

With regard to the zoning of Newham, the Interim Report recommendation to review the zoning through a separate amendment process provides for appropriate consultation and exhibition of any changes, and is supported by the Panel.

2.7 Implementing new strategies

At the Reconvened Hearing the Council reaffirmed:

It is important to note that the primary purpose of C84 was to implement the Settlement Strategy, with the secondary requirement that the scheme be restructured in accordance with current requirements for Municipal Strategic Statements (MSS).

The current version of the MSS maintains the Equine Strategy 2012 under specific implementation clauses (and as a reference document). Council considered it appropriate to include implementation of these documents in the MSS on the basis that they have all been through their own consultation processes in recent times (prior to their adoption by Council) and they are referred to in the revised C84 documentation which has also been subject to consultative processes.

The Panel maintains its view that:

It is also apparent that there may be economic development opportunities associated with the equine industry but the implications of responding to 'planning constraints' identified in that report could be significant. It is not appropriate to indicate in the MSS that this unexhibited document will be implemented in planning decisions.

The Equine Strategy may have been through a consultative process but its contents did not figure in either the Amendment explanatory report, or Council submissions to the Panel. The Equine Strategy indicates the Shire is likely to face growing demand for smaller rural lots with allowance for a dwelling to accommodate equine uses and identifies the minimum lot area of 40 hectares to use the land for a dwelling as of right as a core issue. It advocates revision of planning provisions in the rural areas to allow for the multiple uses within equine businesses, and suggests the application of the Rural Activity Zone or Special Use Zone, as the Farming Zone and the Rural Conservation Zone cannot adequately cater for enterprises with such a diverse business mix. Strategies include:

Strategy 3.1 Review provisions for equine uses and development in the Planning Scheme, in particular:

- *Rezoning of larger diversified equine businesses to an appropriate zone (Rural Activity Zone or Special Use Zone);*
- *Review Clause 22.12 in the Planning Scheme to include further direction around the needs of the equine industry;*
- *Through future projects investigate the introduction of lower minimum lot sizes for subdivision and for use of the land for a dwelling in a Farming Zone in appropriate locations within the municipality to reflect the requirements for the equine industry, or provide greater flexibility/discretion for equine businesses in rural areas; and*

- *Consider feedback regarding rural living opportunities within the Rural Living Strategy 2012.*

Strategy 3.2 Provide decision making criteria to assist planning staff with the business requirements of the equine industry.

The Panel considers the Equine Strategy could reasonably fulfil the role of a reference document, that is to provide background information. However, although the MRRA and Coliban Water expressed broad concerns, the issues it raises have not been ventilated through the Amendment C84 process sufficiently for the planning scheme to indicate this strategy will be implemented. As suggested in the Equine Strategy, these issues should be addressed in a further Amendment following the completion of the proposed Rural Living Strategy.

In its Interim Report the Panel agreed with MRRA submissions that the proposed MSS emphasis on tourism may be exaggerated relative to the protection of environmental values and other elements of the local economy. We note that a number of revisions have re-balanced this aspect, while maintaining support for tourism in appropriate locations. The recommended MSS includes some qualifications and deletes the inclusion of the document under specific implementation clauses of the MSS for similar reasons to those identified above in relation to the Equine Strategy.

2.8 Rural areas

2.8.1 The issues

In its Interim Report it was the Panel's view that the Environment and Landscape theme lacked coherence; the policy direction provided had been diluted, policy related to rural living was lost and there was considerable overlap and repetition in existing policies for rural areas that has not been effectively resolved in the proposed LPPF.

Submissions at the Reconvened Hearing did not address these issues, although the MRRA made it clear that it did not consider adequate responses were made to the issues it raised at the Main Hearing and the associated Panel recommendations.

2.8.2 Discussion

The Panel considers the current version has addressed some of the concerns raised in the Interim Report but the structure and provisions could be improved further. The rural provisions in the recommended version of the MSS have been prepared with little input from submissions or presentations at the hearings. The changes put forward are intended to illustrate possible improvements for consideration by Council. They include:

- Incorporating a rural framework plan (in addition to a plan that focuses on the settlement hierarchy) in Clause 21.03 to present the overarching strategies for rural areas in a prominent location.
- Distinguishing content that relates primarily to landscape values from biodiversity, resource management and environmental hazards. For example, content relating to the