure Overlay at Walwa</td>
</tr>
<tr>
<td>Land subject to the Restructure Overlay at Berringama</td>
</tr>
<tr>
<td>Land adjoining Corryong Secondary College, Corryong (Lot 1 TP 660167, Lots 1 and 2 TP244769, Lot 2 543306)</td>
</tr>
<tr>
<td>Perkins Road, Lucyvale (Crown Allotment 41D)</td>
</tr>
<tr>
<td>Cross Avenue, Dartmouth (Lots 1 and 2 PS 713132, Lots 2,3,4,5,6 and 7 PS 606957)</td>
</tr>
<tr>
<td>Corryong Water Treatment Plant (Lot 1 PS 645631 Lot 1 and 2 PS 671914)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Changes</th>
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</thead>
<tbody>
<tr>
<td>Remove the Development Plan Overlay from developed land (Planning Scheme Map No 2DPO)</td>
</tr>
<tr>
<td>Remove the Development Plan Overlay from subdivided land (Planning Scheme Map No 18DPO)</td>
</tr>
<tr>
<td>Remove the Restructure Overlay that is no longer required due to installation of reticulated wastewater system at Walwa (Planning Scheme Map No 7RO)</td>
</tr>
<tr>
<td>Remove the Restructure Overlay from consolidated land (Planning Scheme Map No 16RO)</td>
</tr>
<tr>
<td>Rezoning land from General Residential to Public Use Zone 2 to reflect education use (Planning Scheme Map No 19)</td>
</tr>
<tr>
<td>Rezoning land from Public Park and Resource Zone to Rural Activity Zone to reflect use of land for timber production (Planning Scheme Map no 26)</td>
</tr>
<tr>
<td>Rezoning of land from the Rural Activity Zone to Township Zone to correct split zoning (Planning Scheme Map No 33)</td>
</tr>
<tr>
<td>Rezone land from Rural Activity Zone to Public Use Zone 1 to reflect public services and utilities (Planning Scheme Map No 17)</td>
</tr>
</tbody>
</table>
Recreation Reserve, Corryong (CA 1 Section 22 – Partial)  
Rezone part of CA 1 from Farming Zone to Public Park and Recreation Zone to reflect public recreation use (Planning Scheme Map No 18)

3794 Omeo Highway, 3796 Omeo Highway and 3798 Omeo Highway Eskdale (Lot 1 TP 390532, Lot 1 TP 668433 and Lot 1 760509)  
Rezone land from Public Use Zone to Township Zone to reflect private ownership of land (Planning Scheme Map No 23)

Clause 22.08 (Effluent Disposal and Water Quality) and Schedule to Clause 45.05 (Restructure Overlay)  
Amend the Clause and Schedule to ensure all references to Australian Standard AS/NZS1547:2012 and EPA Publication 891.3 reflect any changes or updates to these documents.

Schedule to Clause 32.03 (Low Density Residential Zone)  
Amend the Schedule to not specify a minimum subdivision size. This will revert the minimum subdivision size to the default 0.4ha (un sewered) and 0.2ha (sewered).

Schedule to Clause 52.17 (Native Vegetation)  
Amend the Schedule to specify the maximum extent of native vegetation entitled to be removed, destroyed or lopped when removing blackberries.

Corryong and Bellbridge Development Plan Overlay

The township of Bellbridge currently has a Development Plan Overlay over the developed part of the town as well as the surrounding undeveloped land. Accordingly, it is proposed to remove the DPO from the area shown in (Figure 1).

The Development Plan Overlay also applies to some of the land zoned Industrial 1 Zone in Corryong fronting Boundary Street. Some of this land has already been subdivided and developed and the overlay is now redundant. It is proposed to remove the DPO from the subdivided land (Figure 2).

Figure 1  Bellbridge Development Plan Overlay and area proposed to be removed (yellow).

Figure 2  Corryong Development Plan Overlay and area proposed to be removed (yellow).
Walwa and Berringama Restructure Overlay

The RO commonly applies to fragmented lots within townships not serviced with reticulated sewerage, as these lots are often considered to not have sufficient land area to enable on-site wastewater disposal. The Restructure Overlay applies to much of Walwa (Figure 3).

Given the recent completion of the ‘whole of town’ reticulated wastewater system at Walwa the need for the Overlay to regulate development within the town no longer exists and the Restructure Overlay can now be removed from Walwa.

A small area at Berringama is also included in the Restructure Overlay (Figure 4). This area has now been consolidated in line with the prescription of the Berringama Restructure Plan and the Overlay is no longer required at this location.

Corryong Secondary College

The Corryong Secondary College, situated at 27 Towong Road occupies multiple parcels of land (Figure 5). Whilst the main part of the school is zoned Public Use Zone 2, some of the abutting parcels are included in the General Residential Zone.

The Public Use Zone 2 is a zone which specifically provides for the use of land for the purpose of education.

The Public Use Zone 2 should be applied to the whole of the school grounds (Figure 5).
Hancocks Plantation Land – Lucyvale

Crown Allotment 41D is a one hectare, irregular shaped parcel of land at Perkins Road, Lucyvale (Figure 6). It is used for timber plantation and is zoned Public Conservation and Resource Zone (PCRZ). The current PCRZ zoning is considered erroneous. The Rural Activity Zone is the underlying zone in this instance.

**Figure 6** Land at Perkin’s Track
Lucyvale to be rezoned

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Cross Avenue - Dartmouth

The odd numbered properties on Cross Avenue, Dartmouth were re-subdivided in 2008. This re-subdivision increased the size of all lots fronting Cross Avenue by including land zoned Rural Activity Zone land at the rear of each lot (Figure 7).

**Figure 7** Land at Cross Ave Dartmouth to be rezoned

The dwellings on these lots fronting Cross Avenue are currently situated in the Township Zone. It is proposed that each lot be wholly included within the Township Zone to remove the current dual zone situation consistent with the residential use.
Corryong Water Treatment Plant

The North East Water Corryong water treatment plant and storage pond is located adjacent to Greenwattle Gap Road and is zoned Rural Activity Zone and Farming Zone (Figure 8). Both the Rural Activity Zone and Farming Zone are zones that give primacy agriculture. The Public Use Zone Schedule 1 provides for the use of the land for the purpose of public services and utilities.

![Figure 8 Corryong Water Treatment plant proposed to be rezoned to Public Use Zone 1](image)

Corryong Recreation Reserve

The Corryong Recreation Reserve is zoned part Public Park and Recreation Zone (PPRZ) and part Farming Zone (FZ). The PPRZ portion of the Reserve contains the sports oval, golf course and netball courts. The FZ portion of the reserve contains shedding, holding yards and arena areas that are used for events such as the Man from Snowy River Festival.

The main use of this part of the Reserve is chiefly for public recreation purposes and it is appropriate to extend the Public Park and Recreation Zone to include this area (Figure 9).

![Figure 9 Area of Corryong Recreation Reserve to be rezoned to Public Park and Recreation Zone](image)

Eskdale

Land at 3794, 3796 and 3798 Omeo Highway Eskdale is zoned Public Use Zone 2 (Figure 10). The land contains the Uniting Church, the Catholic Church and a vacant allotment which until recently contained a dwelling. This dwelling was destroyed by a recent fire and a planning permit has subsequently been issued for a replacement dwelling on this lot.
As the land is privately owned and not being used for educational purposes the land should be included in the Township Zone.

**Figure 10:** Land to the east of the Eskdale Primary School to be rezoned to Township Zone

**Low Density Residential Zone Schedule**

The Schedule to the Low Density Residential Zone (LDRZ) requires a minimum lot size of 0.5 hectares for all land in the LDRZ across the municipality. Without the minimum lot size specified by the Schedule, the default minimum lot size within the LDRZ would be 0.4ha for un-sewered development and 0.2ha for sewered development. Removal of the Schedule specified minimum lot size would provide greater scope for merits based decision making in this zone.

**Clause 52.17**

Clause 52.17 of the Towong Planning Scheme relates to the destruction and removal of native vegetation. There exists scope within the schedule to Clause 52.17 to nominate specific weeds for which a certain amount of native vegetation can be removed or destroyed over any given five year period.

Amendment C34 seeks to specify blackberries in the Schedule to Clause 52.17. This will mean that the maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership over a five year period for the purpose of managing blackberries may be up to:

- 1 hectare of native vegetation which does not include a tree; or
- 15 native trees if each tree has a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.
Strategic assessment of the Amendment

Why is the Amendment required?
The amendment is required to update, correct errors and delete redundant planning controls where land has been developed.

Redundant overlays
The purpose of the Development Plan Overlay is to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land. The overlay has been applied to ensure that undeveloped land is developed in an appropriate manner and that provisions are made for infrastructure.

Most of the land within the Bellbridge Township and some of the surrounding land has already been subdivided and developed. Similarly the land in the industrial estate outside Corryong to which the Development Plan Overlay has been applied has partially been subdivided and developed. It is therefore believed that the Development Plan Overlay is redundant over these parts. The overlay is proposed to remain over the undeveloped land, and land that may be further developed.

The purpose of the Restructure Overlay is to identify old and inappropriate subdivisions which are to be restructured in particular to reduce the environmental impacts of dwellings and other development. The overlay commonly applies over small lots within the Towong townships not serviced with reticulated sewerage, as these lots are considered to not have sufficient land area to wholly treat and contain onsite wastewater disposal.

The Restructure Overlay applies to land in Walwa Township (see figure 3 above). Since the Walwa Wastewater Project completion, Walwa is now serviced by reticulated sewerage and it is therefore believed that the Restructure Overlay is redundant over the Walwa Township.

The Restructure Overlay applies to CP 368768 in Berringama. The former lots have been consolidated under one Title and as such concerns regarding smaller lots and necessary space for septic disposal are no longer a concern.

Redundant zone schedule
The purpose of Low Density Residential Zone is for low density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all waste water. VC100 commenced on 15 July 2013 and introduced the current minimum lot size for subdivisions. The LDRZ covers a number of blocks on the southern side of Bellbridge. All of these LDRZ blocks are connected to town sewer and so considerations for onsite waste water management are a non issue.

The LDRZ permits subdivisions for at least 0.2 ha if each lot is connected to reticulated sewerage. The schedule to this zone however, overrides this and requires that a minimum subdivision result in lots of no less than 0.5 ha. This specification made in the schedule is greater than the minimum subdivision requirement for onsite waste water management (0.4 ha) stipulated in the zone. This 0.5 ha requirement has seen uneven growth occur on the outskirts of Bellbridge, which is a highly desirable growth area, located within proximity to Albury.

This amendment seeks to delete the current schedule to LDRZ and replace with a new schedule where no minimum lot size for subdivision is specified which contravenes the minimum subdivision areas set out in the zone. This amendment will lead to growth opportunities in an area identified in Council’s MSS as a growth population area.
Zoning anomalies

The Corryong High School, situated at 27 Towong Road occupies several parcels of land. However, although the main part of the school is zoned Public Use Zone 2 some of the other parcels are included in the Residential 1 Zone. The Public Use Zone 2 is a zone which specifically provides land for the use of public educational facilities and removes some of the unnecessary restrictions associated with the Residential 1 Zone for such a facility. Furthermore, to have an education facility only partially in the most appropriate zone for its use is clearly an anomaly in the Towong planning Scheme and it is therefore considered that the Corryong High School should be fully included in the Public Use Zone 2.

A 1 ha parcel of land at Perkins Road, Lucyvale, which is licensed for timber plantation, is currently included in the Public Conservation and Resource Zone. The purpose of Public Conservation and Resource Zone is to protect and conserve the natural environment as well as providing for public education and interpretation with minimal degradation of the natural environment or natural processes. However, Crown Allotment 41D consists of previously cleared land and is licensed for timber production. The RAZ is the default and predominant zone in rural settings such as this. The RAZ also cover the balance of the property in the same ownership. The land is proposed for rezoning accordingly. The current PCRZ is almost always reserved for Crown land and not for freehold title.

The odd numbered properties on Cross Avenue, Dartmouth (Lots 1 and 2 PS 713132, Lots 2,3,4,5,6 and 7 PS 606957) were recently re-subdivided and made larger by inclusion of land at the rear of those properties. The dwellings on Cross Avenue are currently situated in the Township Zone. Since the recent re-subdivision of these properties the back half of the residential blocks are included in the Rural Activity Zone. The rezoning will ensure that the zone accords with the property boundaries. The use of the lots is clearly associated with dwellings, not agriculture and should therefore not be in an agricultural zone. It is proposed that the boundary of the Township Zone should be extended to cover all the land included in the residential allotments. Three properties along the Omeo Highway in the town of Eskdale (3794 – 3798 Omeo Highway) are zoned for Public Use Zone 2; a zoning for land in public ownership for the purpose of education. These properties are all in private ownership and would be more appropriately zoned Township Zone in accordance with its current use.

The land of the Corryong Water Treatment Plant is currently included in the Rural Activity and Farming Zone. Although the surrounding land is used for agriculture, the water treatment plant is a public utility. The Public Use Zone 1 provides for land use associated with service and utility and since there is no agricultural use of the subject land, the plant would more appropriately be included in the Public Use Zone 1.

The Corryong Recreational Reserve is currently zoned partly Public Park and Recreation and partly Rural Activity and Farming Zone. Although the main recreational part of the Corryong reserve is in the Public Park and Recreational Zone, some of the horse arena and holding yards infrastructure associated with the recreational use of the reserve is in the Farming Zone. The subject land is not being used for agriculture, nor is it intended to be used for this purpose. It is therefore proposed that the Public Park and Recreation Zone boundary be extended.

The amendment seeks to correct zoning anomalies and remove redundant overlays within the Towong Planning Scheme. To make these corrections to the scheme will facilitate better development control and land use planning as well as making the assessment of planning applications more efficient. Therefore, the amendment provides for sustainable future development and is in the public interest.

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

The amendment implements the objectives of Planning in Victoria by ensuring that land is zoned appropriately for its intended use and that unnecessary land use controls are
removed from the Planning Scheme. The amendment seeks to correct zoning anomalies and remove redundant overlays within the Towong Planning Scheme. The corrections will facilitate better development control and land use planning as well as making the assessment of planning applications more efficient. Therefore, the amendment provides for sustainable future development and is in the public interest.

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

The amendment is not considered to have any adverse environmental effect. The social and economic impact of the amendment will likely be positive as the amendment updates the planning scheme to reflect current use and built form. The amendment will likely make a positive social impact as the removal of redundant overlays, and the correction of zoning anomalies will act to simplify the Planning Scheme, thus making the Scheme easier for lay people to comprehend.

**Does the Amendment address relevant bushfire risk?**

As land subject to this amendment is not subject to the Bushfire Management Overlay, bushfire considerations are not relevant to this amendment. Further, the amendment is not proposing to increase human or built exposure to bushfire risks as the development on the subject land has already occurred.

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

The amendment complies with all relevant Minister’s Directions under Section 12 of the Planning and Environment Act 1987 including:

- Ministerial Direction No. 11 Strategic Assessment of Amendments and the Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments;
- Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act;

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

The amendment is consistent with the state wide objectives for planning in Victoria through appropriate land use and development policies and practices. The changes are policy neutral as they recognise existing conditions and remedy anomalous circumstances.

**How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment does not change local policy but simply applies it more accurately and credibly in reflecting existing land use and development conditions and removes superfluous layers of planning requirements over land that is now developed. The amendment is seeking to ensure that the correct zones, overlays and reference documents are used and result in acceptable planning outcomes.

**Does the Amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victorian Planning Provision as it seeks to rectify zoning anomalies and remove redundant overlays within the Towong Planning Scheme.
How does the Amendment address the views of any relevant agency?

The amendment will remove redundant overlays and correct zoning anomalies while also making other alterations to the Planning Scheme that may trigger unnecessary applications and in turn unnecessary referrals. As such, the changes will result in no redundant or burdensome referrals to authorities. Additionally, any applications that are triggered unnecessarily may also be made subject to the provisions of public notice. The amendment will lead to applications that warrant an application and lead to public notice relating to pertinent development.

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

The amendment will not have any significant impact on the transport system, as defined by section 3 of the Transport Integration Act 2010. There are no applicable statements of policy principles under section 22 of the Transport Integration Act 2010.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is expected to have a positive impact on the resources and administrative cost of the responsible authority as by removing anomalies and updating the planning scheme applications can be assessed more efficiently.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

**Towong Shire Council**

**Tallangatta Office**
32 Towong Street
Tallangatta VIC 3700

**Corryong Office**
76 Hanson Street
Corryong VIC 3707


Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **Tuesday 15 March 2016**.

A submission must be sent to:

TOWONG SHIRE COUNCIL
PO BOX 55
TALLANGATTA VIC 3700

Panel hearing dates

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

- **directions hearing**: Week commencing 11 April 2016
- **panel hearing**: Week commencing 2 May 2016