

FINAL REPORT

# Review of the Central Goldfields Planning Scheme

**July 2013**

*Prepared for*

Central Goldfields Shire Council

*Prepared by*



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## Executive Summary

The review has found that the Central Goldfields Planning Scheme ('Planning Scheme') has generally served the Shire well since its introduction in 2000.

The review has found that:

- The Planning Scheme is generally consistent with the State Planning Policy Framework and seeks to implement it at the local level, although there are a number of gaps and areas that need to be strengthened, specifically in relation to climate change, bushfire management and flooding.
- The Municipal Strategic Statement (MSS) is generally concise, well-structured and easy to use, although would benefit from a range of structural improvements, removal of repetition, and the inclusion of key findings of recent strategic planning studies.
- The Planning Scheme is, for the most part, unchanged since its introduction in 2000 and, as a result, improvements to a number of Local Planning Policies, zone schedules, overlays, and other local provisions are also required to improve its relevance and performance.

At a strategic level, this review has occurred at an important time for the Shire, as a range of influences converge that have the potential to change the prospects for the Shire. These include:

- a reversal of long-term population decline and positive population growth;
- significant recent public and private investment in the Maryborough CBD;
- strong recent residential building activity in Maryborough, including medium density residential developments;
- re-commencement of the Ballarat to Maryborough rail services.

In response to these influences, Council is seeking to re-position the Shire to capture economic growth through urban development and tourism development, whilst continuing to nurture the traditional manufacturing and agricultural sectors. The prospects are bright, as the Shire has much to offer in the way of housing and lifestyle options, infrastructure, retail and community services and a rich heritage.

Council has adopted an aggressive 'population growth strategy', which will require it to confront complex strategic land use planning questions about where growth should occur and what form this growth should take. For the first time, this is being considered in a regional context through the development of regional growth plans, which provide unique opportunities to position the Shire for investment and growth.

The key emerging planning issues facing the Shire are:

- how to manage bushfire risk, which could prevent some existing zoned residential land from being developed for urban development;
- how to attract a sufficient share of urban growth when the majority of urban growth in the region is likely to occur in the larger regional centres of Bendigo and Ballarat;
- how to develop a credible strategy to accommodate significant population growth when DPCD population projections anticipate low growth to 2031;
- how to reconcile aspirations for urban growth with environmental risks such as bushfire and flooding, and the need to protect native vegetation;
- how to capture economic development opportunities associated with tourism in a Shire that has significant heritage assets but under-developed tourism infrastructure and awareness of these assets.

The current MSS was written at a time when the population was in decline. As a consequence, the Planning Scheme currently anticipates modest residential, industrial and commercial growth, and does not identify or directly address the emerging planning issues outlined above.

Council has commenced the necessary strategic planning to provide a strong strategic framework for strong population growth as anticipated in the population growth strategy. To date, its strategic planning work has involved the development of urban design frameworks, which have served the Shire well in planning for a number of site-specific redevelopment projects and for planning issues in the smaller towns in the Shire.

If, however, Council wishes to promote Maryborough as a sub-regional centre that is focused on urban growth, it needs to establish more rigorous land-use planning strategies for its strategic decision making, particularly in Maryborough. The review suggests that Council should aspire to a strategic framework that has four key components:

- a residential land strategy (a residential settlement strategy has been commenced);
- a commercial land strategy;
- an industrial land strategy;
- a rural land strategy, which should include an assessment of rural living land.

For residential development, the review has suggested that it would be prudent to plan for low, medium and high growth scenarios. This approach should ensure that any strategies that are developed have the flexibility to address the planning issues that are associated with major growth pressures, if and when these emerge.

This review has identified a significant amount of further strategic work that should be considered by the Shire. It identifies the following strategic projects that should be considered as high priorities for Council:

- develop strategic directions for low, medium and high growth settlement scenarios through the development of Council's Residential Settlement Strategy;
- prepare schedules to the Bushfire Management Overlay and planning scheme amendment to implement the findings in the Planning Scheme (project underway);
- seek guidance from the EPA on the status of Best Practice Environmental Management Siting, Design, Operation and Rehabilitation of Landfills (EPA, 2010);
- prepare a planning scheme amendment to implement the findings of the Flood and Drainage Management Plan for Carisbrook in the Planning Scheme;
- request that the NCCMA and State Government contribute to flooding investigations for Maryborough and Dunolly, or other priority areas as identified in consultation with the NCCMA;
- prepare a planning scheme amendment to implement the findings the Heritage Review Stage 1 (2004) in the Planning Scheme;
- develop a policy for urban development at the urban-forest interface;
- prepare a structure plan for the 'Bendigo-Maryborough Road Corridor'.

In order to implement the review, Council should prepare a planning scheme amendment to update the Municipal Strategic Statement with the emerging issues and planned future growth strategies documented in this review report. As part of this amendment, it should also make changes to several zone schedules, overlays and other provisions of the planning scheme to reduce permit triggers and improve decision making. It should also develop a strategic planning forward program and allocate an ongoing budget for strategic studies and planning scheme amendments.

# 1 Introduction

This report documents the findings of a review of the Central Goldfields Planning Scheme ('the Planning Scheme'). Central Goldfields Shire ('Council') engaged Centrum Town Planning to carry out the review in October, 2011.

Planning schemes are the main tool for guiding decision making on the use, development and protection of land. They are given statutory effect by the Planning and Environment Act 1987 ('the Act'). It is therefore important that the Planning Scheme accurately expresses Council's land use planning vision and implements planning policies that are set at the State level.

The project involved a review of all key components of the Central Goldfields Planning Scheme, including the Municipal Strategic Statement, Local Planning Policies, zones and overlays.

This is the first complete review of the Central Goldfields Planning Scheme since it came into effect in June, 2000. The review comes at an important time for the Shire. It is seeking to attract strong population growth to 2025, and has commenced a planning framework to ensure that this growth can be accommodated. Closely related to this, the Shire is also in process of defining the future role of the Shire and its largest town, Maryborough, in the surrounding Central Highlands and Loddon Mallee regions. The Shire is also considering the way in which it should respond to environmental risks such as bushfire and flooding, which have become more prominent planning issues in Victoria in recent years following the Black Saturday bushfires of 2009 and flooding events in 2010 and 2011.



## 1.1 Purpose

The review has been carried out to satisfy Section 12B of the Act, which includes a requirement for a planning authority to review its planning scheme once every four years, within 12 months of the election of a new Council. The objectives of the review are to ensure that planning schemes:

- are consistent in form and content with the directions or guidelines issued by the Minister under section 7; and
- set out effectively the policy objectives for use and development of land in the area to which the Planning Scheme applies; and
- make effective use of State provisions and local provisions to give effect to State and local planning policy objectives.

Once adopted, the review report will be provided to the Minister for Planning.

## 1.2 Objectives

The Shire anticipates that the review will lead to:

- clearer strategic objectives that reflect Council's current strategic priorities;
- less complex controls;
- removal of unnecessary permit requirements;
- simpler, clearer language;
- improved format, consistency and useability;
- enhanced community confidence in the planning system.

The review process will provide the evidence base for:

- a re-drafted and re-structured Municipal Strategic Statement (MSS);
- a review of existing Local Planning Policies;
- technical improvements and updates to other local provisions of the Planning Scheme.

## 1.3 Review process

### Methodology

The review was carried out in five stages:

- analysis of existing policies, strategies and data;
- synthesis of information, preparation and distribution of an issues paper;
- consultation with government departments, agencies and the community.
- preparation of the review report;
- adoption by Council on 25 June, 2013.

### Guiding principles

This review has been informed by the process set out in the *Continuous Improvement Review Kit for planning and responsible authorities* (DSE, 2006) and has been adapted to the needs of this particular project.

It has also been informed by various State Government planning practice notes. These include:

- Writing a Municipal Strategic Statement, September 2010, PN4
- Writing a Local Planning Policy, November 2012, PN8
- The role of mandatory provisions in planning schemes, September 2010, PN59
- Review of planning schemes, February 2006
- Incorporated and reference documents, August 2000 (PDF - 43 KB)

These documents provide technical advice about the preferred format and content of the local provisions of planning schemes. Recurring themes within these documents are:

- the need for local provisions to have clear links to State Planning Policies (SPPF) and Municipal Strategic Statement (MSS); and
- the need for local provisions to be concise, clear and easy to read.

### Documents reviewed

To inform the review, Centrum Town Planning has reviewed the key strategic documents that are most relevant to a Scheme review. These are identified in Section 3 of the report and in the list of references at the end of the report. It was not possible to review all documents that are currently referenced in the Planning Scheme as part of this review, noting that Clause 21.09 of the MSS identifies eleven environmental reports dating back to the early 1990s.

### **Report structure**

The report has been divided into 12 sections:

- Sections 1 to 3 provide the context for the review;
- Sections 4 to 11 contain the findings of the review;
- Section 12 provides an implementation plan for the review.

Sections 4-11 contain the recommendations for Council to implement the findings of the review and for further strategic work. The recommendations have been given a reference number with a two letter prefix that relates to the relevant section of the report (e.g. Strategic Studies – ‘SS’, Changes to MSS – ‘MS’).

## 1.4 Consultation

Consultation for the project was carried out between March and May, 2012. Details of the consultation events and attendees are provided in Appendix E. A list of organisations and individuals that prepared written submissions to the review is provided in Attachment F.

### Community

The community was consulted about the project through a survey form that was made available at the Shire's offices and on Council's website during March, 2012. Workshops were also held with Councillors as the elected representatives of their communities.

The consultation revealed that the community places a high value on the following features of the Shire:

- its extensive heritage assets;
- the diversity of housing/land options available;
- the 'green-belt' around Maryborough, bushland areas and street trees.

The consultation also identified a number of issues that need greater attention in strategic planning. These included (in summary):

- The entrances to Maryborough, which are considered to be unattractive for a variety of reasons.
- Development in small towns, which needs to be sensitively managed.
- Guidance is needed for how infill development should occur, particularly in heritage areas.
- Opportunities for new retail development, including large format retailing.
- The services sector, which has the greatest potential for growth.
- The development of industrial land by Council
- The Maryborough Aerodrome may have potential for light industrial development.
- Areas of potential conflict between industrial and sensitive uses
- Congestion in the Maryborough CBD.
- The need for roads to accommodate a wider range of users.
- The need to expand train services to encourage tourism.
- Strategies that encourage the retention of significant vegetation on private land
- The inability to develop small lots due to lack of reticulated sewerage and gas supply.

### Stakeholder consultation

Workshops and interviews were also held with the following stakeholders between March and May, 2012:

- Council town planning officers
- Department Planning & Community Development (DPCD)
- Department of Transport (DOT)
- Department of Sustainability & Environment (DSE)
- Parks Victoria
- Water authorities:
  - North Central Catchment Management Authority (NCCMA)
  - Goulburn Murray Water (GMW)
  - Coliban Water
  - Central Highlands Water
- Country Fire Authority (CFA)
- Environment Protection Authority (EPA)

Contact was also made with the following agencies and departments:

- VicRoads
- Department of Primary Industries (DPI)
- VicTrack

The findings of the consultation with stakeholders have been incorporated into relevant sections of the review of the Municipal Strategic Statement in Section 7 of this report.

## 2 Background

### 2.1 Profile of Scheme

#### Structure

Like all planning schemes in Victoria, the Central Goldfields Planning Scheme is divided into six key sections, as follows:

- State Planning Policy Framework
- Local Planning Policy Framework (Municipal Strategic Statement & Local Planning Policies)
- Zones
- Overlays
- Particular Provisions
- General Provisions

The following sections of the report provide a brief summary of the main sections of the Planning Scheme that will be discussed in this report.

#### State Planning Policy Framework

The State Planning Policy Framework (SPPF) sets out the planning policies that apply to all land in Victoria. The State Planning Policy Framework cannot be varied at the local level. All other parts of the Planning Scheme must be consistent with, and give effect to, the state planning policies. The SPPF is divided into ten key clauses, including clauses relating to settlement, environment, environmental and landscape values, environmental risks, natural resource management, built environment and heritage, housing, economic development and infrastructure.

#### Municipal Strategic Statement

The Municipal Strategic Statement (MSS) is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. Under the Act, a Municipal Strategic Statement must contain the strategic planning, land use and development objectives of the planning authority, the strategies for achieving the objectives and an explanation of how these relate to the planning controls in the Planning Scheme.

The Central Goldfields Municipal Strategic Statement is divided into 15 sections. Most of the key strategic directions of the Planning Scheme are contained within seven clauses, as summarised in Table 1. The State Planning Policy Framework and Municipal Strategic Statement together provide the strategic basis for the application of zones, overlays and particular provisions in the planning scheme

**Table 1 Summary of key strategic directions in the Central Goldfields MSS**

Theme	Key strategic directions
Clause 21.06 Residential development	<ul style="list-style-type: none"> <li>▪ Direct population growth primarily to Maryborough, direct other population to infill allotments in smaller townships</li> <li>▪ Provide opportunities for low density residential and rural living in appropriate areas</li> <li>▪ Provide a range of residential options (cost, lot size, type)</li> </ul>
Clause 21.07 Industrial development	<ul style="list-style-type: none"> <li>▪ Ensure an adequate supply of serviced land</li> <li>▪ Identify and maximize opportunities for innovative industrial development</li> </ul>
Clause 21.08 Agricultural productivity	<ul style="list-style-type: none"> <li>▪ Promote dryland agriculture by restricting the subdivision and alienation of productive agricultural land</li> <li>▪ Limit inappropriate development of crown allotments and encourage farm consolidation</li> <li>▪ Ensure land use planning avoids conflicts between agricultural and residential uses</li> <li>▪ Encourage ecologically sustainable management practices</li> </ul>
Clause 21.09 Protection of land and water resources	<ul style="list-style-type: none"> <li>▪ Maintain water quality in the Avoca and Loddon catchments</li> <li>▪ Ensure land capability supports land use and development proposals</li> <li>▪ Enhance and protect remnant vegetation and wildlife corridors</li> </ul>
Clause 21.10 Heritage	<ul style="list-style-type: none"> <li>▪ Conserve and enhance places of scientific, aesthetic, architectural or historical interest</li> <li>▪ Protect the Shire's heritage from intrusive and unsympathetic development</li> </ul>
Clause 21.11 Tourism	<ul style="list-style-type: none"> <li>▪ Continue to develop the shire's cultural tourism niche related to small gold towns, goldfields and mining heritage</li> <li>▪ Develop the tourism potential of the shire's townships</li> <li>▪ Continue to develop regional tourism links with an emphasis on the 'Golden Way Touring Route'</li> </ul>
Clause 21.12 Strengthening the regional role of Maryborough	<ul style="list-style-type: none"> <li>▪ Encourage well-planned and integrated urban development of Maryborough</li> <li>▪ Encourage and promote Maryborough Central Business Area as a sub-regional centre for retail, business and community services</li> <li>▪ Maintain and enhance the character and qualities of the Marlborough CBA by retaining its compact form, pedestrian scale and heritage character</li> <li>▪ Continue to promote and develop Maryborough as a model centre for manufacturing industry</li> </ul>
Clause 21.13 Enhancing the lifestyle qualities of townships	<ul style="list-style-type: none"> <li>▪ Enhance the 'urban village' and townscape character of the Shire's townships</li> <li>▪ Encourage and identify development opportunities that build on the roles and strengths of each township</li> </ul>

### Local Planning Policies

Local Planning Policies are used to implement the objectives and strategies of the Municipal Strategic Statement. They are statement of intent or expectation and express what Council will do in specified circumstances or its expectation of what should happen. The Central Goldfields Planning Scheme contains five Local Policies:

- Clause 22.01 Urban design
- Clause 22.02 Box Ironbark forests
- Clause 22.03 Heritage
- Clause 22.04 Agriculture
- Clause 22.05 Industrial development

### Zones

Zones control the use and development of land, including subdivision. In this way, the application of zones is one of the main ways that Council can implement its strategic objectives. The Central Goldfields Planning Scheme contains the following zones:

- *Residential Zones:* Residential 1 Zone, Residential 2 Zone, Low Density Residential Zone, Mixed Use Zone, Township Zone
- *Industrial Zones:* Industrial 1 Zone, Industrial 2 Zone
- *Business Zones:* Business 1 Zone, Business 2 Zone, Business 3 Zone, Business 4 Zone, Business 5 Zone
- *Rural Zones:* Rural Living Zone, Rural Conservation Zone, Farming Zone
- *Public Zones:* Public Use Zone, Public Park and Recreation Zone, Public Conservation and Resource Zone, Road Zone
- *Special Use Zones:* Goldfields Reservoir, Maryborough Golf Course

Zone provisions cannot be varied at the local level, however, schedules to each zone can introduce local content in the Planning Scheme to address local needs. The scope of matters that can be modified varies, depending on the zone. Local variations have only been made in the schedule to the Rural Living Zone. All other schedules contain the state standard default provisions.



## Overlays

In addition to the zone provisions, overlays are applied where additional requirements apply to land. Like zones, the provisions of the overlays cannot be varied at the local level, however, schedules to the overlay can introduce local content in the planning scheme to reflect local circumstances. Like zones, the overlays must also have strategic justification. Council's strategic objectives are currently implemented by the following overlays:

- Environmental Significance Overlay (Schedules 1 to 2)
- Vegetation Protection Overlay (Schedule 1)
- Significant Landscape Overlay (Schedules 1 to 2)
- Heritage Overlay (Schedules 1 to 209)
- Design and Development Overlay (Schedules 1 to 2)
- Development Plan Overlay (Schedules 1 to 3)
- Erosion Management Overlay
- Salinity Management Overlay
- Land Subject to Inundation Overlay
- Wildfire Management Overlay / Bushfire Management Overlay
- Public Acquisition Overlay
- Environmental Audit Overlay

## 2.2 Evolution of Scheme

The Central Goldfields Planning Scheme came into effect on 22nd June, 2000, following a consultation process and an Advisory Committee appointed by the Minister for Planning.

### Previous reviews

In 2005, RPD Group prepared a review of the Municipal Strategic Statement. The purpose of this review was similar to that of the current review, however, its scope was limited to the Municipal Strategic Statement as this was the requirement of the Act at the time.

This review found that the Central Goldfields Planning Scheme furthers the objectives of planning in Victoria, but could be enhanced through changes to the MSS (RPD Group, 12). It concluded that the MSS and Planning Scheme do not require any substantial changes in direction, although identified opportunities to *“improve the planning scheme’s expression of Council’s vision through refining and restructuring it into the current format”* (RPD Group, 29).

Specifically, the review found that:

- *the Planning Scheme furthers the objectives of planning in Victoria, but there are opportunities to enhance the pursuit of these objectives (page 12)*
- *the Central Goldfields MSS supports the SPPF and seeks to implement these policies at the local level, although this could be enhanced by re-structuring the MSS and:*
  - *developing a strategy for rural living;*
  - *improving discussion of local flooding and wildfire issues;*
  - *highlighting the Shire’s position on renewable energy; (page 14, 16)*
- *implementation of the state government strategies could be improved through:*
  - *the development of strategies to manage interfaces between private and public land;*
  - *strategies to preserve historical and cultural features reserves in heritage section;*
  - *reflection of key environment strategies relating to catchments, river health and regional vegetation in the environment section (page 15)*
- *strategic performance of the Planning Scheme could be improved through various changes to objectives, strategies and implementation tools for each planning theme (pp 17-22);*
- *the key themes of the Council Plan are reflected in the MSS (page 28);*
- *various changes would improve the format, consistency and usability of the Planning Scheme, including:*
  - *removing duplication of issues;*
  - *better internal linkages;*
  - *improved assessment indicators; and*
  - *ensuring local policies aid decision making (pp 28-29)*

The review was adopted by Council in June, 2005. Following the review, the Municipal Strategic Statement was re-drafted, however, it was not introduced in the planning scheme through a planning scheme amendment.

### **Victoria Planning Provisions – what has changed?**

Since the Planning Scheme was introduced in 2000, a number of important changes have occurred to the Victoria Planning Provisions. These include:

- New residential development provisions in Clauses 54, 55 and 56 for dwellings and subdivision, ResCode, (VC 12 August, 2001).
- Introduction of the Farming Zone in the VPP's, with greater protection for agricultural uses and agricultural land (C24, June, 2004).
- A new approach to native vegetation management (VC38, March, 2006) and subsequent amendments that made further changes to exemptions for native vegetation removal (VC44, November, 2006 and VC46, February, 2008).
- An updated Clause 56 (Residential Subdivision), with new provisions relating to neighbourhood design, walking, accessibility for people with disabilities, increased public transport use, safer and more active communities, provision of schools, energy efficient housing, local water management and site management (VC42, October, 2006).
- Introduction of the *Aboriginal Heritage Act, 2006* (VC45, September, 2007) and a requirement for responsible authorities to determine whether a Cultural Heritage Management Plan is required prior to approving a particular use or development.
- Introduction of land use and development strategies of *Ready for Tomorrow: A Blueprint for Regional and Rural Victoria*, which aim to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan (VC66, July, 2010).
- Revised State Planning Policies, restructured under the following SPPF themes: Settlement, Environmental and landscape values, Environmental risk, Natural resource management, Built environment and heritage, Housing, Economic development, Transport and Infrastructure (VC 71, September, 2010).
- Introduction of new bushfire provisions, including new planning policy in the SPPF, Bushfire Management Overlay (BMO), particular provision for bushfires and changes to the native vegetation provisions (VC83 November, 2011).

### Local amendments

Since the current scheme came into effect in 2000, 17 planning scheme amendments have been approved by the Minister for Planning at the request of Central Goldfields Shire Council. Of these amendments:

- three have involved rezoning land to a Public Use Zone (C4, C6, C15);
- four have involved rezoning land to a business or industrial zone (C1, C8, C10, C12,);
- two have involved rezoning land to a residential zone (C18, C16).

Significant local planning scheme amendments have included:

- Amendment C1 (October, 2001), which rezoned 12 hectares of land to the Industrial 1 Zone on Bendigo-Maryborough Road to facilitate the development of the 'Drive-In industrial estate'.
- Application of the Farming Zone as the default zone to replace the Rural Zone (C9, August, 2006).
- Amendment C10 (July, 2007), which rezoned the Flour Mill site on Inkerman Street to the Business 5 Zone with an Environmental Audit Overlay.
- Amendment C12 (March, 2008), which rezoned the former Maryborough Knitting Mills site to the Business 1 Zone to facilitate its redevelopment for a shopping centre.
- Amendment C18 (December, 2008), which rezoned three former school sites in Maryborough to facilitate their redevelopment for residential and mixed use purposes
- Amendment C16 (June 2009), which rezoned land at the Maryborough Golf Course to facilitate a residential development.

### Current planning scheme amendments

Council is currently considering four following planning scheme amendments that have yet to be approved:

- Amendment C11, which proposes to rezone a site in Carisbrook from the Industrial 1 Zone to the Rural Living Zone in Tullaroop Road. This Amendment is subject to a further information request from DPCD as part of the authorisation process.
- Amendment C22, which proposes to correct a number of zoning errors in the Planning Scheme.
- Amendment C25, which proposes changes to the mapping of the Bushfire Management Overlay, and is being managed by DPCD.

## 2.3 Key findings

The review has found that there have been a significant number of amendments to the Victoria Planning Provisions over the past 10 years. These have been motivated by various factors, including:

- changing policy directions of the State Government;
- the need to clarify and improve the operations of planning schemes; and
- the need to respond to particular natural disasters and economic conditions.

The review has found that the Planning Scheme is, for the most part, unchanged since its introduction in 2000 and has been amended on relatively few occasions since this time. The review has found that most of the major planning scheme amendments have occurred in the past five years and have been initiated in response a number of major development projects. At present, Council has only four planning scheme amendments that are active or unresolved.

## 3 Strategic influences

The Planning Scheme is influenced by a range of strategic influences, including demographic and development trends and emerging policies at the state, regional and local levels. This section explores the key influences that will affect land use planning in the coming years and should be reflected in the Planning Scheme.

### 3.1 Demographic and housing trends

Demographic trends influence settlement patterns, social needs and housing needs. The MSS currently recognises that maintaining population levels is a key issue influencing the Shire's future land use and development. In order to inform the review, an analysis of key demographic indicators was prepared based on data from the ABS Census of Population and Housing (refer to Appendix B).

The data shows that population growth in the Shire since 2001 has been low, but positive. It also shows that the average annual rate of growth increased marginally during the latest census period from 2006 to 2011 (0.28%) compared with the previous census period 2001 to 2006 (0.12%).

A growing population is very important to the Shire, because it represents a reversal in the population declines that were experienced in the Shire during the 1980s and 1990s.

Other demographic trends and characteristics of note arising from the 2011 Census for Central Goldfields Shire include:

- an age profile that is getting older;
- an age profile that is older than in Regional Victoria;
- a decline in average household size between 2006 and 2011;
- lower household size compared with Regional Victoria;
- a higher proportion of single or lone person households compared with Regional Victoria;
- higher levels of home ownership than in Regional Victoria;
- a high proportion of occupied dwellings in the Shire that are separate houses (90%), a level which is similar to that of Regional Victoria.

### 3.2 Socio-economic and public health trends

In addition to demographic trends, there are a number of broader socio-economic and public health trends that will influence land use planning decisions in the future. According to the Central Goldfields Municipal Public Health and Wellbeing Plan 2009-2013, Central Goldfields Shire Council was rated as the most disadvantaged municipality in Victoria in terms of income, educational attainment, employment, housing and motor vehicle access based on the SEIFA index (Central Goldfields Shire, 2013). More detail is provided in the Central Goldfields Municipal Public Health and Wellbeing Plan 2009-2013 (page 11).

### 3.3 Population projections

Population projections prepared by the Department of Planning and Community Development anticipate that:

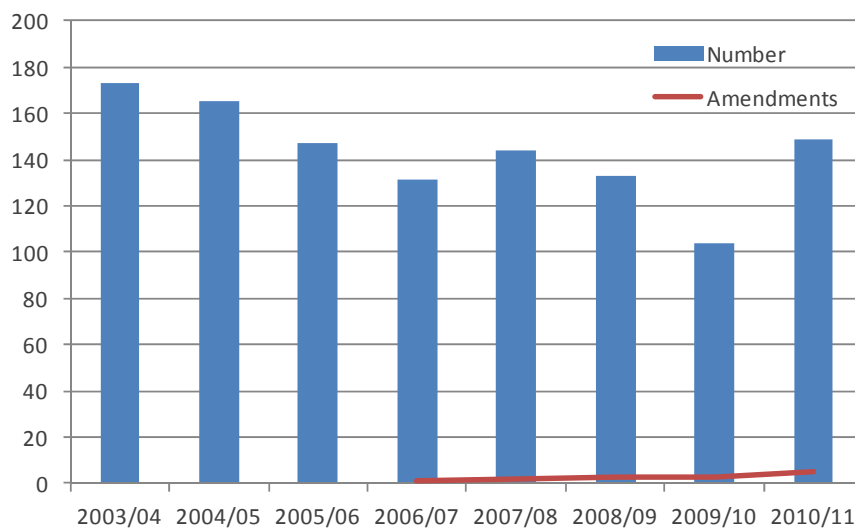
- the Shire's population will grow from 12,792 to 13,988 in the period 2011 to 2031;
- growth in the period will represent approximately 0.4% per annum;
- the number of households in the Shire is expected to increase by 846 over the period 2011 to 2031, or an average of 42.3 per year.

Source: (DPCD, 2012)

### 3.4 Development trends

Planning and building approvals provide a useful guide about development and investment activity in the Shire. Figure 1 shows that the number of applications for planning permits and amendments to permits received by Council. It shows that permit activity has been on a downward trend since 2003/2004, although there was a jump in permit activity in 2010/2011. Further investigation is required to understand why this fall has occurred, although it is likely to be due to a range of factors including an economic slowdown from 2008.

**Figure 1 Planning applications and amendments in Central Goldfields Shire 2003 to 2011**



Source: DSE / DPCD, 2003-2011

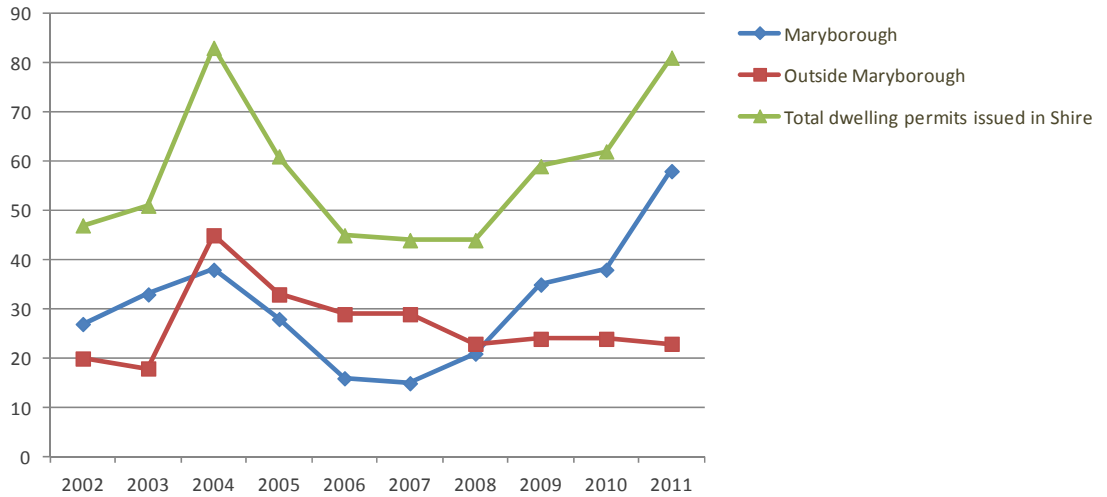
Figures 2 to 4 display information about building permit activity. Building approvals are particularly useful as they capture all proposed investment that requires building approval. Key findings are presented below:

- The number of building permits issued for new dwellings in the Shire has fluctuated between 40 and 80 dwellings per annum, with recent strong levels of activity, particularly in Maryborough (refer to Figure 2).
- The number of non-residential building permits issued in the Shire has fluctuated quite significantly between 2002 and 2011, with a high number of permits issued in the mid 2000s (refer to Figure 3).
- The value of non-residential works has fluctuated significantly over the period, with an average just under \$8 million per annum from 2002 to 2011 (refer to Figure 4).
- There were spikes in 2006 and 2008 reflecting the commencement of large individual construction projects in these years. Significant projects included:
  - MEC alterations, IGA, Maryborough Railway Station, Havilah Hostel, MEC extension, ABC stage 2 (2006)
  - Havilah hostel extension, Maryborough Knitting Mills redevelopment (2008)



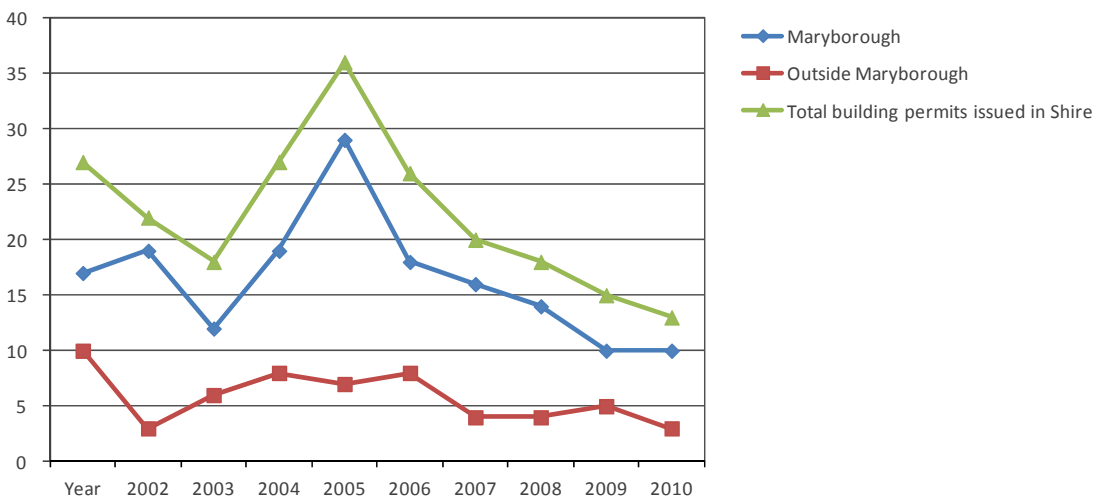
- On average, approximately 90% of all non-residential building works have taken place in Maryborough (refer to Figure 4).

**Figure 2 Building permits issued for new dwellings in Central Goldfields Shire 2002-2011**



Source: Central Goldfields Shire, 2012

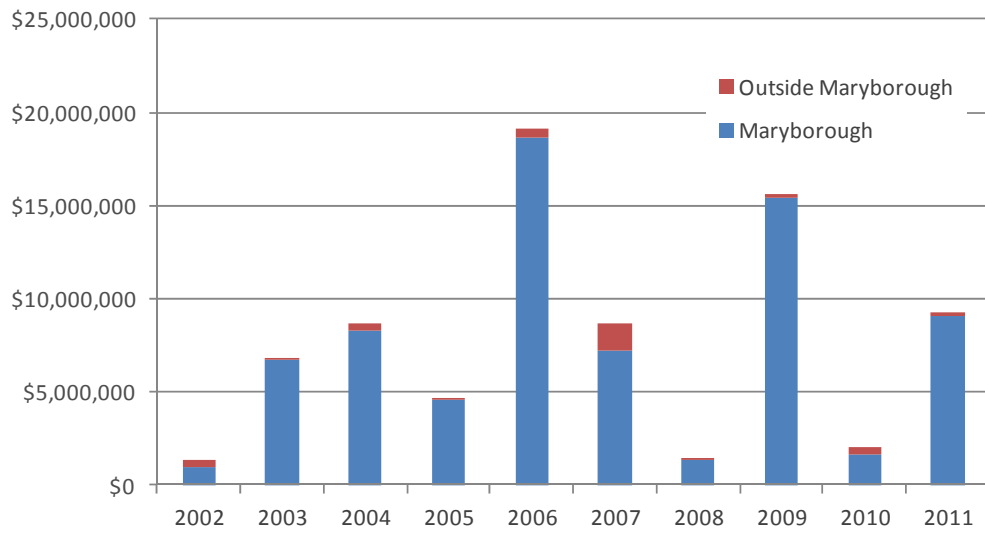
**Figure 3 Non-residential building permits issued in Central Goldfields Shire 2002-2011<sup>1</sup>**



Source: Central Goldfields Shire, 2012

<sup>1</sup> Data in Figures 3&4 excludes fire service installations and demolitions

**Figure 4 Value of non-residential building permits in Central Goldfields Shire 2002-2011**



Source: Central Goldfields Shire, 2012

### 3.5 State Government policies

Local government must have regard to a range of policy influences from state and federal governments and from government agencies and servicing authorities. These relationships are generally set out in the State Planning Policy Framework. Whilst there are many documents that are broadly relevant to planning schemes, the following documents are considered to be particularly relevant to issues that will shape future strategic planning initiatives in Central Goldfields Shire.

#### **Guidelines for Potable Water Supply Catchment Areas**

The State Government has released *'Guidelines for planning permit applications in open, potable water supply catchment areas (November, 2012)*. This document describes five guidelines that must be met, including a limit on the density of new dwellings and lots in potable water supply catchments unless one of four exemption categories is met.

The Guidelines were prepared following a VCAT case, *Rozen v Macedon Ranges SC (includes Summary) (Red Dot) [2009] VCAT 2746*, which considered the application of the precautionary principle when considering a proposal to construct dwellings in an open potable water catchment. A further case, *Simpson v Ballarat CC (includes Summary) (Red Dot) [2012] VCAT 133* considered what is an open, potable water supply catchment area.

Central Goldfields Shire has special water supply catchments associated with the Laanecoorie, Bealiba, Cairn Curran and Tullaroop Reservoirs that are affected by the Guidelines.

#### **Best Practice Environmental Management Siting, Design, Operation and Rehabilitation of Landfills (EPA, 2010)**

The aim of this document is *"to provide existing and future operators of landfills, planning authorities and regulating bodies with information on potential impacts of landfills on the environment and how these are to be mitigated"* (EPA, 2010, 5).

The document contains a list of objectives and performance measures that should be met for the design, operation and rehabilitation of landfills, however it allows for the development of alternative strategies to meet the guidelines. The document is in draft form and is intended to replace the guidelines that are referred to in Clause 19.03-5 of the State Planning Policy Framework. Key guidelines that relate to former landfills, which are the only type of landfill in Central Goldfields Shire, are the need to:

- maintain caps, leachate systems and have environmental monitoring systems for a typical period of 30 years after closure of the landfill (EPA, 2010, 53) ;
- maintain buffers between sensitive land uses and closed landfills to prevent gas related risks for a minimum of 30 years, post-closure, with buffers distances of:
  - 200 metres for type 3 landfills (solid, inert waste);
  - 500 metres for type 2 landfills (municipal, putrescible waste);

- require an environmental audit or other investigation to ensure that the development will not be affected by the landfill when considering planning permit applications or planning scheme amendments that would allow development within a buffer, (EPA, 2010, 54).

### 3.6 Regional plans and initiatives

There are a number of recent strategic plans that provide a picture of emerging issues in Central Victoria and key elements that may need to be reflected in the Planning Scheme. A brief overview of these documents is provided below. A number of the policies are in draft form, but are considered to be important to identify as part of the review.

#### **Box-Ironbark Forests & Woodlands Investigation (2001)**

The Environment Conservation Council's Review of the Box Ironbark Ecosystem was released in 2001. The document recommends the creation of a number of parks with different levels of protection. These were gazetted in 2002. Parks in Central Goldfields Shire include:

- Paddys Ranges State Park
- Maryborough Regional Park
- Dunolly-Inglewood State Forests
- Maryborough State Forests

The report contains a list of principles and management guidelines for the operation and conservation of each type of park. *Note - this document is mentioned in Clause 21.09 of the Planning Scheme.*

#### **Loddon Mallee Regional Strategic Plan – Southern Region**

This plan provides a framework for governance and investment in the Loddon Mallee South Region, including Central Goldfields Shire. It identifies issues facing the region and presents a strategies and actions for regional development that are relevant to all levels of government, industry and communities.

The Plan was prepared in 2010 by the Loddon Mallee Regional Management Forum, which included representatives comprising representatives of local and state government. Officers and councillor representatives from Central Goldfields Shire were involved in the development of the Plan.

The plan identifies a range of issues and opportunities relevant to future strategic planning the region. In respect of Central Goldfields Shire, the plan recognises that:

- Maryborough is a district centre with strong relationships to Bendigo and Ballarat that offers a range of retail and education services and infrastructure (page 14);
- Maryborough has significant infrastructure and is capable of accommodating population growth (page 13);
- Talbot has capacity for growth if the appropriate sewer infrastructure is provided (page 13);

- though population growth is currently low, strategies such as the reintroduction of the Maryborough railway line are being implemented to attract people and industry to the municipality (page 14).

The plan identifies the following initiatives relevant to Central Goldfields Shire:

- To support population stability and interventions over the next five years to encourage growth in areas where population has stabilised or fallen, including Central Goldfields Shire (page 15).
- To develop further employment opportunities [in] the Central Goldfields and Loddon Shires, where there are limited opportunities beyond the traditional manufacturing and agriculture sectors (page 21).

### **Central Highlands Regional Strategic Plan**

This plan has a similar purpose to the Loddon Mallee Regional Strategic Plan. The Plan was prepared in 2010 by a team of consultants on behalf of the Regional Mayors' and CEOs' Forum. The Central Highlands Region includes Central Goldfields Shire and representatives from Central Goldfields Shire.

The plan identifies a range of issues and opportunities relevant to future strategic planning the region. In respect of Central Goldfields Shire, the plan:

- identifies the important role of gold in the development of the region, and importance of Maryborough as a major gold mining centre in the development of industry and innovation (page 8);
- identifies the potential for population and tourism growth based on its transport connections services, heritage assets and central location in the region (page 21);
- identifies the potential for Maryborough to accommodate urban growth building upon the re-opened passenger service to Ballarat, which connects with Melbourne, and other rail investment that has been committed for the Clunes and Creswick transport corridors (24);
- designates Maryborough's role in the region as a 'regional centre' that services a wide geographical area (page 21);
- contains a strategy to badge, identify and market the region in co-operation with other regions as Australia's first National Heritage Region, with the opportunity to reposition the role of the Central Goldfields Shire as a driver of connections across the region (page 28).

### Loddon Mallee Regional Growth Plan

DPCD has prepared the Loddon Mallee Regional Growth Plan, which is currently in draft form. The plan has been developed to provide broad long-term direction for land use and development across regional Victoria as. The Loddon Mallee South Regional Growth Plan is the strategic regional land use plan for the Loddon Mallee South region, which comprises the following local government areas: Greater Bendigo, Central Goldfields, Loddon, Mt Alexander and Macedon Ranges (DPCD, 2013, 1).

The Plan identifies Maryborough as a ‘regional centre’ that is nominated for medium/major growth in population and employment (DPCD 2013, 44). The Plan notes that Maryborough has:

- *the social/service infrastructure and land supply to accommodate a significant increase in its current population of around 8,000 residents;*
- *extensive retail services which serve a wide population catchment area*
- *existing vacant industrial land suitable for attracting further large-scale manufacturing.*
- *strong links to both Bendigo and Ballarat, and excellent transport links providing access to jobs, services and education facilities in the regional cities.*
- *current vacant residential land supply provides for an approximate population of 14,000, with future areas for investigation identified. (DPCD, 2013,44)*

The Plan identifies a number of challenges for growth in Maryborough include its historically low growth rates and the limits to expansion of the town due to bushfire risk and bushfire planning provisions, flooding hazards and urban salinity risks (DPCD, 2013, 44). The Plan includes actions or objectives to:

- prepare structure plans and other programs to promote the growth of Maryborough,
- diversify the economies of small towns through investment and appropriate flexible zoning provisions”
- re-open Talbot Station;
- investigate the sewerage of Talbot;
- prepare a rail revival study to investigate the potential to return passenger trains between Geelong, Ballarat and Bendigo via Maryborough and Castlemaine (currently under investigation);
- improve water quality in Dunolly (currently under investigation)
- establish a rail service from Castlemaine to Maryborough (long term investigation).

Central Goldfields Shire is also a stakeholder in the Central Highlands Regional Growth Plan due to its relationship with Ballarat to the south. This Plan has not yet been released, however, a future directions paper explores ideas around promoting growth the region’s largest towns (including Maryborough), and promoting growth in small to medium sized settlements radiating from Ballarat (DPCD, 2012).

### **Regional Catchment Management Strategy**

The North Central Catchment Management Authority has prepared a 'Regional Catchment Strategy 2013-2019'. It sets direction for investment and coordination of effort by landholders, partner organisations and the wider community for land, water and biodiversity management under the Catchment and Land Protection Act (1994). The Regional Catchment Strategy provides general information about environmental values and issues relevant to the north central catchments. It also provides a general description of the issues associated with the major flooding events in 2011.

Central Goldfields Shire is located in the south western part of the Loddon River catchment. Elements of the Plan that are relevant to this catchment are:

- goals to improve the condition of the Upper Loddon River (page 27);
- goals and actions for a 'priority biodiversity area' in Bealiba/ Dalyenong (page 35);
- the need to undertake further assessment work for the Upper Loddon into the feasibility and cost-effectiveness of achieving specific and agreed environmental outcomes; (page 35)
- general actions for dryland and irrigated agriculture;
- identification of the Moolort Plains Wetlands as a priority wetland asset, and a list of goals and actions for improving their condition (page 51);
- a recognition that a number of threatened flora and fauna species exist in the Bealiba/ Dalyenong and Upper Loddon (listed on pages 58-59 of document).

### **Carisbrook Flood and Drainage Management Plan**

The North Central Catchment Management Strategy has commissioned a 'Flood and Drainage Management Plan' for Carisbrook that will:

- simulate recent flood events;
- determine flood levels and extents for a range of flood events within the study area;
- investigate and recommend a number of possible structural and non-structural mitigation measures to reduce the future risk of flooding (both riverine and overland) to the residents of Carisbrook.

The plan is one of 26 flood studies that are being carried out across Victoria in response to the flooding events of 2010/11. It is unclear as to how the plan will be implemented in the Central Goldfields Planning Scheme or which organisation will be responsible for implementation of the planning recommendations (DPCD/NCCMA or Council), however, it is understood that Plan will lead to updates to the Land Subject to Inundation and flooding overlays in the Planning Scheme.

### **Regional Bushfire Planning Assessment**

The State Government has prepared a *Regional Bushfire Planning Assessment* for the Loddon Mallee Region, which identifies areas where a land use planning matters intersect with a bushfire hazard to influence the level of risk to life and property from bushfire (DPCD, 2012). The plan identifies:

- 13 areas in the Shire that contain medium sized lots (0.4- 4ha) that are located in, or close to, a bushfire hazard;
- bushfire /urban area hazard interfaces around most of Maryborough and parts of Dunolly, Bealiba, Moliagul and Talbot;
- risks associated with limited ingress and egress along Bendigo-Maryborough Road, and areas near Bealiba, Talbot and Dunolly.

DPCD's planning practice note recommends that this information should be addressed as part of strategic land use and settlement planning at the regional, municipal and local levels.

### **Rail Revival Study**

The Victorian Government allocated \$2 million to examine the long-term feasibility of returning passenger trains between Geelong, Ballarat and Bendigo (via Meredith, Maryborough & Castlemaine) – Victoria's second, third and fourth largest cities.

The study will look at reactivating the line between Maryborough and Castlemaine for regular passenger services and to consider reactivation of publicly disused railway stations along the line serving the towns of Carisbrook and Newstead. According to advice from the Department of Transport, Planning and Local Infrastructure, the study has been completed. It found that the high upfront cost of rail infrastructure significantly outweighs the predicted benefits and proposes a staged approach to the improvement of public transport services in the Midland region, with the first stage proposing a restructure of coach services between regional centres (Letter from DOTPLI 14/6/2013). The report also makes various land-use related recommendations to preserve railway stations and lines between Geelong, Ballarat and Bendigo (via Maryborough and Castlemaine). These are discussed in more detail in Section 7, Theme 8 (Transport).

### **Advancing Country Towns Project (Clunes Cluster)**

The Advancing Country Towns program is a \$9.4 million investment in nine regional and rural communities in Victoria. The program aims to revitalise the nine communities through improved investment and service coordination to enhance prosperity and quality of life. The Clunes Cluster project involves the towns of Clunes and Creswick (Hepburn Shire), and Talbot (Central Goldfields Shire).



In Talbot, the project aims to address issues relating to high unemployment, low education levels and infrastructure availability that can contribute to growth opportunities as a lifestyle destination. From a land use planning perspective, the project notes that the availability of suitably located and serviced will affect the towns' ability to attract residents and businesses.

Two of the four key recommendations in the project plan have a strong land use planning component. Recommendation 3 aims to develop an initiative for Residential Housing Development. This recommendation is supported by a residential land supply analysis that was developed as part of the Residential Settlement Strategy (not yet released). Recommendation 4 aims to increase the supply of suitable industrial and commercial land in the Clunes Cluster towns.

### 3.7 Council plans and policies

#### Council Plan 2013-2017

All Councils must prepare a Council Plan under the requirements of the *Local Government Act 1989*. The Central Goldfields Shire Council's vision, as expressed in the Council Plan, is "to be a community with choice". Through the Plan, Council has made a commitment to focus its efforts in the following four action areas: community and culture, economy and growth, built and natural environment, processes and government.

The Plan identifies strategies, key performance indicators and timelines for each strategy. Strategies most relevant to the Planning Scheme include:

- *Continue to protect heritage sites within the municipality.*
- *Review Council's Population Growth Strategy (incorporating the Maryborough Ballarat (Rail) Growth Corridor).*
- *Advocate for secure potable water supplies (particularly for Maryborough).*
- *Support the development of Flood Management Plans for Carisbrook and Dunolly.*
- *Continue to advocate for a sewerage scheme for Talbot Township.*
- *Review Central Goldfields Planning Scheme (including revision of Municipal Strategy Statement) with view to enhance the quality of life of our communities, and support diversity of housing options.*
- *Undertake Residential Settlement Strategy study for Maryborough.*

Source: Central Goldfields Shire, 2013-17.

### **Population Growth Strategy**

The Shire has adopted a 'Population Growth Strategy' (Minutes of Council Meeting 23/3/2011).

Key components of this strategy are:

- aggressive population targets for the Shire – an increase of 13,000 to 18,000 by 2025;
- indicative growth targets of 10,000 for Maryborough and 1,000 for Talbot;
- growth rate equivalent to 2.5% per annum over the period;
- growth to be concentrated in Maryborough and the Talbot/southern growth corridor.

The strategy identifies ten high level 'strategies' to assist in achieving this growth, including a new residential growth corridor south of Maryborough, tourism-related initiatives and social and cultural change.

The growth strategy identifies a residential growth corridor between Ballarat and Maryborough building on planned future rail improvements including the funded reopening of Talbot railway station (refer to comments under 'infrastructure').

The growth strategy is an aspirational framework for action that sets the high level direction for other settlement related strategies in the Shire.

### **Central Goldfields Shire Council Municipal Fire Management Plan 2012-015 (MFMP)**

This plan has been prepared in line with Part 6A of the Emergency Management Manual of Victoria (EMMV) and the State Fire Management Planning Committee's guidelines for integrated fire management planning. The focus of the document is on identifying fire risks facing the Shire and how these will be managed as a regional priority. The Plan identifies a number of bushfire management landscapes within the Shire (Central Goldfields Shire, 2012, 20):

- State Forests of Paddys Range, and Dunolly and the Bung Bong and Tunstalls Nature Conservation Reserves;
- mix of forested areas and open grasslands and cereal farming;
- areas of forest surrounding Maryborough and Dunolly;
- many parts of private property within the Shire that contact open woodland and grasslands which are interspersed with rural housing and settlement;
- small mountains to the north and south of the Shire that rise out of the flats that are a considerable risk if a bushfire was to occur.

The Plan identifies a series of challenges for the Shire, together with a detailed plan for managing the risks associated with bushfire in the Shire, including organisations responsible for particular actions and methods of risk measurement.

### 3.8 Conclusions

This review has occurred at an important time for the Shire as a range of strategic influences converge that have the potential to change the prospects for the Shire. These include:

- positive population growth and a reversal of long-term population decline;
- significant recent public and private investment in the Maryborough CBD;
- strong recent residential building activity in Maryborough, including medium density; residential developments;
- re-commencement of the Ballarat to Maryborough rail services.

In response to these influences, Council is seeking to re-position the Shire to capture economic growth through urban development and tourism development. Council has adopted an aggressive population growth strategy, which will require it to confront complex strategic land use planning questions about where growth should occur and what form this should take. Emerging strategic planning work on bushfire risk, flooding and catchment management will influence this planning work.

For the first time, settlement planning is being considered in a regional context through the development of regional growth plans for the Central Highlands and Loddon Mallee South regions. These plans will provide unique opportunities to position the Shire for investment and growth.

Some of the key planning challenges facing the Shire are:

- how to prepare for growth when population growth is still at relatively low levels, and the rate of growth is projected to increase only slightly;
- how to attract a sufficient share of urban growth where a significant proportion of growth is likely to occur in the larger regional centres of Bendigo and Ballarat;
- how to reconcile aspirations for urban growth with environmental risks such as bushfire and flooding, and the need to protect native vegetation.

The review has also found that the Council Plan 2013-2017 has elevated the importance of economic and population growth for the Shire. It makes specific mention of the 'population growth strategy' and identifies the preparation of a residential settlement strategy as a key action.

## 4 Review of Scheme performance

The Planning Scheme is Council's main tool for guiding decision making as the responsible authority for planning permit applications in the Shire. It is important that the Planning Scheme provides sufficient guidance to assist Council, planners, applicants and the community with information about Council's strategic directions for the Shire and policy guidance for the assessment of planning permit applications.

These matters come under scrutiny at planning panels and at the Victorian and Administrative Tribunal whose findings often reveal information about how the Planning Scheme can be improved. This section provides an overview of the findings of panels and VCAT that have been called to consider planning issues in the Shire.

### 4.1 Panel hearings

There have been four planning panels called to hear unresolved submissions to planning scheme amendments in the Shire (C5&6, C12, C16 & C18). When panels have needed to refer to the MSS they have generally been satisfied with the level of strategic support for the amendments, although two recent panel hearings have made recommendations that are relevant to this review, as outlined below.

#### **Amendment C12 (Maryborough Knitting Mills)**

The Amendment C12 Panel Report for the Maryborough Knitting Mills identified the need to strengthen the MSS in relation to the Central Business Area by ensuring that:

- *Council's objectives and strategies for the Maryborough CBA are adequately reflected in the LPPF;*
- *the zoning and overlay framework adequately implements the LPPF;*
- *suitable provision is made for future bulky goods retailing in Maryborough; and that*
- *appropriate elements of the Maryborough Urban Design Framework are included in the Planning Scheme.*

Source: C12 Panel Report, 43

#### **Amendment C16 (Maryborough Golf Course)**

The Amendment C16 Panel Report for the Maryborough Gold Course found a lack of guidance in the Maryborough UDF in relation to infill residential development in the outer areas of the township (C16 Panel Report, 13).

## 4.2 VCAT appeals

The number of appeals lodged at the Victorian Administrative Tribunal (VCAT) in the Shire is generally low at between 0 and four per annum (refer to Figure 5). This represents a maximum of 3% of all applications per annum. This is lower than the overall average for Victoria, which was 6.7% for 2010/2011 (DSE, 2010/11).

These numbers suggest that both applicants and the community are usually able to resolve planning issues through Council processes at the local level rather than at appeal.

As part of this review, the authors have conducted a review of seven VCAT cases held in the Shire since 2001. The aim of the review was to gain an understanding about:

- whether Council has had difficulty in arguing cases at VCAT
- whether policies have been difficult to defend; and
- whether the nature of the cases reveals emerging issues or development pressures.

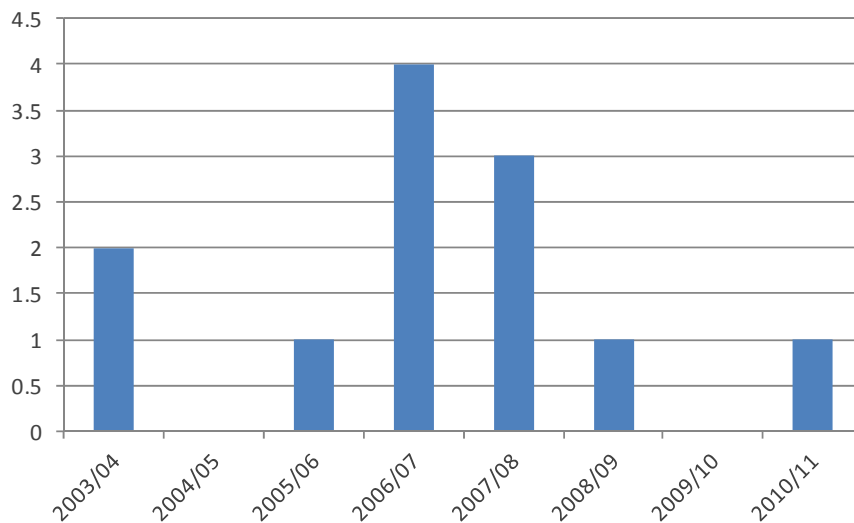
A summary of the findings the review is included in Appendix C.

The review found that appeals related to a broad range of application types, including subdivision, demolition in heritage overlays, dwellings in rural areas and signage. It found that Council's position was supported in six out of the seven cases, which suggests that Council is generally making decisions that are well supported by its Planning Scheme.

There were no particular trends or themes that emerged from the review of cases, although it is noteworthy that two appeals related to demolition of dwellings within general heritage overlays. In these cases, both Tribunals noted that the significance or condition of the building was insufficient to warrant protection based on the statement of significance in the City of Maryborough Heritage Study, 1992.

Whilst Council's position was supported in both cases, the findings by VCAT suggest that Council may need to ensure that Planning Scheme contains clearer guidance on how applications for dwellings in heritage overlays will be considered, rather than reliance on documents that do not form part of the Planning Scheme.

Figure 5 VCAT cases in Central Goldfields Shire 2003/04 – 2010/11



Source: DSE / DPCD, 2003-2011

### 4.3 Conclusions

The Planning Scheme has generally provide planning panels with sufficient direction to guide decision making, although planning panels have recommended that the strategic directions for infill commercial and residential development in Maryborough be improved. On the few occasions that permit applications have been heard at VCAT, the Planning Scheme has performed well, although improved policy guidance is required for demolition in heritage areas.

### 4.4 Recommendations

The recommendations arising from this section of the report are addressed by the other recommendations in this review, particularly those in Section 7.

## 5 Review of strategic studies

The State Planning Policy Framework requires planning authorities to plan strategically for rural, residential, industrial and business development. This means that local provisions of the Planning Scheme should have a strategic basis that is usually derived from a strategic study.

This review has assessed the status of existing or planned strategic studies to ensure that they are relevant and continue to align with Council's strategic objectives as expressed through the Municipal Strategic Statement. Recommendations for other strategic work have been made in Section 7 of the Report.

For the purposes of the review, strategic studies have been divided into four categories:

- strategic studies that have been completed and implemented in the Planning Scheme through a planning scheme amendment;
- strategic studies have been completed, but which have not yet been implemented in the Planning Scheme through a planning scheme amendment;
- strategic studies that are under preparation;
- strategic studies that have been identified but not yet commenced.

The review focuses on studies whose main role is to guide land use and development outcomes. Council has also prepared a number of other strategies that have implications for land use planning, including:

- Recreation Strategy 2008-2018 (Communityvibe, 2008)
- Gold Prospects Business Case (Perry, 2008)
- Onsite Wastewater Integrity Assessment for Talbot, Timor and Bealiba (Ozwater, 2008)
- Business Case for Talbot Community Wastewater Scheme (TGM, 2010).
- Maryborough Aerodrome Masterplan (Central Goldfields Shire, 2012)

Not all of these studies have been reviewed as part of this project, however, they provide important contextual information about Council's initiatives and priorities over the past five years and should be referred to in the implementation phase of this review.

## 5.1 Strategic studies completed

The key land use planning related documents have been reviewed and an overview of the purpose and key finding of each report is summarised below. The detailed recommendations made in these documents have been summarised in Appendix D.

### **Dunolly Urban Design Framework (2002)**

This document provides a long term strategy for the enhancement of the Dunolly Town Centre. The key emphasis is on urban design treatments and changes to public spaces in the town, including gateways, treatment of road reserves and open spaces, and community facilities. The development of tourism and enhancement of heritage assets are key components of the plan.

The document contains a detailed 'Directions Plan' for the town, with detailed recommendations for initiatives based on themes in the framework. It also contains more detailed plans for the Broadway and Gordon Gardens.

### **Carisbrook Urban Design Framework (2003)**

This document provides a long term vision and action strategies for the enhancement of Carisbrook. The key emphasis is on urban design treatments and changes to public spaces in the town, including gateways, treatment of road reserves and open spaces, and community facilities.

The document contains a detailed 'Directions Plan' for the town, with detailed recommendations for initiatives based on themes in the framework. It also contains more detailed plans for the 'Market Reserve' and the 'Urquhart Street link'.

### **Maryborough Urban Design Framework (2005)**

This document provides a land use planning vision for Maryborough to 2020, with actions and strategies to achieve the vision. The key emphasis is on urban design treatments and responses in the town, with an emphasis on the Town Centre, although there are recommendations for a number of other precincts in the town. Key land use planning objectives of the framework are:

- Retention and protection of Maryborough's green belt of Box-Ironbark forest.
- Continued containment of the retail and commercial core.
- Enhancement of the two cornerstones of the town – civic precinct and the Railway Station.
- Enhancement of the five distinctive gateway entrances to the town.
- Consolidation of open space in the Town Centre, with the highest priority given to improvement of Prince's Park and the Phillips Gardens.
- Creative and sustainable redevelopment of the four former school sites for a variety of civic administration, residential, and recreation/leisure activities.
- Protect key civic and heritage sites: the Courthouse, Post Office, Town Hall, the Railway Precinct, Bristol Hill Precinct, Phillips Gardens and Princes Park.



- Enrich the visual and performing arts experiences within the community.

The framework contains a series of plans with detailed recommendations for specific precincts, sites and gateways and two broader plans: a ‘framework plan’ for the Town Centre and a ‘future land use structure plan’ for the entire township.

#### **Heritage Review Stage 1 (2004)**

This document provides a review of existing heritage studies and consolidated recommendations for a number of previous heritage studies, including:

- Shire of Bet Bet Conservation Study (1987)
- Talbot and Clunes Heritage Study (1988)
- Maryborough Heritage Study (1992)
- Former Shire of Tullaroop Heritage Study (2002)

The report concludes that these studies are all of “high quality” and provide sufficient information to justify on existing and proposed heritage conservation areas (Rowe, 2004, v).

The report recommends:

- “major changes” to existing heritage overlay areas in Maryborough;
- specific recommendations for heritage overlays and policies in the smaller townships;
- recommendations for better management of heritage places, which is identified as a significant issue in the Shire;
- a program of further heritage work, including preparation of overlays and policies, further assessment work and review work.

#### **Talbot Urban Design Framework (2009)**

This document provides an urban design vision for Talbot, together with actions grouped under ten theme headings, including land use planning, transport and access and heritage, culture and built form (Michael Smith & Associates, 2009). The broad objectives of the recommended actions for land use planning are:

- to adopt infill guidelines and incorporate the design guidelines into the Shire’s Planning Scheme;
- improve the presentation of properties that have high visual exposure;
- increase the critical mass of population in the township by providing sewerage to the town;
- retain, in the short to medium terms, the current zoning framework for Talbot Township and surrounding areas;
- provide clearer direction and process of the permit application process for development through guidelines and brochures, illustrating the Shire’s planning objectives and guidelines to facilitate appropriate development.

Source: Michael Smith and Associates, 2009, 13

### **Industrial Land Audit and Strategy for Council owned land (2011)**

This document provides an audit of industrial zoned land in the Shire (Beveridge Williams, 2011). The report provides a description of each parcel of land and recommendations about future strategic use and development of the land. The strategy includes recommendations about whether Council should retain or develop various parcels of land in Council ownership (refer to Appendix D).

The report concludes that Council has a good bank of zoned industrial land, but there is little land that is serviced and available for development. The key recommendation of the report relates to the further development and sale of Council owned land in Pyrenees Highway, Carisbrook.

It is noted that Council planners also prepared a discussion paper on industrial land, which raises a number of issues and options for the provision of industrial land in the Shire (Central Goldfields Shire Council, 2009).

### **Rural Capability Project (2011)**

This document provides broad scale land capability information for the Shire (Golder Associates, 2011). It provides information on land capability for four 'target areas' in the Shire that were chosen due to the higher potential for future land use conflict between agricultural and residential uses:

- Carisbrook to Talbot;
- Bealiba South;
- Dunolly;
- Timor (Bet Bet).

The study provides information on agricultural suitability based on a range of information, including land units, erosion, vegetation drainage, soil, climate, inundation and land use.

The report found that most of the target areas have very low to moderate potential for agriculture (Golder Associates, 2011). The report provides some general suggestions for land management and options for implementing the study in the Planning Scheme, which include policy in the MSS, Restructure and Design and Development Overlays, zones and zone schedules and guidelines that sit outside the Planning Scheme. The report makes no firm recommendations were made on the application of these provisions.

The study was prepared based on desktop information and is intended to be used as a tool in decision making, but not as a definitive assessment of land capability. According to the report, this would require site specific, detailed knowledge or research. The document has been adopted by Council.

## 5.2 Strategic studies underway

The Shire is in the process of preparing a number of strategic studies, as described below:

### Residential Settlement Strategy

Council has commenced the preparation of a 'Residential Settlement Strategy'. The purpose of the Strategy is to:

- identify the strategic planning policies relevant to residential land supply, growth direction and dwelling and lifestyle demands;
- provide an assessment of Maryborough, Carisbrook, Dunolly and Talbot to facilitate future residential demands based on predicted growth scenarios and current building statistics;
- assess the capabilities of existing zoned land to facilitate residential growth and identify existing limitations;
- assess residential lot availability on an annual basis based on current demand to determine whether the investigation of future residential growth areas is warranted;
- identify greenfield sites capable of facilitating future growth demand, together with opportunities and constraints relating to this land (e.g. servicing);
- provide an overall strategic assessment of the capacity of the nominated towns to manage growth demands.

It is expected that the recommendations of the Residential Settlement Strategy report will be available prior to the finalisation of this report.

### Development of schedules to the Bushfire Management Overlay

Council has recently received DPCD funding for a project that will investigate bushfire risk at the local level (EOI, February, 2012). The work will identify areas that require specific response to bushfire risk using a matrix analysis. The study will provide:

- maps of the Shire highlighting areas that require specific bushfire responses;
- strategic justification for local changes to the schedule to the Bushfire Management Overlay;
- review of existing local policies to ensure that they are consistent with the level of bushfire risk.

### **Maryborough CBA Traffic Parking & Pedestrian Study (2012) - Draft**

This important study aims to provide a parking, pedestrian and traffic blueprint for the Maryborough Central Business Area (CBA) over the next 30 years. The document is currently in draft form.

The study identified issues and opportunities relevant to parking and movement in the Maryborough CBA, and modelled the outcomes of a number of scenarios. It found that parking is oversupplied in some areas of the CBA, but is in high demand in four precincts in the CBA (Medical, Civic, Alma & Napier Street and High Street). One of the key issues explored in the study is the preferred alignment of the Pyrenees Highway, with two options identified, one along Burns Street and the other along Burke Street. The study also provides urban design advice on a number of urban design options for key streets in the CBA. In summary, the study recommends (URS, 2012, ix-xii):

- re-alignment of the Pyrenees Highway through the CBA along Burns Street
- entry treatments, improved pedestrian linkages and intersection treatments along the new Highway alignment
- shared space along Nolan and Clarendon Streets (visual concepts provided);
- local area traffic management along Napier Street to discourage its use as a through route.
- provision of local area cycling parking.

The study also identifies the potential to develop a number of new at grade car parking sites and existing car parks where double storey parking could be justifiable based on existing demand (Alma & Napier Street Precinct, Civic Precinct).

The study complements the Maryborough Urban Design Framework, and gives consideration to a number of its recommendations that have not been completed relating to streetscape works and urban design (URS, 2012,2) . The study contains urban design and land use options, which, if pursued, will result in changes to the preferred land use precincts within the CBA. The land use options are shown in Figures 4-2 and 4-3 in the study.

The study does not provide any specific recommendations for changes to the planning scheme, although it notes that the current planning scheme provisions “do not reflect the long term development potential of the CBA”, based on the strategic directions of the Maryborough UDF (URS, 2012, 35). It also identifies the need to review the LSI0, DPO3 and EAO in the CBA .

### 5.3 Strategic studies not yet commenced

The current Municipal Strategic Statement identifies a number of strategic studies that have not yet commenced. These include:

- Review of rural living areas of the Shire (Clause 21.06).
- Site management and design guidelines for value added industries in rural areas (Clause 21.08).
- Remnant vegetation inventory for significance sites on freehold land (Clause 21.09).
- Roadside management plan (Clause 21.09).
- Urban design, retail and tourism strategies for Bealiba, Majorca, Moliagul and Timor (Clause 21.13).
- Industrial development strategy (21.14).

Council's current level of commitment to these projects is unclear as it does not have a formal plan or budget allocation for the preparation of strategic studies (refer to Section 12 of this report for more detail).

## 5.4 Conclusions

Since 2000, Council has prepared urban design frameworks for all of the major townships in the Shire (Maryborough, Dunolly, Talbot and Carisbrook). It has also prepared a number of other studies that have assisted it with planning panels in other strategic decision making, including an Industrial Land Audit & Strategy and Land Capability Project in the rural areas.

There is a risk that some elements of the Urban Design Frameworks have lost some relevance given the time that has elapsed since their preparation, although it is evident that their fundamental land use recommendations remain sound and do not conflict with the strategic directions for the structure plans that form part of the current MSS. They should provide the basis for a range of updates to the existing structure plans in the Planning Scheme.

The Maryborough Urban Design Framework (UDF) is of particular importance to future planning in the Shire, given the importance of the township as a sub-regional centre for the Shire. It has guided Council in a number of major re-development projects that have been completed, such as:

- a new community focus at the proposed new Railway Station precinct;
- redevelopment of vacant school sites to provide medium density and aged car housing;
- re-location of the Shire offices;
- development of a 'town common' between Railway Station and Shire Offices.

The Maryborough UDF establishes a range of important urban design and land use principles for the Maryborough CBA that have ongoing relevance and need to be incorporated into the Planning Scheme, although additional strategic work is required to establish the strategic direction for industrial and commercial land and development at the edges of the urban area (refer to Section 7 of this report). The findings of the report have been built upon in the Maryborough CBA Traffic Parking & Pedestrian Study. Once a preferred route is selected for the Pyrenees Highway, Council will have a strong vision for Maryborough CBA to rely upon in a new Municipal Strategic Statement.

The review has found that, whilst Council has successfully completed various strategic studies, it has generally not incorporated the findings in the Planning Scheme. There are likely to be various reasons for this, including costs, changing priorities, long timeframes and lack of immediate development pressure. This is an area where improvement is needed.

The new strategic vision adopted by Council for significant population growth in the Shire will require a re-adjustment of Council's strategic framework to guide the new Municipal Strategic Statement, and a number of new strategic initiatives, as identified in Section 7 of this report.

## 5.5 Recommendations

- SS.1) Incorporate the key strategic directions found in all adopted studies in a revised Municipal Strategic Statement, including updates to plans, as per the recommendations of Appendix D.
- SS.2) Ensure that all adopted strategic land use reports are implemented in the Planning Scheme via planning scheme amendments to ensure that:
- studies are subject to a high level of public involvement and scrutiny;
  - the report’s findings can be tested through a strategic process;
  - the findings are given statutory weight in the Planning Scheme;
  - key recommendations are widely and conveniently available through the Planning Scheme.
- SS.3) Ensure that funds are set aside to implement the findings of strategic projects in the Planning Scheme, including the costs of representation and panels (refer also to Section 12).

## 6 Consistency with State Planning Policies

Maintaining consistency with the policies set out in the State Planning Policy Framework is an important component of this review. The Planning Scheme must further the objectives of planning in Victoria, implement State Policy at the local level and demonstrate clear links between the State Planning Policy Framework and the Local Planning Policy Framework. A summary of the State Planning Policies is provided under each them in Section 7 of this report.

### 6.1 Objectives of planning in Victoria

The objectives of planning in Victoria are stated in Section 4 of the Act. They are:

- *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- *to facilitate development in accordance with the objectives set out in paragraphs (a), (b),*
- *to balance the present and future interests of all Victorians.*

The objectives of the planning framework to ensure that planning is co-ordinated between governments, integrates different policy objectives, facilitates development.

### 6.2 Key findings

The 2005 review of the Municipal Strategic Statement found that the Central Goldfields Scheme furthers the objectives of planning in Victoria, however, it noted that there are opportunities to further enhance the objectives through introducing greater guidance for the development of strategies to manage interfaces between private and public land, heritage and environment strategies relating to catchments, river health and regional vegetation strategies.

The findings of this review are relatively unchanged; the Central Goldfields Planning Scheme furthers the objectives of planning, but opportunities still exist to enhance the planning framework for public land, heritage and environment.



At present, the Planning Scheme identifies and protects areas of environmental value through the application of a range of overlay controls, although strategies for interfaces with crown land and areas of regionally significant vegetation on private land require further work.

Further strategic work is required to better identify key regional environmental assets such as the Moolort Plains Wetlands and more accurate and comprehensive identification of heritage places to better implement State Planning Policies in relation to these matters. Environmental risks such as bushfire and flooding have become more prominent, and additional work is needed to ensure that these issues can be properly considered.

In accordance with the objectives of planning, the Central Goldfields Planning Scheme defines a preferred settlement strategy for the Shire and allows for a range of residential living options, industrial and commercial development opportunities. Council is progressively planning for residential development through the development of a residential settlement strategy. The Shire has also undertaken planning studies for industrial development.

The Planning Scheme contains strategies for the rural areas, including an agricultural policy. The Shire has carried out some assessment work into land capability in a number of areas of the Shire, with a view to more detailed planning of these areas. These matters are discussed in more detail in Section 7 of the report.

#### **Links between SPPF and the LPPF**

The table in Appendix A shows the general relationship between the State Planning Policy Framework and the Central Goldfields Municipal Strategic Statement. It shows that, from a structural perspective, the Municipal Strategic Statement broadly implements most of the State Planning Policy Framework, although there are a number of 'gaps' where the MSS contains no strategic directions State Planning Policies that are relevant to Central Goldfields, namely:

- Clause 14.03 (Resource exploration and extraction), which aims to encourage exploration and extraction of natural resources in accordance with acceptable environmental standards;
- Clause 19.01 (Renewable energy), which aims to promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met;
- Clause 19.02 (Community infrastructure), which aims to integrate health and education facilities with communities and develop and enhance arts facilities;
- Clause 19.03 (Development infrastructure), which provides policies for the preparation of development contributions plans and for the planning of urban services and other development infrastructure.

Climate change impacts have emerged as a key planning issue since 2000, although there are no state planning policies for climate change in non-coastal areas of Victoria. The Central Goldfields Planning Scheme generally supports recent changes to the State Planning Policy Framework as described in Section 2.2, although various amendments to the Planning Scheme need to be made to reflect the new strategic directions in relation to bushfire management (e.g. VC83).

### 6.3 Conclusions

The Central Goldfields Municipal Strategic Statement broadly implements most of the State Planning Policy Framework, although the MSS needs to be updated to address a number of 'gaps'. The MSS also needs to be strengthened in relation to bushfire management.

### 6.4 Recommendations

- PF.1) Develop strategic directions and possible implementation tools for:
- climate change impacts (when state planning policies have been developed);
  - mineral and stone resources;
  - renewable energy;
  - community infrastructure;
  - development infrastructure.
- PF.2) Strengthen the strategic directions in relation to flooding and bushfire management, as per the recommendations of Section 7 of this report.

## 7 Review of Municipal Strategic Statement

This section of the review examines the existing strategic directions in the Central Goldfields Municipal Strategic Statement in the context of the key emerging issues facing the Shire. It then evaluates how these should be addressed in a revised Municipal Strategic Statement. The review has been divided into nine theme headings to reflect the SPPF. In turn, each theme has been divided into six sections, as described below:

### *What does the SPPF say?*

This section briefly describes key state planning policy directions relevant to the theme, with an emphasis on strategies that influence strategic planning.

### *What does the MSS currently say?*

This section briefly describes some of the key content of the current Planning Scheme.

### *What issues and opportunities are emerging?*

This section describes the issues that were identified in the analysis phase of the project, including issues raised by relevant government authorities and agencies in meetings or formal correspondence.

### *What views have been expressed by the community?*

This section summarises the views of the community based on the written submissions to the review process and the feedback provided by the Councillors of Central Goldfields Shire as the representatives of their communities.

### *What are the key findings of the review?*

This section provides a brief synthesis of the issues and provides the key findings of the review.

### *Recommendations for Municipal Strategic Statement*

This section provides a summary of the changes that are recommended for the Municipal Strategic Statement. It should be noted that the recommendations do not identify minor changes to drafting and content that would occur as a matter of course through the drafting phase of new provisions, such demographic information.

### *Recommendations for further strategic work*

This section provides a summary of the report's recommendations for further strategic work that should be considered by Council. The recommendations focus on initiatives that have not yet been commenced by Council.

## Theme 1 Settlement

### What does the SPPF say?

Planning should:

- Anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.
- Develop networks of activity centres as a focus for high-quality development, activity and living for the whole community.
- Ensure that land supply reflects projected population growth over at least a 15 year period.
- Provide clear direction should be provided on locations where and when growth should occur through the preparation of a hierarchy of plans including structure plans.
- Provide local and regional open space for recreation and conservation purposes that is linked with walking and cycling trails and integrated with urban development.

### What does the MSS currently say?

Council's strategic directions for settlement are located in the following clauses:

- Clause 21.04, which contains a 'Strategic Framework Plan' and an associated table that describes the preferred hierarchy of urban centres in the Shire. The hierarchy designates Maryborough as a sub-regional centre, Dunolly as a District Centre, and more local roles for the smaller townships in the Shire.
- Clauses 21.06 and 21.07, which offer more specific settlement strategies for residential and industrial development across the Shire.
- Clause 21.12, which contains objectives, strategies that aim to strengthen Maryborough's regional role, including two structure plans; a 'Maryborough Structure Plan' and a 'Central Business Area Structure Plan'.
- Clause 21.13, which contains strategic direction for all towns in the Shire, including structure plans for Carisbrook, Dunolly, Talbot, Bealiba, Majorca and Timor-Bowenvale. Generally, these show a township boundary, beyond which urban development is to be discouraged. They also show infill development opportunities and rural living areas in the immediate areas beyond the townships.

## What issues and opportunities are emerging?

### *Activity centres*

The Maryborough CBA is consolidating its role as a key sub-regional centre in central Victoria through recent major supermarket developments and housing developments, although Clause 11 of the State Planning Policy Framework only identifies Maryborough as a ‘regional town’.

Emerging issues for the Maryborough CBA include:

- potential for the hospital to expand into the former municipal offices or the TAFE College (as identified in the Maryborough UDF);
- the need to plan in more detail for the future location or expansion of the Maryborough District Hospital and Ambulance Station (as identified in the Maryborough UDF) ;
- the potential to re-route the Pyrenees Highway;
- the potential to enhance Nolan Street as a link between High Street and the Station Precinct.

### *Urban growth*

Most of the townships in Central Goldfields Shire are experiencing little population growth and development pressure. Urban development is concentrated in Maryborough, where subdivision and housing activity are showing some signs of growth. Population growth between 2006 and 2011 was relatively low at 0.4% per annum (ABS, 2006,2011). This compares with the larger municipalities in the region, such as the City of Greater Bendigo and City of Ballarat, which grew at 1.5% and 1.9% per annum respectively during this period (ABS, 2006,2011).

According to research carried out by the Shire in 2008, Maryborough has at least 20 years’ supply of residential land based on past rates of development. It is expected that the amount of land supply has changed since this time as buildings approvals have increased since 2010 (refer to Figure 2). The need for additional land is being explored through Council’s Residential Settlement Strategy, which is underway.

To date, Council has not developed any formal structure plans or development plans for the urban fringes of Maryborough or the smaller townships. As a first step in planning for additional residential development, Council has carried out some preliminary planning investigations into the potential of 70 hectares of land on the west side of Bendigo-Maryborough Road to be subdivided for residential development. The land is currently zoned Rural Living (RLZ) and adjoins land zoned Industrial 1 (IN1Z) and Residential 1 (R1Z). This area is identified for major residential expansion in Clause 21.12 of the MSS. It is also located in the ‘Bendigo-Maryborough Road Corridor’ identified in Figure 6. Servicing authorities have indicated that the land could be serviced and developed, subject to conditions relating to the protection of waterways, buffers to the wastewater treatment plant to the north and access to the Bendigo-Maryborough Road.

Bushfire risk is a significant emerging issue for future urban growth in the Shire, particularly for the expansion of the urban area. According to the *Regional Bushfire Planning Assessment (DPCD, 2012)*, large parts of the Shire are subject to bushfire risk, including rural areas adjoining vegetated crown land, residential areas abutting crown land in Maryborough and rural living areas, both undeveloped and developed. Flooding is also a constraint to urban development in some parts of the Shire, particularly Carisbrook.

The provision of reticulated sewerage is a key ongoing issue for development in some parts of the Shire. The installation of sewerage in Talbot, in particular, is essential for the future development in Talbot and is a key component of Council's 'Population Growth Strategy'. Previous investigations by Council have revealed that there is limited scope for any new development that would comply with EPA guidelines for the disposal of wastewater in the town. In the past, Goulburn Murray Water has refused planning applications for new septic systems due to impacts on Laanecoorie Reservoir, a potable water supply (TGM, 2010). These issues are further discussed in Theme 9 (Infrastructure).

### *Open space*

Up until now, new residential development has generally relied upon the existing network of open spaces in the Shire to provide open space for new communities. Maryborough and other towns in the Shire are well endowed with formal and informal open spaces. The state forests that surround Maryborough and Dunolly also provide significant amenity and recreational value.

There is an established network of on-road and off-road walking trails in the Shire's towns. Many have not been formally identified in a strategic way, although Council's Recreation Strategy identifies walking and cycling tracks as the most frequently used physical activity in the Shire (Communityvibe, 2008, 65).

According to DPCD, the Loddon Mallee Regional Trails Plan identifies 13 trail experiences across the region, including the 'Cobb & Co' trail in Central Goldfields Shire, which is to link Maryborough with Talbot, Creswick, Clunes and Ballarat. According to the Department of Transport, Planning and Local Infrastructure a more detailed study into the development of these trails has been completed, and is known as 'Crossing Borders – Tracks and Trails' (Submission from DTPLI, 14/6/2013). Council has also prepared masterplans for the improvement of various recreation reserves in the Shire.

Council has not yet developed consistent policies for levying open space contributions, including the amounts that should be levied, or policies about how the contributions should be used to create or enhance open space in the municipality. The findings of a recent VCAT case *Stupak v Hobsons Bay CC (Red Dot)[2011] VCAT 618*, highlight some of the uncertainties around levying open space contributions in subdivision permits and emphasise the need for Councils to clarify their requirements through the use of Schedule 52.01.

Generally, there is increasing awareness of the relationship between settlement patterns and the availability of recreation opportunities and levels of public health. As part of the Council Plan 2013-2017, Council has adopted a health and wellbeing impact statement to “*improve health and well-being throughout all life stages*” (Central Goldfields Shire, 2013). It has also prepared the Central Goldfields Municipal Public Health and Wellbeing Plan 2009-2013 that provides a planning framework for how Council intends to improve public health in the Shire.

#### **What views have been expressed by the community?**

- Growth should be encouraged in the smaller settlements in the Shire to promote economic development in these areas.

#### **What are the key findings of the review?**

The review has found that the MSS implements State Planning Policies for settlement in the Shire by providing sound strategies for settlement in all of the main townships in the Shire, although it could be strengthened in some areas. The existing structure plans for the smaller townships provide sufficient direction to assist Council in resolving most strategic planning issues in relation to settlement, but need to be updated in relation to bushfire risk as per the *Regional Bushfire Planning Assessment*.

The existing ‘Strategic Framework Plan’ for Maryborough is fundamentally sound, although would benefit from additional detail in relation to:

- the location of major parcels of land with development potential at the urban fringes or redevelopment sites in the existing urban area;
- areas of high bushfire risk, as per the findings of the *Regional Bushfire Planning Assessment*;
- existing and potential future commercial activity nodes outside the CBA;
- higher density residential areas outside the CBA.

The review has found that, over the past decade Council has not had to rely heavily, or frequently, on strategic directions to guide strategic decision. This has generally been due to lack of pressure to develop additional residential land in the Shire. There are, however, recent signs that growth rates are accelerating.

If development activity continues to accelerate in the short-term, the strategic planning framework for urban growth at the edges of Maryborough will need to be strengthened. The Residential Settlement Strategy should provide the broad strategic guidance for this framework, however, structure plans or development plans will also need to be prepared, as appropriate. As part of this work, particular consideration will need to be given to bushfire risk from the surrounding vegetated state forests.

Consideration is starting to be given to how bushfire risk might affect Council's future settlement strategies through strategic planning work that will lead to the introduction of schedules to the Bushfire Management Overlay. Through this, and other strategic planning process, it is considered likely that the development potential of some land that is currently zoned for residential purposes on the urban fringes of Maryborough will be restricted in some way, although it is unclear as to how significant these restrictions will be.

The review has found that the 'Bendigo Maryborough Corridor' should be treated as a priority area for further strategic work due to its role as the identified major residential growth node in Maryborough and its close proximity to an industrial precinct that has potential for expansion (refer to Figure 6).

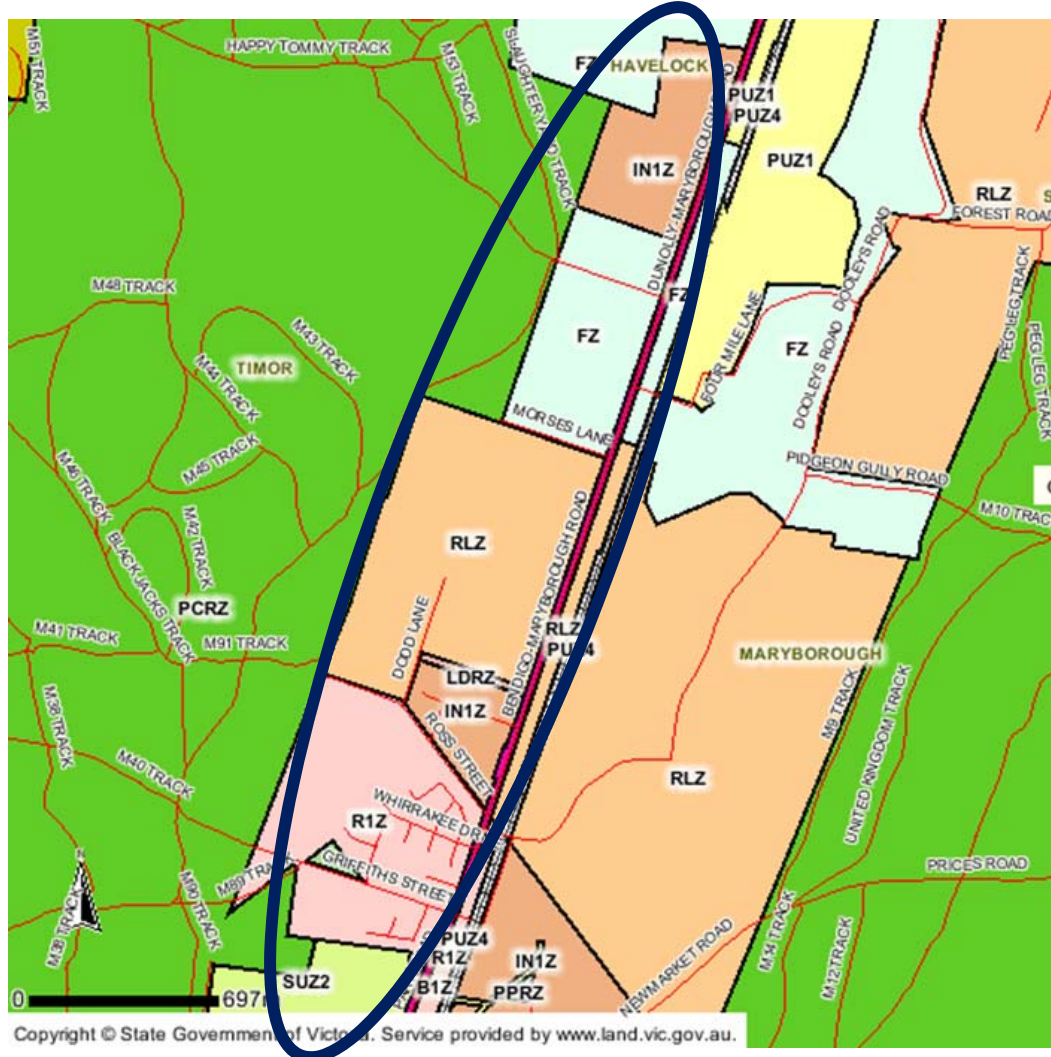
As Council's adopted policy position, the Population Growth Strategy is the key vision statement upon which future settlement planning needs to be based. If supported by relevant Regional Growth Strategies and further public or review processes, this strategy should be reflected in the first sections of the Municipal Strategic Statement, with some supporting information about how Council will accommodate growth in different growth scenarios.

The review has found that it would be useful for the Municipal Strategic Statement to recognise the Central Goldfields Municipal Health and Wellbeing Plan and the relationship between settlement patterns and public health outcomes. Council would also benefit from an Open Space Strategy that assesses:

- existing open space provision and needs;
- likely future open space requirements;
- the location and type of open space;
- connectivity of open spaces using walking and cycling trails;
- integration of open space with urban development;
- statutory provisions to provide clarity about Council's expectations for open space provision.



Figure 6 Bendigo-Maryborough Road Corridor



### Recommendations for Municipal Strategic Statement

- MS.1) Link the 'vision' section with the vision in the Council Plan and update with the key elements of Council's 'Population growth strategy', if supported by Regional Growth Plans and other review processes.
- MS.2) Retain the township structure plans in Clause 21.13, but update to reflect current zoning arrangements and the key findings of the Urban Design Frameworks for Carisbrook, Dunolly and Talbot.
- MS.3) Following completion of recommendations 3 and 4 (below), prepare a modified structure plan for inclusion in the Municipal Strategic Statement.
- MS.4) Recognise the Central Goldfields Public Health and Wellbeing Plan in the Municipal Strategic Statement and develop strategies to ensure consideration of health and wellbeing outcomes in planning decisions, particularly in structure plans and development plans.

### Recommendations for further strategic work

- FW.1) As part of the development of Council’s Residential Settlement Strategy, develop strategic directions for low, medium and high growth settlement scenarios.
- FW.2) Prepare a structure plan for the ‘Bendigo-Maryborough Road Corridor’ to identify, amongst other matters:
- areas for the potential expansion of the Industrial 1 Zone;
  - areas for the potential expansion of the Residential 1 Zone, if supported by the Residential Settlement Strategy;
  - areas that are suitable for further rural living development;
  - areas that should not be developed due to bushfire risk;
  - buffers between the IN1Z and wastewater treatment plan and R1Z land;
  - the location of open space;
  - setbacks from waterways;
  - preferred road layout and pedestrian linkages;
  - preferred access arrangements to the Bendigo-Maryborough Road, including the need for service roads.
- FW.3) Identify preferred areas/nodes in Maryborough for medium density residential development through the Residential Settlement Strategy, or another appropriate strategic process.
- FW.4) Subject to the findings of Council’s residential land strategy and further bushfire management planning, prepare ‘outline development plans’ for large areas of broadacre residential land at the edges of Maryborough, as identified through the Residential Settlement Strategy process.
- FW.5) Prepare an open space strategy that investigates the supply and likely future demand for open space and its preferred location and form, and changes to the Schedule to Clause 52.01.

## Theme 2 Environmental and landscape values

### What does the SPPF say?

Planning should:

- Assist in the protection of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.
- Achieve a net gain in the extent and quality of native vegetation by using the three step approach: avoiding the removal of native vegetation as a priority, minimising losses, and calculating appropriate offsets.
- Prepare plans to protect biodiversity, including regional catchment strategies to guide Landcare projects, local landscape plans, whole farm plans and native vegetation management plans.

### What does the MSS currently say?

Clause 21.09 of the Planning Scheme contains strategies and actions for environmental and landscape values relating to:

- buffer areas and setback distances to enhance and protect significant vegetation;
- extending the Vegetation Protection Overlay to flora and fauna reserves and extensive bushland around Maryborough in the first review of the Planning Scheme;
- ensuring that land use and development proposals are consistent with regional vegetation plans;
- encourage retention of remnant vegetation and habitat corridors and areas for Victorian Rare and Threatened Flora and Fauna Species.

### What issues and opportunities are emerging?

- The Moolort Plains Wetlands have been identified as a national biodiversity hotspot in the Australian Natural Resource Atlas (ANRA, 2002), and have been identified as a 'priority wetland' by the NCCMA in its Draft Regional Catchment Management Strategy (refer to Figure 7).
- The NCCMA has prepared the Moolort Plains Wetlands Investigation (NCCMA, 2011), which provides a range of information about the wetlands, including their location, the animal species they support and key threats. The outcomes of the investigation will be used to inform future natural resource management projects in the wetlands (NCCMA, 2011, 8).
- According to Parks Victoria, there are management issues associated with development adjoining parks in the Shire such as rear access and use of parks as part of garden or for storage.

- The Box-Ironbark Forests & Woodlands Investigation (2001) remains the key strategic document for the operation and conservation of parks in the Shire, but was released after the preparation of the current Planning Scheme and its findings are not fully reflected in the Municipal Strategic Statement.
- The Victorian Government has prepared the document *Environmental Partnerships* (DSE, 2012), which provides the strategic direction for action on the natural environment and climate. The government is aiming to improve the environmental condition of waterways and achieve integrated, multiple outcomes for land, water and biodiversity.
- The Government has announced *Reforms to Victoria's native vegetation permitted clearing regulations* (DEPI, 2013), which are to come into effect in planning schemes in September, 2013. The changes recognise that biodiversity can be most effectively protected at the strategic planning stage, and should focus on high value biodiversity. At the permit stage, planning schemes will be changed to specify that the objective in relation to biodiversity is 'no net loss in the contribution made by native vegetation to Victoria's biodiversity'. The pathways for the assessment of applications reflect risk to biodiversity values.

**Figure 7 Moolort Plains Wetlands**



Source: North Central Catchment Management Authority, 2012, 42

### What views have been expressed by the community?

- The 'green-belt' around Maryborough, bushland areas and street trees contribute significantly to the amenity of the Shire.
- Tullaroop Reservoir, former mine sites and Paddys Ranges State Park are sites of environmental value that are highly valued by the community.
- Wetlands, mullock heaps, Bealiba Reservoir and other unprotected sites of significance (unspecified) are considered to be 'under threat'.
- Strategies that encourage the retention of significant vegetation on private land need to be strengthened through the introduction of buffers or setbacks to other development. Rate reductions or discounts should be considered to encourage these initiatives.
- The Vegetation Protection Overlays needs to be extended around Maryborough.
- Consideration should be given to the use of indigenous species in public areas and streetscapes.

### What are the key findings of the review?

The review has found the existing objectives and strategies of the MSS that relate to environmental values are generally sound and implement the State Planning Policy Framework at the local level. Nevertheless, further work is required to develop strategies for:

- the interfaces between urban land and state and regional parks, as identified in the 2005 MSS review;
- Moolort Plains Wetlands, which are recognised as an environmental asset at the regional level;
- the identification of high quality areas of biodiversity to reflect pending changes to the State Government's approach to managing native vegetation, which focus on protecting and conserving this type of vegetation in planning decisions.

The review has also found that the strategies of Clause 21.09 and implementation actions to fulfil the objectives are sometimes general in nature, and are often not supported by implementation tools that assist in guiding decision making such as policies, overlays and zones. For example, there are no clear strategies for the application of the Rural Conservation Zone, Significant Landscape Overlay and no policies to guide decision making under the Erosion Management Overlay or Salinity Management Overlay. It is noted that the current overlays in the Planning Scheme that relate to environment, landscapes and natural resources are effectively unchanged since the Planning Scheme was introduced in 2000, and require general review (refer also to Section of Report 'Review of Implementation Tools').

The review has also identified the need for greater connectivity between environmental features that are currently identified by overlays but that are not clearly mentioned in the objectives or strategies of the MSS, namely:

- landscapes associated with Cairn Curran Reservoir (SLO1);

- Talbot district volcanic rises (SLO2);

The review has found that a number of projects identified in Clause 21.09 as further strategic work have not been progressed or programmed. This includes:

- remnant vegetation inventory for significant sites on freehold land;
- roadside management plans.

Further consultation with DSE is required to identify funding opportunities and an implementation plan for this work.

### **Recommendations for Municipal Strategic Statement**

MS.5) Create a new section titled 'Environmental Values' and incorporate existing issues, strategies and actions in this clause.

MS.6) Prepare objectives and strategies for the:

- Landscapes associated with Cairn Curran Reservoir (SLO1)
- Talbot district volcanic rises (SLO2)
- Moolort Plains Wetlands, drawing on information in the Moolort Plains Wetlands Investigation (NCCMA, 2011)..

MS.7) Identify the following areas in the 'Strategic Framework Plan' for the Shire:

- Talbot district volcanic rises (SLO2)
- Moolort Plains Wetlands.

MS.8) Incorporate key findings of the Box-Ironbark Forests & Woodlands Investigation (2001).

### **Recommendations for further strategic work**

FW.6) Engage with the NCCMA and DSE to develop appropriate planning tools to identify the Moolort Plains Wetlands and ensure that use and development within the Moolort Plains Wetlands is appropriate.

FW.7) Engage with Parks Victoria, DSE and CFA to develop policy for urban development at the urban-forest interface that deals with matters such as:

- access;
- fencing;
- lighting;
- setbacks;
- bushfire risk.

FW.8) Carry out detailed investigations into the integrity of vegetation in the urban areas of Maryborough through the preparation of structure plans or development plans.

- FW.9) Engage with DSE to develop an action plan to identify other vegetation assets in the Shire that have high biodiversity value so that these can be identified in the MSS and apply overlays, as appropriate.

## Theme 3 Environmental risks

### What does the SPPF say?

Planning should:

- Identify land affected by flooding, including floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps, and avoid intensifying the impacts of flooding through inappropriately located uses and developments.
- Identify areas subject to erosion, instability or salinity in planning schemes, prevent inappropriate development in these areas and plant and rehabilitate the areas.
- Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.
- Assess the risk to life, property and community infrastructure from bushfire at a regional, municipal and local scale and ensure that strategic and settlement planning assists with strengthening community resilience to bushfire.
- Identify in planning schemes areas where the bushfire hazard requires that consideration needs to be given to the location, design and construction of new development and the implementation of bushfire protection measures.

### What does the MSS currently say?

Clause 21.09 of the Municipal Strategic Statement identifies issues and strategies relating to:

- land capability;
- flooding;
- environmental management plans;
- effluent disposal; and
- bushfire risk.

The MSS identifies various land management overlays that should be used to identify these risks (Salinity Management Overlay, Erosion Management Overlay, Land Subject to Inundation Overlay, Wildfire Management Overlay).



## What issues and opportunities are emerging?

### *Climate change*

- DPI has advised that, whilst climate change will present some challenges for the Shire, it can also present opportunities for economic development and provide opportunities for landowners (including farmers) to diversify their operations and improve their productivity.
- The Department of Sustainability and Environment has prepared the Climate Change Adaptation Plan (DSE, 2012). This Plan sets out how the Victorian Government is managing the risks of a changing climate to assets, essential infrastructure and services such as waterways, transport systems, and healthcare and emergency response systems.
- A web-based tool, the Climate Change Adaptation Navigator (VCCCAR), has been developed to assist administrators and decision makers in adapting to the impacts of climate change.

### *Bushfire*

- The Central Goldfields Central Goldfields Shire Council Municipal Fire Management Plan identifies the following emerging bushfire related issues (pages 25-26):
  - the mixed use nature of many landscapes in the Shire presents challenges particularly in managing the public-private bush interface fuel loads and associated fire risks;
  - high proportions of the population in the 60 plus years age group in the municipality with clustering around Maryborough and Dunolly has implications for future aged accommodation and retirement housing demand, which has direct impact upon fire management planning considerations;
  - residences within the Central Goldfields are considered as being some of the most vulnerable in the Loddon Mallee Region..
  - the region contains many sites of ecological significance that can be affected by fire prevention works.
- According to the CFA, the outer northern and western parts of Maryborough are highly susceptible to bushfire risk, yet the town's major residential growth areas, including 'Whirrakee Rise Estate, are located in these areas. Urban areas to the south-west and south of Maryborough are similarly susceptible to bushfire risk when winds move to the south.
- According to the CFA, there are many areas of high fire risk in the rural areas of the Shire such as Adelaide Lead, Talbot, Dunolly and Daisy Hill that have potential for further rural living development. The CFA has recommended that any future subdivision of these areas should be carefully planned, in consultation with the CFA.
- Fire hazard mapping has been prepared for Central Goldfields Shire based on '*Integrated Fire Management Plans*' for the region. Council is awaiting this information from DPCD.

### *Flooding*

- The township of Carisbrook has been flooded twice since September 2010. The flood event in January 2011 was the highest flood on record and inundated more than 198 properties.
- Existing flood mapping for Carisbrook and other parts of the Shire are not accurate.
- The North Central Catchment Management Authority is currently preparing a 'Flood and Drainage Management Plan' for Carisbrook (refer also to summary provided in Section 3).
- The North Central Catchment Management Authority has advised that, after Carisbrook, the next priorities for flood studies in the Shire are Dunolly and Maryborough.
- The Victorian Floods Review (2012) identified the need to look at the requirements for building greater resilience into how infrastructure and settlements in the context of flood risk. Land use planning is considered to be the most effective means of reducing flood risks.

### *Contamination*

- Council has identified a number of sites that are potentially contaminated through past planning scheme amendment processes, but has little, if any, information about other sites or areas in the Shire that are potentially contaminated<sup>2</sup>. This has recently affected the subdivision and sale of former railway land in the Residential 1 Zone in Maryborough

### **What are the key findings of the review?**

The review has found that all of the environmental risks that are identified in the current MSS are still highly relevant to future planning in the Shire. They should be retained but updated with new information.

Bushfire and flooding are recognised as environmental risks in the current MSS, but have become more prominent over the past decade and are the subject of current strategic planning work by the Shire and other agencies. This work is very important for the Shire and active ongoing engagement with the CFA and NCCMA is vital to ensure that these issues are properly integrated with the Shire's strategic planning.

In particular, assessing bushfire risk should continue to be a priority planning issue for Council as most of Maryborough's zoned, undeveloped residential land lies in areas that are subject to fire risk due to its location in proximity to vegetated crown land. As strategic planning now emphasises the protection of human life against all other considerations, much higher thresholds will need to be met in demonstrating that risks to human life can be managed in a reasonable way.

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<sup>2</sup> Potentially contaminated land is defined in Ministerial Direction No. 1 – Potentially Contaminated Land, as land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land).

On private land that is already zoned for residential purposes, it is unclear as to how fire risk and the need to retain native vegetation will be balanced with the need to facilitate development. This issue should be addressed at the local level, firstly through the preparation of the Residential Settlement Strategy, and then through the preparation of structure plans and development plans. It should also be informed by the Integrated Fire Management Plans for the region and Municipal Fire Management Plan.

Climate change has emerged as a significant global issue over the past decade. Its impacts at the local level require more detailed planning work, however, there is sufficient information available for general risks and strategies to be incorporated into the Planning Scheme.

Contaminated land is an issue that is currently not well recognised in the Planning Scheme. If the recent strong residential infill activity continues in Maryborough, this is likely to become a more significant planning issue in the future given the Shire's industrial and mining past. There is a need to investigate where these sites are located and develop strategies for how it might deal with this land in the event that alternative uses for the land emerge.

#### **Recommendations for Municipal Strategic Statement**

- MS.9) Create a new section titled 'Environmental Risks' together with sub-themes relating to each environmental risk (bushfire, flooding, contaminated and potentially contaminated land).
- MS.10) Retain most of the current objectives, strategies and implementation actions contained within Clause 21.09 and strengthen and refine as required, particularly in relation to bushfire risk.
- MS.11) Identify Maryborough and Dunolly as priority areas for flooding investigations.
- MS.12) Create a sub-section relating to climate change, together with general issues facing the Shire, including the comments of DPI in relation to the agriculture sector.

#### **Recommendations for further strategic work**

- FW.10) Prepare schedules to the Bushfire Management Overlay and planning scheme amendment to implement the findings in the Planning Scheme (project underway).
- FW.11) Prepare a planning scheme amendment to implement the findings of the Flood and Drainage Management Plan for Carisbrook in the Planning Scheme.
- FW.12) Request that the NCCMA and State Government contribute to flooding investigations for Maryborough and Dunolly, or other priority areas as identified in consultation with the NCCMA.
- FW.13) When released, adapt the recommendations of the Climate Change Action Plan to local circumstances and incorporate into the MSS.
- FW.14) Consider the preparation of a climate change action plan for Central Goldfields Shire.
- FW.15) Initiate a strategic study to identify the main areas of potentially contaminated land in urban areas of the Shire, with a focus on Maryborough. Initially, this should:

- identify sites that may require further investigations if planning permit applications are lodged (e.g. former mine sites), and identify in Council's GIS mapping system to ensure that planners are alerted to the issue;
- apply the Environmental Audit Overlay (EAO) to sites where sensitive uses exist or are allowed on potential contaminated land as per the General Practice Note for Potentially Contaminated Land (DSE, 2005).

## Theme 4 Natural resource management

### What does the SPPF say?

Planning should:

- Assist in the conservation and wise use of natural resources including energy water, land, stone and minerals to support both environmental quality and sustainable development.
- Ensure that the State’s agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.
- Protect water catchments and water supply facilities to ensure the continued availability of clean, high-quality drinking water.
- Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and application of acceptable environmental practice.

### What does the MSS currently say?

The ‘Central Goldfields Strategic Framework Plan’ identifies land in Moolort as ‘high quality agricultural land’.

Clauses 21.08 and 21.09 of the Municipal Strategic Statement identify issues, objectives and strategies relating to:

- protection of productive agricultural land, including subdivisions and excisions;
- sustainable land management;
- potential for land use conflicts between agricultural and residential uses;
- supply of water within the Loddon and Avoca River catchments;
- water quality in the catchments of Tullaroop and Laanecoore Reservoir.

### What issues and opportunities are emerging?

#### *Agriculture*

- The areas identified in the ‘Central Goldfields Strategic Framework Plan’ as being high quality agricultural land are in areas that are identified as the ‘Moolort Wetlands’.
- DPI believes that the Planning Scheme should contain more explicit statements to support:
  - farming enterprises (in addition to protecting the land itself);
  - a greater diversity of land uses;
  - changes in management practices and/or adopting new technologies to assist in responding to climate change;

- solar energy, geothermal energy and carbon storage and plantations;
  - intensive animal industries, subject to compliance with relevant codes of practice and buffers.
- According to Council, intensive agricultural industries (e.g. poultry), tomato growing, recycling and energy related industries are becoming more important industries in the Shire.

### *Water*

- As required by the *Guidelines for Potable Water Supply Catchments*, Council has calculated that land in the Shire within potable water supply catchments has a septic tank density of not more than 1 in 40 hectares. This means that dwellings can be approved under the Guidelines.
- As part of the review process, Coliban Water has encouraged Council to develop a more detailed catchment plan to address the cumulative impacts of unsewered development, with consideration of broad land capability as well as threats and risks to water quality.
- The EPA has released an updated Code of Practice for Onsite Wastewater Management (EPA, 2013), which is an Incorporated Document in Clause 81.01 of the Planning Scheme.
- Goulburn Murray Water will be putting greater attention and resources on enforcement associated with conditions it places on planning permits in the future.

### **What are the key findings of the review?**

The review has found that most of the issues, objectives and strategic directions of the MSS in relation to natural resource management are sound and should be retained. Nevertheless, it has found that the MSS needs to be strengthened in the following areas:

- identification of productive agricultural land;
- preferred locations of intensive animal industries;
- preferred locations of rural industry and other non-urban uses;
- key existing or potential mining and extractive industry areas.

The review has also identified a potential tension between agriculture and environmental management in the Moolort Plains Wetlands that requires more detailed investigation (refer also to the recommendations in Theme 2).

The review has found that, whilst, Council currently has sufficient information to allow Goulburn Murray Water to consider residential uses and associated effluent systems in rural areas, a more comprehensive catchment management plan may be needed to properly address broader risks to catchment health, including agriculture. It is suggested that this needs to be planned and funded in consultation with the water authorities.

**Recommendations for Municipal Strategic Statement**

MS.13) Retain most of Clauses 21.08 and 21.09 in a new section relating to 'Natural Resource Management'.

MS.14) Include the general findings of the Rural Land Capability Project in the new clause.

**Recommendations for further strategic work**

FW.16) Prepare a rural land study that:

- reviews the existing agricultural sector, emerging trends and influences, including climate change;
- spatially identifies areas of productive agricultural land that should be protected;
- identifies preferred areas for intensive animal industries and rural industry;
- makes recommendations for the application of rural zones and zone schedules;
- makes recommendations for Council policies relating to dwellings, subdivisions, excisions and other uses in rural areas;
- assesses the supply of, and demand for, land in the Rural Living and Low Density Residential Zones;
- identifies old and inappropriate subdivisions where the Restructure Overlay (RO) should be applied.

FW.17) Engage with Coliban Water and Goulburn Murray Water, to determine the need for a comprehensive Catchment Management Plan for the Shire.

## Theme 5 Built environment and heritage

### What does the SPPF say?

Planning should:

- Promote good urban design and ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.
- Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.
- Provide for the protection, conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.
- Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.

### What does the MSS currently say?

Clauses 21.10 to 21.13 of the Municipal Strategic Statement identify issues, objectives and strategies relating to:

- conservation and protection of heritage assets;
- protecting the Shire from unsympathetic development;
- the importance of heritage assets and streetscapes to tourism;
- maintaining the compact urban form, pedestrian scale and heritage character of Maryborough
- the 'urban village' and 'townscape character' of the Shire's small towns.

### What issues and opportunities are emerging?

- Heritage Victoria has advised that that they have no funding available to review sites nominated for the State Heritage Register in the Shire's Heritage Study.
- Council officers have recognised the need for creating environments that support regular and safe physical activity in terms of infrastructure (footpaths, lighting, signs, fountains) and cycling (bike paths, lockers, showers) and interaction (toilets, seating, shade).
- Increasing awareness within Central Goldfields Shire Council of the need to apply environmentally sustainable design principles (ESD) in new public and private development projects.



### What views have been expressed by the community?

- The Shire's heritage is highly valued by the community, with the Station Domain, Princes Park and Phillips Gardens of particular importance.
- The entrances to Maryborough are unattractive and require improvement by discouraging industrial uses.
- The community feels pride in recent sympathetic re-use of heritage buildings and sites.
- The 'bookends' concept (Civic Square to Railway Station) is the most important project for Council in the Maryborough CBD.
- Development in small towns such as Dunolly needs to be sensitively managed through the Planning Scheme.
- More guidance is needed for how infill development should occur, particularly in heritage areas.

### What are the key findings of the review?

#### *Heritage*

The review has found that the Municipal Strategic Statement contains extensive general statements about protecting heritage places and the appearance of its towns, which reflects the high value the community places on these assets.

Council has completed heritage studies for most of the areas in the Shire and has consolidated the findings of these studies through the preparation of a 'Heritage Review' (Rowe, 2004). This report makes a number of recommendations for changes to heritage overlays that have not been made, yet could be implemented in the Planning Scheme relatively quickly (refer to list of recommendations in Appendix D). This work should be a high priority for Council.

The MSS should also be updated to reflect the general findings of the Heritage Review, specifically to give an understanding of the location, significance and future management of places, and to provide stronger connections to heritage policies. The MSS should also be amended to remove duplications in relation to heritage and make general improvements to terminology and definitions to reflect those used in the Burra Charter.

#### *Urban design*

Council has prepared well-researched Urban Design Frameworks for Maryborough, Talbot Dunolly and Carisbrook. These documents contain detailed urban design recommendations for each town, although their findings are not yet reflected in the Planning Scheme. As strategic documents that have been supported by Council, the key urban design recommendations of these documents should be reflected in the MSS.

The Maryborough CBA Traffic Parking & Pedestrian Study (2012) – Draft, contains recommendations for on urban design treatments in the public realm of key streets in the Maryborough CBA. Key concepts contained in this document, including the proposed shared space along Nolan and Clarendon Streets, should be identified in the MSS.

The feedback provided by the community as part of this review process has revealed a desire for greater guidance on the preferred form and appearance of infill residential development in Maryborough and the other main townships in the Shire. The statutory options include:

- the development of a local policy;
- modifying ResCode standards in the schedule to the Residential 1 Zone;
- the introduction of overlay provisions such as the Design and Development Overlay or Neighbourhood Character Overlay.

It is likely that such provisions would need to be supported by a strategic investigation such as a neighbourhood character or similar study.

Having considered the existing levels of development activity in the Shire, it is unlikely that a major strategic initiative such as a neighbourhood character study would be of great benefit to Council due to the relatively small number of applications for multi-dwelling applications. The existing provisions of the Planning Scheme, such as ResCode, together with enhanced heritage policies, are likely to provide sufficient guidance to resolve most design-related issues for medium density housing. The pending introduction of the new residential zones, including Neighbourhood Residential Zone and General Residential Zone will provide greater opportunities for the development of local content for key ResCode standards than currently exist in the Planning Scheme.

Consideration should also be given to obtaining expert urban design advice for particular sites or major development applications. For greatest benefit, this should be offered to landowners / designers at the pre-application stage.

### *Aboriginal cultural heritage*

Aboriginal cultural heritage has not been extensively surveyed within the Shire, however, all Aboriginal cultural heritage is protected under the Aboriginal Heritage Act 2006. Depending on whether significant ground disturbance has occurred in the past, some urban land may require a Cultural Heritage Management Plan prior to development. It is understood that, to date, no such plans have been prepared in the Shire.

According to maps prepared by DPCD, the main areas of ‘cultural heritage sensitivity’ exist around the major creeks in the Shire, including those within urban areas. These areas of Aboriginal cultural heritage should be identified in the MSS in a general way to raise awareness of these areas and assist in integrating their protection with land use strategies.

**Recommendations for Municipal Strategic Statement**

- MS.15) Retain and refine most of Clause 21.10 Heritage in a revised section of the MSS titled 'Urban Design and Heritage', with specific reference to the findings of the Heritage Review and heritage studies.
- MS.16) Include key urban design strategies contained with the four Urban Design Frameworks (Maryborough, Talbot, Carisbrook and Dunolly) and Maryborough CBA Traffic, Parking and Pedestrian Study in the MSS.
- MS.17) Develop objectives and strategies to require developments to respond to environmentally sustainable design principles, including, but not limited to, the following topics: solar aspect, permeability, drainage, re-use of water, landscaping treatments, waste and emissions and embodied energy.

**Recommendations for further strategic work**

- FW.18) Implement the findings the Heritage Review Stage 1 (Rowe, 2004, pviii - ix):
- review 62 recommended places nominated for the Victorian Heritage Register;
  - further assess cultural landscapes in the six areas identified in the heritage studies;
- FW.19) Engage with registered Aboriginal parties to identify key general areas of Aboriginal Heritage.

## Theme 6 Housing

### What does the SPPF say?

Planning should:

- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- Encourage the development of well-designed medium-density housing which respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing.
- Reduce the proportion of new housing development provided in rural areas and encourage the consolidation in existing settlements where investment in physical and community infrastructure and services has already been made.
- Ensure local housing strategies, precinct structure plans, and activity centre structure plans provide for residential aged care facilities.

### What does the MSS currently say?

Clauses 21.06 and 21.13 of the Municipal Strategic Statement identify issues, objectives and strategies relating to:

- Maryborough as a model centre for innovative and affordable housing;
- the need for retirement housing and aged accommodation in Dunolly;
- the need to undertake a review rural living and low density residential land.

### What issues and opportunities are emerging?

- The Shire's population is older than the regional Victorian average and is ageing.
- Recent medium density housing and retirement village developments have been completed, including:
  - 50 independent living units in Gillies Street;
  - 44 independent living units in Palmeston Street;
  - 38 dwelling medium density housing development in Inkerman Street (Calista Gardens);
  - residential Village in Nelson Street.
- Council has received a request to rezone land from the Industrial 1 Zone to the Rural Living Zone in Tullaroop Road, Maryborough (C11). This planning scheme amendment has stalled following a request from DPCD for strategic justification for the amendment.

### What views have been expressed by the community?

- Apartments and flats and quality rental accommodation are currently under-represented in the Shire.
- Young people will be the ones that drive future land requirements. Their preference is usually for larger lots in suburban or rural living locations and this is unlikely to change.
- There is a need to accommodate all types of residential development. This diversity of housing/land options available is a competitive strength of the Shire that needs to be retained.
- Parts of Dunolly have potential for medium density housing that need to be further investigated. The need for large blocks is decreasing as the population ages.

### What are the key findings of the review?

#### *Medium density housing*

Recent medium density housing developments suggest that the local property market in Maryborough is diversifying in response to changing market demands. These developments have yet to occur in the smaller townships of the Shire, but there is a general awareness amongst the community that the Shire would benefit from a greater diversity of housing options in the future.

The review has found that the Municipal Strategic Statement contains a number of general recommendations for housing locations, but would benefit from more useful guidance about opportunities for:

- housing integrated with existing infrastructure (e.g. public transport and the Railway Station);
- sites that may be suitable for diverse housing options (e.g. aged care facilities);
- affordable housing (e.g. shop top living).

Extensive parts of inner Maryborough are zoned Residential 2, which aims to encourage higher density residential development, yet data suggests that the zone is not achieving its strategic objectives (refer also to Section 9).

It is noted that the Dunolly Urban Design Framework identifies the need for medium density and retirement accommodation in the town, however, no specific sites are identified.

### *Rural living*

The Shire has extensive areas of land zoned Rural Living, including large areas that have potential for further subdivision. This land is understood to play an important role in attracting new residents to the Shire, however, little work has been done to quantify the existing supply of land and the current demand for this type of land. Further strategic analysis of the supply of land in the LDRZ and RLZ would assist Council in responding to requests to rezone land to and from the Rural Living Zone (RLZ). The need for further strategic work in this area was identified in the 2005 review of the MSS, and was recently requested by DPCD for Amendment C11.

The effect that bushfire risk could have on the development of urban land is also yet to be fully understood, but will be critical for broader settlement planning in the Shire. This is likely to be particularly important for rural living land and the residential expansion of Maryborough.

### **Recommendations for Municipal Strategic Statement**

MS.18) Create a new section of the MSS titled 'Housing', with references to emerging trends and the need to undertake further strategic work as outlined above.

MS.19) Incorporate the recommendations of the Urban Design Frameworks for Maryborough, Carisbrook, Dunolly and Talbot relevant to housing and any strategic redevelopment sites.

### **Recommendations for further strategic work**

FW.20) As part of Council's Residential Settlement Strategy, or another strategic exercise, identify preferred nodes/areas for the following types of development in Maryborough and Dunolly:

- medium density residential development;
- aged care accommodation;
- affordable housing.

## Theme 7 Economic development

### What does the SPPF say?

Planning should:

- Locate commercial facilities in existing or planned activity centres.
- Identify land for industrial development in urban growth areas where good access for employees, freight and road transport is available and appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.
- Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.
- Protect industrial activity in industrial zones from the encroachment of unplanned commercial, residential and other sensitive uses which would adversely affect industry viability.
- Encourage the development of a range of well designed and sited tourist facilities.

### What does the MSS currently say?

Clauses 21.07, 21.11 and 21.12 of the Municipal Strategic Statement identify issues, objectives and strategies relating to:

- ensuring an adequate supply of serviced industrial land with good road access;
- the tourism potential of the Shire, which is related to small gold towns, goldfields and heritage;
- development of regional tourism links with a major emphasis on the “Golden Way” Touring Route;
- the sub-Regional role of the Maryborough CBA (Central Business Area), and need to prevent isolated retail facilities;
- a goldfields highway linking Maryborough with Bendigo and Ballarat.

### What issues and opportunities are emerging?

#### *Commercial*

- Recognition that Maryborough’s retail catchment has a secondary trade area that extends up to 45 kilometres from the town. This catchment has a population of just under 20,000 people (MacroPlan Australia, 7)
- Identification in the panel’s report for Amendment C12 (Maryborough Knitting Mills) of the following weaknesses in the MSS:
  - lack of reference to, and poor representation of key elements of the 1997 Strategy Plan (specifically those parts that might remain relevant);

- need to review the zoning framework so it communicates Council’s current strategy for the CBA;
- whether appropriate elements of the Maryborough UDF should be included or referenced in the MSS;
- the preferred location for the B4Z and MUZ; and
- the need to update the relevant population and retail floorspace projections.

### *Industrial*

- The ‘Industrial Land Audit and Strategy’ for the Shire (Beveridge Williams, 2011) found that there is sufficient ‘bank’ of industrial zoned land within the municipality but that serviced industrial land is in short supply.
- According to Council, some renewed interest is emerging for industrial sites along the Bendigo-Maryborough Road, the food cluster site in O’Hallaran Drive and an energy generation site at Carisbrook.

### *Tourism*

- The new Ballarat and Bendigo regional tourism boards will both include Central Goldfields Shire Council.
- An application has been lodged with Regional Development Australia for Central Goldfields Shire and the surrounding shires to become Australia’s First National Heritage Region, based on the concept used for the Castlemaine Diggings National Heritage Park. Central Goldfields Shire is leading this initiative. An implementation plan is currently being prepared.
- Heritage Victoria advises that the development of a statement of significance will be important for the National Heritage Region concept.
- There has been agreement to rename the Ballarat-Maryborough Road and Maryborough-Bendigo Road the ‘Goldfields Highway’, placing Maryborough at the centre of this road and connecting Maryborough and Talbot with Ballarat and Bendigo.



## What views have been expressed by the community?

### *Commercial*

- Opportunities for new retail development that are difficult to anticipate should be determined on merit and should not be prohibited by the Planning Scheme.
- Areas with potential for large format retailing include Alma Street car park and the Shire depot.
- The services sector has the most potential for growth in investment and jobs in the Shire.

### *Industrial*

- Council should continue to actively develop light industrial land in the future.
- The Maryborough Aerodrome may have potential for light industrial development.
- There are areas of potential conflict between industrial and sensitive uses that require further investigation on Potts Lane (broiler farm) and in various locations in Maryborough.
- Consideration should be given to encouraging the re-location of existing industrial uses in inappropriate locations such as town gateways. Rezoning land should also be considered.

### *Tourism*

- Expanding train services, encouraging events and marketing the shire's attributes are important actions for encouraging tourism.
- There are opportunities to encourage back-packer and short stay accommodation in under-utilised buildings in Maryborough.

## What are the key findings of the review?

### *General findings*

The review has found that the current strategic directions in the MSS relating to commerce, industry and tourism are largely sound, although the relatively low levels of development activity in the past has meant that they have only been relied upon on a few occasions to guide strategic land use decisions.

When the Planning Scheme was developed, the emphasis of many strategies in the Planning Scheme was on 'promoting' or 'supporting' particularly industrial industries and tourism initiatives to ensure that these would continue to contribute to the local economy. The Shire is now preparing for a future of renewed investment activity, as so there is a need to review the existing strategies to retain only those that can be achieved through the Planning Scheme.

The particular findings of the report for commercial, industrial and tourism uses are provided under the sub-headings below:

### *Commercial*

Maryborough has a well-established and diverse commercial centre, with four major supermarkets. Historically, there has been low investment in the Shire, but in the past three years, there has been substantial public and private investment in the Maryborough CBD Major redevelopment projects that have taken place include:

- Maryborough Knitting Mills Redevelopment (Coles, K-Mart);
- IGA supermarket;
- Aldi;
- McDonalds .

The review has found that, whilst the Shire is not considering any major commercial redevelopment proposals at present, the MSS needs to be strengthened in line with the recommendations of the C12 Panel Report to ensure that the Planning Scheme is ready to deal with new commercial development as proposals emerge, both large and small. The C12 Panel also identified the need to develop strategic directions for large format retailing. This is a growing sector of the retail economy that has the potential to affect traditional retail areas, particularly if located at a distance from existing activity centres.

These issues require additional strategic analysis to determine future commercial floorspace projections and review the zoning framework for the Maryborough CBD.

### *Industrial*

The review has found that Council's existing strategic directions for industrial development have served the Shire well, but need to be refined and updated in a number of key areas to reflect the changing role of industry in the Shire, some emerging new issues, and the findings of a recent Industrial Land Audit and Strategy.

Emerging issues that have been identified in the review include:

- significant amounts of industrial zoned land, but lack of serviced industrial land;
- a recommendation in the Industrial Land Audit to subdivide the former Penney & Land abattoir site at 4147 Pyrenees Highway, Carisbrook, but Council preference to retain land for larger industrial users;
- a recommendation in the Maryborough Urban Design Framework to re-zone unsightly industrial areas along major roads and encourage industrial uses in those areas to relocate to the Hamer and Leech Industrial Estates;
- potential to expand the 'drive in' industrial estate, which has been successful in attracting small scale industries and trade supplies outlets (refer also to discussion on 'Bendigo-Maryborough Road Corridor' in Theme 1).

These issues reveal the complexity of planning for industrial land. Together, they suggest that a comprehensive industrial strategy would be of great benefit to Council, developers businesses and the community, in providing greater certainty about Council’s vision for industry. It is unlikely that the existing Industrial Audit and Strategy could perform this role as it does not consider a number of important strategic matters relating to industrial land, such as industry trends and cluster opportunities, land demand and amenity and interface issues. Furthermore, it did not involve widespread consultation with industry and the community.

### *Tourism*

Central Goldfields Shire has long recognised that Maryborough is located strategically between the large regional centres of Bendigo and Ballarat. The review has found that tourism promotion in the goldfields is becoming more regional. As such, Central Goldfields Shire is ideally placed to benefit from the separate development of the Ballarat and Bendigo regional tourism boards, both of which will include Central Goldfields Shire.

Stakeholder feedback offered through the review process has suggested that that improved tourism infrastructure is required in Central Goldfields Shire to stimulate tourism development, particularly in the accommodation and hospitality sectors to assist with encouraging growth. Streetscape improvement works and other public improvement projects have the potential to stimulate private investment in these sectors. Enhancing these assets will be an important part of the success of attracting visitors to the proposed new National Heritage Region.

### **Recommendations for Municipal Strategic Statement**

- MS.20) Create a new clause ‘Economic Development’, with sub-sections for commercial, industrial and tourism development.
- MS.21) Consolidate existing economic development objectives and strategies within this clause.
- MS.22) Include Figure 24 of the Maryborough Urban Design Framework in the Municipal Strategic Statement under strategies for commercial and industrial land.
- MS.23) Make reference to the key strategic recommendations of the Industrial Land Audit and Strategy, including the potential to expand the ‘Drive-in’ industrial estate to the north
- MS.24) Develop a vision statement for land at 4147 Pyrenees Highway, Carisbrook, that aligns with Council’s preference for the land to be retained for a large user.

### Recommendations for further strategic work

FW.21) Prepare a commercial land strategy for Maryborough and other key areas that explores:

- current floorspace occupancy rates;
- land supply and floorspace supply in the existing business and mixed use zones;
- catchment areas and Maryborough’s sub-regional and regional role;
- population projections and likely floorspace take-up rates;
- trends in the retail, office and bulky goods sectors;
- key sites with development potential;
- the potential effects of out-of-centre development;
- the appropriateness of the existing zoning framework for the Maryborough CBA;
- the views of landowners, stakeholders and the community;
- planning scheme implementation through zones, overlays and policy.

FW.22) Prepare a comprehensive industrial land strategy that explores:

- land supply factors;
- demand trends (i.e. emergence of light/smaller industries);
- buffer requirements of traditional and emerging industries;
- amenity and interface issues;
- vision for the Industrial 2 Zone in Carisbrook and interim uses of the land;
- the opportunity to consolidate existing industrial zones;
- potential for light industrial development at Maryborough Aerodrome and the Drive In Industrial Estate;
- infrastructure needs and constraints;
- guidelines for the design and siting of new industrial development;
- the views of landowners, stakeholders and the community;
- planning scheme implementation through zones, overlays and policy.

## Theme 8 Transport

### What does the SPPF say?

Planning should:

- Ensure access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.
- Encourage the use of walking and cycling by creating environments that are safe and attractive and connect key destinations with cycling infrastructure.
- Allocate or require land to be set aside for car parking subject to the existing and potential modes of access.
- Plan the location of airfields, existing and potential development nearby, and the land-based transport system required to serve them as an integrated operation.

### What does the MSS currently say?

Clauses 21.07, 21.10 and 21.12 of the MSS identify issues, objectives and strategies relating to:

- investigating more direct access for industrial traffic between Ballarat Road and the AG Leech Estate;
- implementing a heavy vehicle road by-pass of Maryborough;
- the need to improve bicycle planning in the Maryborough urban area.

### What issues and opportunities are emerging?

#### *Railways and stations*

- Limited rail services from Ballarat to Maryborough have recently re-commenced, with 14 services per week.
- The State Government has made the following infrastructure commitments for the region:
  - re-open Talbot Railway Station in 2013;
  - \$2 million to examine the long-term feasibility of returning passenger trains between Geelong, Ballarat and Bendigo (via Meredith, Maryborough & Castlemaine);
  - \$7 million each for Clunes and Creswick Railway Stations (Hepburn Shire).
- According to the Rail Revival Study, returning passenger train services between regional cities is not viable at this point in time, however, the following land use measures are recommended (as described in Letter from DOTPLI 14/6/2013):

- In the short to medium term, lease out stations for public uses such as shops and community facilities to ensure that buildings do not deteriorate, until they are required for railway purposes.
  - In the short to medium term, through amendments to local planning schemes, future development within the towns should be focused around railway stations to generate public activity around the buildings.
  - For the longer term, support any future reactivation of rail services and the potential for higher line speeds between Ballarat, Maryborough and Castlemaine, including preserving land for future rail re-alignments.
- Enhanced services supporting tourism are expected to be introduced in the near future possibly commencing at weekends.

#### *Road transport & parking*

- The Maryborough CBA Traffic Parking & Pedestrian Study (2012) recommends that Pyrenees Highway should be realigned through the CBA, with two options identified, one along Burns Street and the other along Burke Street (URS, 2012, ix).
- The Maryborough CBA Traffic Parking & Pedestrian Study (2012) recommends a number of potential new at grade car parking sites, and existing car parks where double storey parking could be justified based on existing demand (Alma & Napier Street Precinct, Civic Precinct).
- The Department of Transport has emphasised the importance of the *Transport Integration Act* to future transport planning in the Shire, including the need to integrate transport and land use for improved taxi, cycling, private vehicle and pedestrian movements, along with freight movements and regional and local transit services.
- The reservation of a future bypass road to the south of Maryborough for a heavy vehicle bypass is substantially in place, although land still needs to be acquired at the eastern end of the route. This land is affected by the Public Acquisition Overlay (PAO). The timing of possible construction of this bypass is unknown.
- VicRoads has advised that there are no major capital works projects that are to be undertaken in Central Goldfields Shire over the next 5 years.
- VicRoads has not identified any new strategic projects or initiatives that may need to be incorporated into the Planning Scheme.

#### *Airfields*

- Council currently manages the Maryborough Aerodrome and has prepared the Maryborough Aerodrome Masterplan (Central Goldfields Shire, 2012). This report found that the aerodrome is a valuable asset that has opportunities for growth but faces a number of maintenance and management challenges. From a land use and planning perspective, it recommends that a development plan be developed to guide future building works and other matters, and that the current Obstacle Limitation Surface should be reviewed and any changes made to the Design and Development Overlay (DDO2).

### What views have been expressed by the community?

- Road congestion in the Maryborough CBD is a problem.
- Roads should accommodate a wider range of users including pedestrians, cyclists, horse riders and the elderly.

### What are the key findings of the review?

The review has found that, from a structural point of view, the elements of the MSS that relate to Transport are currently dispersed throughout various sections of the MSS and should be consolidated. The review has found that important changes to road transport in the Maryborough CBA have been foreshadowed in the Maryborough CBA Traffic, Parking & Pedestrian Study (2012). These changes need to be identified in the MSS, particularly the re-alignment of the Pyrenees Highway and potential upgrades of parking facilities in four key precincts.

The Maryborough CBA Traffic, Parking and Pedestrian Study does not make recommendations for new provisions in the Planning Scheme to give effect to its recommendations, however, one option available to Council is to apply the Parking Overlay (PO) to areas within the Maryborough CBA. This overlay can be used to modify the state standard parking rates for land uses within the CBA. It can also be used to levy contributions for the funding of new parking or public transport infrastructure if Council decides that this is appropriate.

The Rail Revival Study has identified some important short and long term initiatives to preserve existing railway infrastructure and the potential for inter-regional rail services to be reactivated in the future. Whilst a more detailed review of this document is required, the general recommendations for short, medium and long term actions are important, and should be incorporated into the Municipal Strategic Statement.

The review has found that the MSS would benefit from basic information relating to when construction of the Maryborough Heavy Vehicle Bypass will need to be seriously considered, based on current rates of development, together with major land use planning issues that will need to be resolved for this initiative (land acquisition, vegetation removal, rail crossings and major intersections).

The MSS would also benefit from improved strategic direction for the Maryborough Aerodrome, which should include any key transport and land use related outcomes of the strategic assessment of the Maryborough Aerodrome, if this has been adopted by Council.

As recommended in the Maryborough Aerodrome Masterplan, the planning provisions that apply to Maryborough Aerodrome also need to be reviewed. In addition a review of current DDO2, this should involve an assessment of noise impacts. The appropriate VPP tool for managing noise impacts is the Airport Environs Overlay (AEO). This overlay aims to protect the airfield from sensitive uses and ensure that people are protected from noise associated with aircraft by identifying the threshold ANEF (Australian Noise Exposure Forecast) levels. The Airport currently does not have an Airport Environs Overlay (AEO).

**Recommendations for Municipal Strategic Statement**

- MS.25) Consolidate existing issues, objectives, strategies and actions into a single 'Transport' section.
- MS.26) Update the Maryborough Structure Plan / Central Business Area Structure Plan with the proposed new alignment of the Pyrenees Highway.
- MS.27) Develop strategic directions for the Maryborough Aerodrome, including information about its role, importance to the region, growth potential and how it will be protected and managed through the Planning Scheme.
- MS.28) Incorporate the key recommendations of the Rail Revival Study into the Municipal Strategic Statement, including short, medium and long term actions for preserving railway buildings and infrastructure.
- MS.29) Provide basic information about planning issues associated with the Maryborough Heavy Vehicle Bypass, including the potential need for land acquisition, vegetation removal, rail crossings and major intersections.
- MS.30) Develop objectives and strategies that encourage sustainable transport by improving conditions for walking, cycling and connectivity to public transport.

**Recommendations for further strategic work**

- FW.23) Investigate whether an Airport Environs Overlay is required to protect the Maryborough Aerodrome based on its current and proposed future role.
- FW.24) Investigate the application of the Parking Overlay (PO) as part of the implementation of the Maryborough CBA Traffic Parking & Pedestrian Study (2012).



## Theme 9 Infrastructure

### What does the SPPF say?

Planning should:

- Facilitate renewable energy development in appropriate locations and protect energy infrastructure against competing and incompatible uses.
- Facilitate the location of health-related facilities with consideration given to demographic trends, the existing and future demand requirements and the integration of services into communities.
- Prepare Development Contributions Plans, under the Planning and Environment Act 1987, to manage contributions towards infrastructure.
- Provide for sewerage at the time of subdivision, or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.
- Support integrated planning of stormwater quality through a mix of on-site measures and developer contributions.
- Ensure buffers for waste and resource recovery facilities are defined, protected and maintained.

### What does the MSS currently say?

Clauses 21.07 of the MSS identify issues, objectives and strategies relating to:

- spare manufacturing and urban development infrastructure capacity in the Shire;
- encouraging the growth of Talbot to enable provision of reticulated sewerage to occur.

### What issues and opportunities are emerging?

#### *Sewerage*

- The capacity to viably service industrial zoned land with sewerage is a major challenge for Council. Council recently overcame this issue for land in Carisbrook by deferring the need to sewer land until a development proposal emerges, in consultation with Central Highlands Water.
- Central Highlands Water has advised that providing sewerage to Talbot has not been included in their five year 'Water Plan'.
- Coliban Water advises that the township of Dunolly was recently sewered, which will encourage the further development of areas within the township that are not otherwise constrained by bushfire risk or native vegetation with high conservation values.

### *Other infrastructure and initiatives*

- Dunolly and Bealiba obtain water from the Loddon River downstream of Laanecoorie Reservoir. Coliban Water advises that this water has high salt levels and the potential exists to pipe water from the Bendigo system to supply these towns.
- Coliban Water encourages Council to improve strategies to promote water sensitive urban design to manage the quantity and quality of stormwater runoff in new urban development.
- There is potential to install natural gas in Talbot given the close proximity of the pipeline to Maryborough.
- The preferred long-term location and land requirements of the Maryborough Hospital need to be investigated to accommodate re-development opportunities and additional parking infrastructure.
- Renewable energy initiatives are beginning to emerge in the Shire with the approval of a proposed solar and biomass energy project at the former Penny and Lang abattoir site in Carisbrook.
- The State Government has released the Victorian Waste and Resource Recovery Policy (DEPI, 2013). One of the key objectives of the policy is to integrate waste management with land use planning, transport and development. This includes better planning for existing waste management facilities, improved references to waste and resource recovery in the planning system and protection of separation distances.
- The development contributions framework in Victoria is currently under review. The Government has announced a preferred framework for development contributions, which includes a new system of standard levies that can be selected and applied to different development settings (source: [www.dpcd.vic.gov.au](http://www.dpcd.vic.gov.au)). The new system proposes a set of standard development contribution levies for different development settings based around five infrastructure categories:
  - Community facilities
  - Open Space facilities
  - Transport infrastructure
  - Drainage infrastructure
  - Public land

### **What views have been expressed by the community?**

- The inability to develop small lots due to lack of reticulated sewerage and gas supply is restricting the potential for urban development in the Shire's townships.
- Only large developers should be asked to directly contribute to the cost of physical and social infrastructure that is needed by the community.

- The Planning Scheme should promote water sensitive urban design to assist in reconciling its vision for increased population growth with diminishing water availability.
- The Planning Scheme should encourage full resource recovery and initiatives to discourage the use of landfills.

### **What are the key findings of the review?**

The review has found that the Municipal Strategic Statement contains a number of infrastructure-related strategies, although there is a need to strengthen this component of the MSS. The review has revealed a number of existing issues that need to be more prominent in the MSS and a number of important emerging issues. The specific findings of the review in relation to each urban service are provided under the sub-headings below:

#### *Sewerage in Talbot*

One of the critical factors to the success of Council's 'Population Growth Strategy' is the provision of sewerage to Talbot. Council has prepared a number of studies into the feasibility of providing sewerage to Talbot, including a technical study (2008) and Business Case (2010). Whilst it is currently mentioned in the MSS, the importance of this project needs to be better reflected in the Municipal Strategic Statement. Alternative funding arrangements that involve Council or direct Government contributions may be necessary for this project and their potential should be noted in the MSS.

#### *Landfills*

There are no operating landfills in the Shire, nine former landfill sites exist in the Shire according to information provided by Council. Several are located in the Farming Zone and have no formal identification in the Planning Scheme. Others are located in a Public Use Zone or are affected by the Environmental Audit Overlay. A number of the former landfills are located within 500 metres of urban development and residential zones, within the distance recommended in *EPA's Best Practice Guidelines for the siting and design of landfills (2010)*. Unless further detailed investigation work is done, this could have significantly limit the development potential of this land, particularly as the State Government has emphasised the need to protect separation distances through its new Victorian Waste and Resource Recovery Policy (DEPI, 2013).

The location of former landfills in the Shire needs to be considered in the development of Council's residential settlement strategy and may affect the potential for infill development in some areas. These issues require more investigation by the Shire, and should be noted in the MSS.

#### *Developer contributions*

Development contributions plans require developers to make contributions to physical and community infrastructure as part of the development process. They have not been used by Central Goldfields Shire to date, however, they are generally most useful when strong residential development activity is anticipated.

The proposed new standard infrastructure levies have not yet been determined, however, they should provide Central Goldfields Shire with a more useable method of levying contributions for new development. They should be seriously considered by the Shire during the development of any major new urban developments such as the 'Bendigo-Maryborough Road' corridor, and for other areas if major items of infrastructure are required to service development.

#### **Recommendations for Municipal Strategic Statement**

MS.31) Consolidate existing issues, objectives, strategies and actions into a single 'Infrastructure section.

MS.32) Provide greater detail on:

- the need to sewer Talbot;
- the location of former landfills;
- potential risk factors associated with former landfills.

MS.33) Identify the potential to pipe water from the Bendigo system to Dunolly and Bealiba, with further investigation required to determine the feasibility of the project and possible routes.

#### **Recommendations for further strategic work**

FW.25) Seek guidance from the EPA on the status of Best Practice Environmental Management Siting, Design, Operation and Rehabilitation of Landfills (EPA, 2010).

FW.26) Subject to the above recommendation, undertake a preliminary investigation into the location of the nine former landfills in the Shire to determine whether these meet the recommended buffer distances specified in *EPA's Best Practice Guidelines for the siting and design of landfills (2010)*.

## 8 Review of Local Planning Policies

### 8.1 Introduction

#### **How does the implementation tool work?**

Local Planning Policies are tools used to implement the objectives and strategies of the Municipal Strategic Statement. They assist responsible authorities in how to exercise discretion under a zone or overlay. The Central Goldfields Planning Scheme contains five Local Planning Policies, all of which have been in the Planning Scheme since 2000 and have not been altered since this time.

#### **How has the implementation tool been reviewed?**

One of the aims of this review is to ensure that the policies are relevant to the strategic directions of the Planning Scheme and are well written and useable. The DPCD Practice Note for Writing a Local Planning Policy (DPCD, 2012) sets out a series of principles to assist in determining whether a Local Planning Policy is justified and appropriate. In summary, these principles require that they:

- *should not repeat or contradict the State Planning Policy Framework, MSS or zones or overlays;*
- *should not contain broad strategic objectives and strategies;*
- *should be derived from an objective or strategy in the MSS;*
- *An LPP should clear, self contained and assist the council to make a decision.*

The practice note also provides guidance on the preferred structure and format of a local policy.

This section of the report provides an assessment of each policy against these tests and recommendations about whether the policy should be retained, removed or altered.

## 8.2 Key findings

### Clause 21.01 – Urban design

The review has found that:

- the policy has strong linkages with the strategic directions of the Municipal Strategic Statement that are clearly expressed in the policy basis;
- whilst the policy statements are well intended, they are generally too broad and offer little useful guidance to decision making;
- sections of the policy have been superseded by more detailed strategic planning work in Maryborough and the other smaller townships.

The review has revealed the following specific drafting issues:

- Some of the areas to which the policy applies are not clearly defined (“landscape context”).
- The policy does not relate to a particular permit discretion in the Planning Scheme (e.g. buildings and works or signage).
- The policy’s objectives are too general and broad in their scope to enable assessment of whether particular design responses meet the objectives.
- Some performance measures are too general to be of assistance in decision making; for example, applicants must *“demonstrate how the proposal contributes to the overall appearance of the town”*.
- Some performance measures are not sufficiently defined in the Planning Scheme to enable a proper assessment to be made. These include references to *“identified streetscape character”* and *“landscape character of the city”*.
- Most of the performance measures add little to the policies set out in the urban design principles of Clause 15.01-2 of the State Planning Policy Framework.
- The policy deals significantly with elements that are normally provided in the public realm rather than on private land, such as *“identified tourism image”* and *“location of visible signage”* and are therefore likely to be better managed outside the Planning Scheme.
- The policy contains strategic directions that should be located in the MSS such as to *“encourage medium density housing in the vicinity of the Maryborough CBA”* and government offices and civic developments in the Civic Precinct”.

### Recommendations

- LP.1) Remove policy and relocate strategic directions of the policy to appropriate sections in the MSS.
- LP.2) Include the key plans for gateway entrances that form part of the Maryborough, Talbot, Dunolly and Carisbrook UDF’s, as policy guidelines in the MSS.

**Clause 22.02 – Box ironbark forests**

The review has found that:

- the policy relates well to various objectives and policies in the Municipal Strategic Statement, however these linkages are not expressed in the policy;
- the policy basis and objectives are sound and should be retained in the Planning Scheme;
- the policy statements take the form of decision guidelines and have effectively been superseded by the current Clause 52.17 (Native Vegetation), which is now more useful than the version of this clause that formed part of the Planning Scheme when it was introduced in 2000; it now contains a stronger purpose, more specific application requirements and decision guidelines.

***Recommendations***

- LP.3) Remove the policy.
- LP.4) Retain the policy basis and objectives and relocate to the MSS.
- LP.5) Update the policy basis with the findings of the Box-Ironbark Forests & Woodlands Investigation (2001).
- LP.6) Introduce new policy when further work is done to update Vegetation Protection Overlays and Significant Landscape Overlays, as per recommendation FW.7 in Theme 3.
- LP.7) Rely on Clause 52.17 to manage applications for the removal of native vegetation until further local strategic work is undertaken to better guide the development of local policy.

### Clause 22.03 – Heritage

The review has found that:

- the policy has strong linkages with the strategic directions of the Municipal Strategic Statement that are clearly expressed in the policy basis;
- the areas to which the policy applies (“*all places of cultural heritage significance*”), are vague and open to interpretation as they are not identified in an overlay or in any other spatial way;
- the policy relates only to applications for ‘development’ and not to other important discretions in the Heritage Overlay (e.g. demolition and signage);
- the objectives of the policy are too brief and should be more specific and comprehensive;
- the statements of policy are general and unlikely to aid in decision making. ;
- the statements of policy add little to the policies set out in Clause 15.03-1 of the State Planning Policy Framework;
- the policy aims to protect European cultural heritage, however, the decision guidelines only relate to Aboriginal cultural heritage;
- the decision guidelines that relate to Aboriginal cultural heritage are likely to be superseded by the requirements of the *Aboriginal Heritage Act 2006*.

### Recommendations

LP.8) Retain policy and revise to include:

- more specific objectives that relate to a broader range of considerations (vistas, streetscapes, maintenance, protection and conservation of heritage places)
- an explanation of definitions and types of significance;
- separate policies for specific forms of development (e.g. demolition, subdivision, extensions, new buildings, reconstructions, trees, fences);
- visual diagrams to explain key policies such as extensions and infill buildings;
- statements of significance for key precincts, as per the findings of the Heritage Review, Stage 1 (Rowe, 2004);
- individual policy statements, as per the recommendations of the Heritage Review, Stage 1 (Rowe, 2004).



**Clause 22.04 – Agriculture**

The review has found that:

- the policy has strong linkages with the strategic directions of the Municipal Strategic Statement that are clearly expressed in the policy basis;
- the objectives of the policy are generally sound, but could be improved to identify particular rural issues such as managing pressures for residential land use in rural areas;
- the policy statements are generally sound, however, do not fully reflect the current purpose of the Farming Zone, which contains a specific zone purpose to discourage the development of dwellings;
- key sections of the policy about retaining land in ‘productive land units’ are likely to require a detailed strategic foundation that does not currently exist;

**Recommendations**

LP.9) Retain policy until a rural land study is completed for the Shire (refer to recommendation FW.16in Theme 4 – Natural Resource Management).

LP.10) Revise following completion of rural land study.

**Clause 22.05 – Industrial development**

The review has found that:

- the policy has strong linkages with the strategic directions of the Municipal Strategic Statement that are clearly expressed in the policy basis;
- most of the performance measures relate to matters that would be better addressed through strategic directions and the application of zones and overlays rather than policy (e.g. *“protection of residential areas”*);
- some of the performance measures are generally too broad to aid in decision making; for example, *“appropriate site coverage”* and *“signage that is not visually intrusive”*.

**Recommendations**

LP.11) Remove the policy and relocate the policy basis and objectives to the MSS.

LP.12) Consider the development of Design and Development Overlays to manage the siting and appearance of industrial development through the development of an industrial land study (refer to recommendation FW.20).

### 8.3 Conclusions

The review has found that the five local planning policies generally have strong linkages with the Municipal Strategic Statement, however, they are unlikely to assist greatly in decision making as they contain strategies and policies that are overly broad.

It is recommended that the policies for heritage and agriculture be retained but revised following further strategic work. The other policies should be removed as they have been either superseded by other parts of the Planning Scheme or the issues would be better managed through other implementation tools.

## 9 Review of zones

### 9.1 Introduction

#### **How does the implementation tool work?**

The main function of zones is to guide the use of land. They must be used to implement the State and Local Planning Policy Frameworks, including the MSS.

#### **How has the implementation tool been reviewed?**

The review has investigated whether the zones are achieving their strategic objectives and desired outcomes and link with the Local Planning Policy Framework, including the Municipal Strategic Statement. It has also attempted to identify issues with the general application, function and drafting of the zones and their schedules.

This section of the report documents the findings of the review and identifies strategic work that needs to be undertaken by Council in order to improve the strategic basis for applying each zone. Reference is made throughout the discussion to relevant planning strategies and panel reports.

The review is general in nature; it has not involved an audit of planning applications, nor was data available about the number of permits that have been considered under each zone. It should also be noted that the review does not consider detailed zoning issues relating to particular sites, although it does identify a number of areas where issues have been identified by Council. Detailed investigations into the zoning of land should be addressed through an appropriate strategic study.

It should also be noted that the Minister for Planning has announced a series of new residential, business and industrial zones, which are to come into effect in July, 2013. The general implications of the new zones are discussed in relation to each zone.

## 9.2 Key findings

### Residential 1 Zone

The Residential 1 Zone (R1Z) generally applies to serviced residential areas in the townships of Maryborough, Dunolly and Carisbrook.

The consultation and general research on permit activity undertaken as part of this review has found that the Residential 1 Zone is successfully facilitating new residential development in these townships. Data assembled by Council reveals that there were 17 multi dwelling applications and 41 subdivision applications over the past 5 years in the Zone.

The review has not raised any major issues with the current application of this zone, although Council has advised that the application of the Zone should be reviewed in Bucknall Street, Carisbrook, due to servicing and flooding issues. In future, the Residential 1 Zone should be applied to Talbot if sewerage is extended to the township, as is anticipated under Council's 'Population Growth Strategy'.

The new General Residential, Neighbourhood Residential and Residential Growth Zones will provide Council with further options for managing the density and appearance of development in residential areas. DPCD has advised that the General Residential Zone will be the default zone that is applied to all residential areas if Councils do not implement the zones themselves.

### Residential 2 Zone

The Residential 2 Zone aims to encourage medium and higher density residential development. The zone has been applied to extensive parts of inner Maryborough.

The Shire has assembled data on planning approvals for the past five years in the Residential 1 and Residential 2 Zones. The data reveals that, as a proportion of total subdivision and multi-dwelling applications, there were fewer multi-dwelling applications in the Residential 2 Zone (18%) than the Residential 1 Zone (41%) over the period. This indicates that the Zone may not be achieving its strategic objectives.

The forthcoming introduction of the new residential zones will provide an opportunity to review the appropriateness of this zone. It appears that the Residential Growth Zone should be considered for this area as it anticipates greater density development and building heights, although it may not be compatible with the Heritage Overlay that applies to much of the Residential 2 Zone in central Maryborough. This should be further investigated as part of a strategic study to identify preferred nodes/areas for residential development as described in recommendation FW.20 in Section 7, Theme 6.

### **Township Zone**

The main purpose of the Township Zone is to provide for residential development and a range of commercial, industrial and other uses in small towns. The zone applies to the central parts of the smaller townships in the Shire, including Talbot, Majorca, Timor, Bealiba and Moliagul.

The review has not revealed any particular issues relating to how this zone is currently being applied in the Planning Scheme as a result of consultation with Council, the community or authorities. The forthcoming introduction of amended Township Zone in the Victoria Planning Provisions will provide greater flexibility for Councils to tailor development guidelines and application requirements to local needs in The Township Zone. At this point in time, there is likely to be little need to make changes to the local schedules in these towns.

### **Low Density Residential Zone**

The Low Density Residential Zone has not been widely used in the Shire. It applies to land at the edges of Dunolly and some small areas at the edges of Maryborough and Carisbrook.

The review has not revealed any major issues relating to how this zone is being applied in the Planning Scheme as a result of consultation with Council, the community or authorities. Council has, however, noted that the Zone directly abuts land in the industrial zone in Carisbrook, which may affect the future use and development of land in this area.

There is an opportunity to reduce permit requirements in this zone by raising the trigger point for extensions to construct an outbuilding in the Schedule to the Zone. This could, for example, be set to 50 square metres. Further assessment of permit activity data is required to determine how many permits would not be required as a result of this change and whether it would therefore be worth pursuing a planning scheme amendment.

### **Mixed Use Zone**

This zone aims to provide for a range of residential, commercial, industrial and other uses that complement mixed-use areas. The zone applies to land in Burns Street and Christian Street in Maryborough.

Much of the land in the Mixed Use Zone appears to be developed for established detached single dwellings, with some limited commercial development. It is therefore possible that this zone may not be achieving its strategic objectives and it may be preferable to apply the residential or business zones to this land, depending on the preferred land use vision for the area. This should be addressed through a strategic study of commercial land in Maryborough (refer also to Review of Strategic Directions, Theme 7 – Economic Development).

### **Industrial Zones**

The industrial zones aim to encourage industrial development, with consideration of the safety and amenity of local communities and the type of industrial development. The Industrial 1 and Industrial 2 Zones apply to land in Maryborough, Dunolly and Carisbrook.

The review has not revealed any particular issues relating to how these zones are being applied in the Planning Scheme as a result of consultation with Council, the community or authorities, although the capacity to viably service industrial land with sewerage is a major challenge for Council. The review has identified the need for a comprehensive planning framework to address strategic decisions on industrial land. This is discussed in more detail in Section 7, Theme 7.

### **Business Zones**

The Planning Scheme utilises all five of the business zones in the Victoria Planning Provisions. These are applied in the following areas:

- Business 1 Zone in the Maryborough and Dunolly town centres;
- Business 2 Zone to land in Tuaggra Street, Maryborough;
- Business 3 Zone to land in Ballarat-Maryborough Road, Maryborough;
- Business 4 Zone to various areas in Maryborough, with the largest in Napier Street;
- Business 5 Zone to two small areas in Inkermann Street and Bendigo-Majorca Road, Maryborough.

The review has not revealed any particular issues relating to how these zones are being applied in the Planning Scheme as a result of consultation with Council, the community or authorities. As stated in Section 7, Theme 7, it is recommended that Council undertake a Commercial Land Study to provide strategic direction about the application of these zones. . This study would need to be considered in the context of the proposed new Commercial 1 and Commercial 2 Zones, which will apply to areas that are currently zoned Business 1-5.

### **Farming Zone**

The main purpose of the Farming Zone is to provide for the use of land for agriculture. The Farming Zone was introduced in the Central Goldfields Planning Scheme in 2006. It was applied to land that was formerly zoned Rural. The Farming Zone applies to most of the land in the Shire, including parts of Moolort and Eddington that are identified as land with high agricultural or irrigation potential in the 'Strategic Framework Plan' in Clause 21.04. This review recommends that a rural land study should be undertaken to review the suitability of current zones in the rural areas (refer to recommendation FW.16 in Section 7, Theme 4).

There is an opportunity to reduce permit requirements by raising the trigger point for extensions to construct an outbuilding and minor dwelling extensions in the schedule to this zone. This could, for example, be set to 100 square metres. Further assessment of permit activity data is required to determine how many permits would not be required as a result of this change and whether it would therefore be worth pursuing a planning scheme amendment

### **Rural Conservation Zone**

This zone aims to protect particular environmental values and ensure that the development of land is in accordance with these values, and sensitive landscapes. There is one schedule to the Zone in the Planning Scheme. It aims to protect water quality in the Loddon Catchment, remnant vegetation and promote sustainable land management, including the prevention of salinity and erosion. The zone applies to parcels of land adjacent to the state forests that surround Maryborough and Dunolly, as well as land associated with volcanic rises in the southern and central parts of the Shire.

The review has found that the Zone is being applied appropriately, although would benefit from the development of policies as per the recommendations in other sections of this report, namely recommendations relating to:

- policy for development at the interface between private land and state forests (refer to recommendation EV6 in Section 7, Theme 2)
- Vegetation Protection Overlay (VPO1) as per the recommendations in Section 10 of this report.
- Salinity Management Overlay as per the recommendations in Section 10 of this report.
- Erosion Management Overlay as per the recommendations in Section 10 of this report.

The current and future application of this zone should be considered through a rural land study (refer to recommendation FW.16 in Section 7, Theme 4).

### Rural Living Zone

The Rural Living Zone (RLZ) provides for residential living in a rural environment and is a form of living that has been a long established feature of the Shire. The Shire has extensive areas of land in this Zone. The largest areas are located around Maryborough and in the southern parts of the Shire, including Daisy Hill, Talbot and Red Lion. Land zoned Rural Living also exists in Dunolly and Bealiba.

The state standard minimum lot size for land in the Rural Living Zone is eight hectares. The Schedule to the Rural Living Zone in the Central Goldfields Planning Scheme specifies minimum lot sizes of two or four hectares for the majority of land in the Zone, with two hectares allowed if reticulated water is available. A large number of lots in these areas are more than eight hectares in size and are therefore likely to have potential for further subdivision.

One of the areas where the eight hectare minimum lot size applies is land on the west and east sides of Maryborough-Dunolly Road. This area is shown in Map 2 in the Schedule to the Zone. It is understood that reticulated water has recently been provided to this area, which raises the possibility that the Schedule to the Zone could be altered to allow a lower minimum lot size such as two or four hectares. The findings of this report relating to settlement have identified part of this area in the 'Bendigo-Maryborough Corridor' (refer to Figure 6 in Section 7, Theme 1), an area that is likely to have strategic importance for urban expansion in the future. It may therefore be inappropriate to allow additional lots in this area until it has been confirmed that the area will not be required for any form of urban expansion.

More broadly, the potential to create additional lots in the Rural Living Zone is a strategic issue that needs to be informed by a range of considerations, including whether the additional supply of land in this zone is appropriate. This review report suggests that land supply and demand in this zone should be investigated as part of a rural land study (refer to recommendation FW.16 in Section 7, Theme 4). Bushfire risk also has the potential to alter the suitability of this zone in some areas (refer to Section 7, Theme 3).

The review has also identified opportunities to reduce permit requirements by raising the trigger point for extensions to existing dwellings and the construction of outbuildings in the schedule to the Zone. The default trigger point in the zone is 50 square metres. This figure could, for example, be increased to 100 square metres.

### Public land zones

The public land zones have been applied to various parcels of land owned by Central Goldfields Shire Council or state government agencies, including:

- Maryborough Wastewater Treatment Plant, Maryborough-Bendigo Road (PUZ1)
- Maryborough Education Centre, Balaclava Road, Maryborough (PUZ2);
- Maryborough District Health Services, Clarendon Street, Maryborough (PUZ3)
- 'Station Domain' precinct, Maryborough (PUZ4);



- Shire depot in Burns Street, Maryborough (PUZ6);
- Large areas of crown land on the south and east sides of Dunolly (PUZ7);
- Maryborough Trotting Club, Chaplins Road, Carisbrook (PUZ7);
- Maryborough Airport (PUZ7).

The review has not revealed any particular issues relating to the application of the Zone, although Council is in the process of correcting a number of errors in the application of this zone as part of Amendment C22.

### **Special Use Zone**

This zone allows for the use and development of land for a specific purpose. It has not been extensively used in the Shire. It applies to:

- Goldfields Reservoir, Ballarat Road, Maryborough (SUZ1);
- Ron Sinclair Reserve in Clarke Street, Maryborough (SUZ1);
- Maryborough Golf Club in Park Road, Maryborough (SUZ2).

Schedule 1 has been a part of the Planning Scheme since the new format planning scheme came into effect in 2000. The Schedule aims to provide for tourism and recreational development adjacent to the Maryborough Reserve. The review has identified the following issues with this schedule:

- ‘food and drink premises’ is nested as a retail premises, but is not exempted as a Section 3 Use;
- the provisions relating to the use and development of land are very brief and therefore do not aid greatly in decision making;

This schedule should be reviewed to provide an improved framework for decision making, particularly in the sections relating to use of land and buildings and works. In addition, consideration should be given to applying the Public Park and Recreation Zone or Public Use Zone to the Goldfields Reservoir and Ron Sinclair Reserve, as these may be more appropriate zones.

Schedule 2 was applied to the Maryborough Golf Course as part of Amendment C16 to the Planning Scheme in 2009. The suitability of the Zone and its objectives was fully explored through this process and no further review of this schedule is considered to be necessary.

### 9.3 Conclusions

The review has found that the Central Goldfields Planning Scheme generally makes appropriate use of the zones in the Victoria Planning Provisions. They generally give effect to the policies set out in the State and Local Planning Policy Frameworks, although further strategic review work of the Mixed Use Zone and Residential 2 Zone is required to ensure that they are fully achieving their strategic objectives. This review could be undertaken as part of a broader study to investigate the application of the three new residential zones. Other zone provisions that require review are Schedule 1 to the Special Use Zone and the schedules to the Farming, Rural Living and Low Density Residential Zones, whose performance could be improved by introducing new permit triggers.

At present, Council does not have a full strategic understanding of the supply of, and demand for, rural living, industrial and business and rural living land in the Shire. This should be the subject of further strategic work when the need arises, as identified elsewhere in this report.

### 9.4 Recommendations

- ZO.1) Pursue the strategic work for the rural living, industrial and business zones identified in Section 7 of this report as the strategic basis for changes to the zones in the Central Goldfields Planning Scheme.
- ZO.2) Investigate permit trigger points for extensions and outbuildings in the Low Density Residential Zone, Farming Zone and Rural Living Zone, as appropriate. Subject to the findings of these investigations, consider raising the permit triggers in the schedules to these zones to:
  - 100 square metres for dwelling extensions and outbuildings in the Farming and Rural Living Zones;
  - 50 square metres for outbuildings in the Low Density Residential Zone.
- ZO.3) Review the content of Schedule 1 to the Special Use Zone and improve provisions relating to use of land and buildings and works.
- ZO.4) Investigate the potential for the Goldfields Reservoir and Ron Sinclair Reserve to be rezoned to Public Park and Recreation Zone (PPRZ) or Public Use Zone (PUZ).

## 10 Review of overlays

### 10.1 Introduction

#### **How does the implementation tool work?**

Like zones, overlays cannot be varied at the local level, although most overlays allow for local provisions to be included in the Planning Scheme in the form of schedules to the overlays.

The Planning Scheme contains a large number of overlays and overlay schedules that deal with a wide variety of planning issues, including:

- environment and landscape (11 schedules);
- heritage and built form overlays (13 schedules and 1000 heritage places);
- land management overlays (3 schedules);
- other overlays (2 overlays);

#### **How has the implementation tool been reviewed?**

This section provides an assessment of the overlays in the Planning Scheme that require particular attention based on issues that have been identified through the review process, together with recommendations on how the issues should be addressed.

The review investigates whether the overlays are achieving their strategic objectives and desired outcomes and link with the Local Planning Policy Framework, including the Municipal Strategic Statement. It also investigates any issues with the general application, function and drafting of the overlays and their schedules.

The review is general in nature; it has not involved an audit of planning applications that have been considered under the overlay, nor was information available about the number of permits that are considered under each overlay. Any overlay schedules that have not been examined in this section are considered to be generally appropriate in their current form.

## 10.2 Key findings

### **Environmental Significance Overlay (ESO1) – Streamside, watercourses and storages**

This schedule relates to the protection of seven watercourses and two storages in the Shire. The schedule has formed part of the Planning Scheme since its introduction in 2000 and has not been reviewed since this time.

The overlay affects areas that range from approximately two kilometres around Tullaroop Reservoir to 200 metres around smaller watercourses. All applications under the overlay must be referred to the catchment management authority under Section 55 of the Act. According to the NCCMA, this overlay also provides an alternative means for controlling development in floodplains in the absence of the LSIO maps (letter from NCCMA 9/5/2012)

The review has found that the overlay implements the strategies in Clause 21.09 of the MSS to protect waterways and catchments, although the overlay would benefit from references in the schedule as to why the identified waterways are considered to be important. This would also assist in revealing whether the overlay should be applied to other waterways. There is also a need to extend the overlay to special water supply catchments that are not covered by the overlay (e.g. Laanecoorie and Bealiba).

The schedule to the overlay should be-redrafted to improve permit requirements, exemptions and referral requirements. It is noted that Goulburn Murray Water is currently not listed as a referral authority in the Schedule to Clause 66.04.

### **Recommendations**

- OV.1) Retain overlay.
- OV.2) Extend the overlay to Special Water Supply Catchments of Laanecoorie and Bealiba reservoirs.
- OV.3) Engage with the North Central Catchment Management Authority to determine whether:
  - the current mapped areas are accurate;
  - the overlay should apply to other waterways in the Shire;
  - the content is appropriate and is consistent with the adopted regional catchment management strategy;
- OV.4) Engage with Goulburn Murray Water to improve permit triggers and permit exemptions.
- OV.5) Include Goulburn Murray Water as a referral authority under the overlay in the schedule to Clause 66.04.
- OV.6) Update the overlay in accordance with the outcomes of the recommendations above.

### **Environmental Significance Overlay (ESO2) – Air emissions buffer**

This schedule relates to air emissions buffers around the former Penney and Lang abattoir site in Carisbrook and the Maryborough Waste Water Plant on Bendigo-Maryborough Road. The schedule has formed part of the Planning Scheme since its introduction in 2000.

The review has found that the overlay implements the strategy in Clause 21.07 of the MSS to “*facilitate establishment of industries within air emissions overlay areas at Flagstaff*”.

The review has, however, identified the following issues with its function, content or application:

- the Penney and Lang abattoir site is no longer in operation (the site is being developed by Council as an industrial estate);
- the schedule relies upon a trigger for buildings and works to manage issues that relate to the use of land;
- the overlay is not supported by any policy guidelines in the Planning Scheme to aid in decision making;
- The Planning Scheme does not include any triggers for referrals to the operators of the facilities;
- DPCD has advised that the preferred tool for protecting buffers for air emissions are zone schedules and policy statements rather than overlays.

It is understood that Council wishes to retain the overlay on the area surrounding the former Penney and Lang abattoir site in order to provide protection for future industrial users if they establish on the site.

#### ***Recommendations:***

OV.7) Retain the overlay, but remove all text references to the Penney and Lang abattoir.

OV.8) Engage with Central Highlands Water to:

- develop policy positions on how discretion will be exercised for particular uses within the overlay area;
- develop appropriate referral trigger points.

OV.9) Update the MSS and overlay schedule in accordance with the outcomes of the above recommendations.

### **Vegetation Protection Overlay (VPO1) – Central Goldfields bushland**

This overlay aims to protect remnant vegetation in the Shire. The overlay applies to a range of small and large areas in the rural parts of the Shire. Key areas exist to the west of Maryborough, adjoining the State Forest, to the west of Talbot and to the west of Tullaroop Reservoir. The schedule has formed part of the Planning Scheme since its introduction in 2000 and has not been altered since this time.

The review has found that the overlay implements the strategies in Clause 21.09 of the MSS to encourage the retention of remnant vegetation. It has, however, identified the following issues with its function, content or application:

- the decision guidelines allow for consideration of any comments from DSE / DNRE, yet there is no Section 52 or Section 55 referral requirement or guidance as to when the views of these authorities should be sought;
- the Planning Scheme contains little policy guidance to aid in decision making on applications under the overlay.

The need for additional mapping for this overlay is currently identified in Clause 21.09 of the Planning Scheme. As part of the consultation carried out for this review, DSE has noted that this requires investigation by DSE's Water and Environment Group, but that a lack of resources has prevented this to date.

#### ***Recommendations:***

- OV.10) Retain overlay.
- OV.11) Formally request DSE's Water and Environment Group to prepare more accurate mapping to assist in improving the integrity of the overlay in achieving its strategic objectives.
- OV.12) Develop policy guidelines in the MSS to guide the exercise of discretion, as per the recommendations for Local Planning Policy for Box-Ironbark Forests in Section 8 of this report.
- OV.13) Engage with DSE to develop appropriate referral trigger points.
- OV.14) Update the MSS and overlay schedule in accordance with the outcomes of the above recommendations.

### **Significant Landscape Overlay (SLO1) – Cairn Curran reservoir (west bank)**

This overlay aims to protect vegetation and landscapes associated with the Cairn Curran Reservoir. The overlay applies to land on the west side of Cairn Curran Reservoir. The schedule has formed part of the Planning Scheme since its introduction in 2000.

The review has found that the overlay implements the strategies in Clause 21.09 of the MSS to protect the environs of Lake Cairn Curran and encourage the retention of remnant vegetation. The review has, however, identified the following issues with its function, content or application:

- the landscape objectives are general and do not specify what types of ‘land forms’ are important (e.g. ridgelines, plateaus, gullies etc.), or what areas are sensitive or significant.
- there are no decision guidelines for applications for the removal of vegetation;
- the Planning Scheme contains little policy to aid in decision making on applications under the overlay;
- the overlay is not supported by any clear statements in the MSS about protecting the landscapes that have been identified in the schedule.

#### ***Recommendations:***

OV.15) Retain overlay.

OV.16) Review relevant reference documents and update policy to provide more detail about areas that are sensitive or significant.

OV.17) Update the schedule with decision guidelines for the removal of native vegetation or refer to Clause 52.17.

OV.18) Develop policy guidelines in the MSS to guide the exercise of discretion for applications under the overlay.

### **Significant Landscape Overlay (SLO2) – Talbot district volcanic rises**

This overlay aims to protect vegetation and landscapes associated with volcanic rises in the Talbot district. The overlay applies to land in Mount Glasgow, Mount Gower and Glengower. The schedule has formed part of the Planning Scheme since its introduction in 2000 and has not been reviewed since this time. It is noted that a similar overlay applies to volcanic ridges in the Hepburn Planning Scheme (SLO1).

The review has found that the overlay implements the strategies in Clause 21.09 of the MSS to encourage the retention of remnant vegetation. The review has, however, identified the following issues with its function, content or application:

- the landscape objectives are general and do not specify what types of ‘land forms’ are important (ridgelines, plateaus, gullies etc.), or what areas are sensitive or significant.
- there are no decision guidelines that relate to applications for the removal of vegetation.

- the Planning Scheme contains little policy to aid in decision making on applications under the overlay;
- the overlay is not supported by any clear statements in the MSS about protecting the landscapes that have been identified in the schedule.

**Recommendations:**

- OV.19) Retain overlay.
- OV.20) Review relevant reference documents and update policy to provide more detail about areas that are sensitive of significant (the objectives of the SL01 in the Hepburn Planning Scheme could be used as a guide).
- OV.21) Include decision guidelines for the removal of native vegetation or refer to Clause 52.17.
- OV.22) Develop policy guidelines in the MSS to guide the exercise of discretion for applications under the overlay.

**Heritage Overlay (HO1 to HO209)**

The main purpose of the Heritage Overlay is to conserve and enhance heritage places. The Shire has extensive heritage assets, with 209 heritage places identified in the Schedule to the Overlay. Other places of heritage significance are likely to exist in the Shire but have yet not been formally identified.

The review has found that the overlay implements the strategies in Clause 21.10 of the MSS to “*identify and protect places of heritage, natural or heritage value*”. The issues relating to this overlay have been described previously in Section 7, Theme 5, of this report.

**Recommendations:**

- OV.23) Update the heritage overlay in accordance with the recommendations of the Heritage Review (Rowe, 2004, vii-viii), namely:
- replace HO206 in Maryborough with eight heritage areas, following further work;
  - prepare schedules for 49 places outside the existing heritage areas;
  - alter HO209 in Carisbrook.



### **Design and Development Overlay (DD01) – Maryborough golf course residential development**

This schedule was introduced in the Planning Scheme in 2009 through Amendment C16. The content of the schedule was fully explored through this process and no further review of this schedule is considered to be necessary.

#### *Recommendation:*

OV.24) Retain overlay.

### **Design and Development Overlay (DD02) – Maryborough Airport environs**

This overlay aims to protect the operations of the Maryborough Airport.

The review has found that the overlay implements the strategies in Clause 21.12 of the MSS to “improve the use of the Maryborough airport for increased tourism, recreational and commercial activity”. The review has, however, identified the following issues with the overlay:

- the schedule relies upon a trigger for buildings and works to manage issues that relate mainly to the use of land;
- the permit triggers may not accurately reflect areas that require height restrictions for new buildings and works (Obstacle Limitations Surface). This issue was also identified in the Maryborough Aerodrome Masterplan.
- the overlay attempts to manage noise related issues, however, does not appear to be based on an Australian Noise Exposure Forecast (ANEF);
- the Planning Scheme currently contains little policy to aid in decision making on applications under the overlay.

#### *Recommendations:*

OV.25) Retain overlay, but review in accordance with Obstacle Limitations Surface requirements as per the recommendations of the Maryborough Aerodrome Masterplan.

OV.26) Establish an internal process for referring all applications to the Airport Manager for comment.

OV.27) Develop policy guidelines in the MSS to guide the exercise of discretion.

OV.28) Investigate whether the Airport Environs Overlay (Schedules 1&2) would be more appropriate to apply to land in areas of high aircraft noise.

### **Development Plan Overlay (DPO1) – Maryborough golf course**

This schedule was introduced in the Planning Scheme as part of Amendment C16 in 2009. The content of the schedule was fully explored through this process and no further review of this schedule is considered to be necessary.

#### *Recommendation:*

OV.29) Retain overlay.

### **Development Plan Overlay (DPO2) – Maryborough urban prospects sites**

This overlay aims to guide the re-development of three former school sites in Maryborough. The schedule was introduced in the Planning Scheme through Amendment C18 in December, 2008.

The review has found that the overlay implements the strategies in Clause 21.06 of the MSS to “provide medium density residential opportunities close to Maryborough CBA”.

Development Plans have been approved under the overlay for each of the sites. None of the re-developments have been completed so there is a need to retain the overlay until the development of all sites is completed.

#### *Recommendations:*

OV.30) Retain the schedule in the short term.

OV.31) Remove the schedule once development is completed on all sites.

### **Development Plan Overlay (DPO3) – Railway station precinct**

This overlay aims to guide the re-development of land in the Railway Station Precinct in Maryborough. The schedule was introduced in the Planning Scheme in December, 2008, through Amendment C18. A development plan has been approved under the overlay.

The review has found that the overlay implements various strategies in the MSS relating to transport, urban design and gateways and entrances.

Council advises that the development plan is likely to change in the future. In order to manage these changes, there is a need to retain the overlay.

#### *Recommendations:*

OV.32) Retain the schedule in the short term.

OV.33) Remove once development is completed on all sites.

### **Erosion Management Overlay (EMO)**

This overlay aims to protect areas prone to erosion, landslip or other land degradation processes. The overlay applies to large tracts of land throughout the Shire. The land is predominantly zoned for Farming and Rural Conservation. The schedule to the overlay specifies that a permit is not required for construction of an outbuilding having an area less than 120m<sup>2</sup>. It also specifies that an engineer's report may be required to advise on erosion issues. The schedule has formed part of the Planning Scheme since its introduction in 2000 and has not been altered since this time.

The review has found that the overlay implements the strategies in Clause 21.09 of the MSS to minimise the potential impact of existing and new developments to cause risk of erosion. The review has, however, identified two key issues with the schedule, one relating to decision making and other relating to the application of the overlay.

In relation to decision making, the schedule contains little guidance for Council and applicants to determine when an engineer's report is required. In the past, the Department of Primary Industries' (DPI) local office had expertise in this area, however, this is no longer the case. Without this expert advice, it is likely that the overlay is not achieving its strategic objectives.

In relation to application, the overlay applies to the entire township of Talbot and other urban land in the Shire. It therefore triggers the need for planning approval for most buildings and works in these areas, including the construction of all dwellings. Whilst this may not be an issue at present due to low numbers of permit applications in these areas, if urban growth expands in Talbot as anticipated, there will be a need to examine:

- the nature and severity of the erosion issues;
- how they constrain the development of urban land;
- whether erosion issues in urban areas should be managed under an overlay or through other planning tools to avoid significant numbers of permit applications.

#### ***Recommendations:***

OV.34) Consult with DPI and DPCD to:

- confirm the type of information that is available for erosion in the Shire and its accuracy;
- identify the need for further strategic planning work to guide the development of more useful schedules to the overlay; and
- identify the potential for a referral agreement with standard conditions for applications under the overlay.

OV.35) Investigate erosion management issues as part of Council's residential settlement strategy or other appropriate strategic study.

### Salinity Management Overlay (SMO)

This overlay aims to identify areas subject to saline ground water discharge or high ground water recharge and manage development issues associated with salinity. The overlay applies to large areas of land throughout the Shire, predominantly land that is zoned for Farming and Rural Conservation. The schedule has formed part of the Planning Scheme since its introduction in 2000 and has not been reviewed since this time. Many of the areas affected by the Salinity Management Overlay are also affected by the Erosion Management Overlay.

The schedule to the overlay specifies that a permit is not required for construction of an outbuilding having an area less than 120m<sup>2</sup>. It contains no other requirements. The review has found that the overlay implements the strategies in Clause 21.09 of the MSS to minimise the potential impact of existing and new developments to cause risk of salinity. The review has identified two key issues with the schedule, one relating to decision making and other relating to the application of the overlay.

In relation to decision making, the Planning Scheme contains little guidance to guide decision making under the overlay. In the absence of this information, Council is likely to rely on the advice of DSE as a Section 55 referral authority under the overlay. It is understood, however, that DSE no longer has expertise in salinity management in its local office. Without this expert advice, it is likely that the overlay is not achieving its strategic objectives.

In relation to application, the overlay applies to the entire township of Talbot and other urban land in the Shire. It therefore triggers the need for planning approval for most buildings and works in these areas, including the construction of all dwellings. Whilst this may not be an issue at present due to low numbers of permit applications in these areas, if urban growth expands in Talbot as anticipated, there will be a need to examine:

- the nature and severity of the salinity issues;
- how they constrain the development of urban land;
- whether salinity issues in urban areas should be managed under an overlay or through other planning tools to avoid significant numbers of permit applications.

#### *Recommendations:*

OV.36) Consult with DSE and DPCD to:

- confirm the type of information that is available for salinity in the Shire and its accuracy;
- identify the need for further strategic planning work to guide the development of more useful schedules to the overlay; and
- identify the potential for a referral agreement with standard conditions for applications under the overlay.

OV.37) Investigate salinity management issues as part of Council's residential settlement strategy or other appropriate strategic study.

### Land Subject to Inundation Overlay (LSIO)

This overlay aims to identify land in flood storage or flood fringe areas and manage development issues associated with flooding. The overlay applies to areas around the main waterways in the Shire, including central Maryborough and rural areas in the northern part of the Shire. The overlay has formed part of the Planning Scheme since 2000 and has not been reviewed since this time.

This overlay is applied in partnership with the North Central Catchment Management Authority (NCCMA). Council relies on the advice of the NCCMA as a Section 55 referral authority to guide decision making under the overlay.

The review has found that the overlay implements the strategies in Clause 21.09 of the MSS to “*protect property and life from the risk of flooding and identify flood prone areas*”. The main issue identified in the review relates to the accuracy of the overlay, which, according to the NCCMA, is not considered to be accurately mapped across the Shire and is widely recognised to be inaccurate in Carisbrook. According to advice from the NCCMA (letter dated 9/5/2012), LSIO coverage is:

- not centered over the waterways in many areas;
- extensive in some areas, well in excess of the expected 100 year ARI flood extent;
- disconnected on some continuous rivers and streams;
- traverses ridgelines and hilltops in some areas;
- significant ‘errors’ in Carisbrook, Maryborough and Timor.

NCCMA have advised that a flood study is currently underway for Carisbrook and that this will lead to changes in the application of the overlay. The NCCMA supports a flood study for Maryborough to properly delineate the 100 year ARI flood extent.

The Planning Panel for Amendment C5&C6 recommended changes to the extent of the overlay as it affects land on the south-east corner of Bet Bet Creek Road and McKenzie Road, Bet Bet. It is understood that amendments to the overlay have not occurred.

#### **Recommendations:**

- OV.38) Formally request that the North Central Catchment Management Authority update flood mapping for Maryborough, Carisbrook and Dunolly, and to address the planning panel recommendations for Amendment C5 & C6.
- OV.39) Assist the North Central Catchment Management Authority in preparing any planning scheme amendments to update the overlay, or seek assistance from the DPCD ‘Flying Squad’ to undertake this work.

### **Wildfire / Bushfire Management Overlay (WMO/BMO)**

This overlay aims to assist community resilience to bushfires, identify areas of high bushfire risk and manage development issues associated with bushfires. It applies to much of the land in the central and southern parts of the Shire. The overlay mapping was last updated in January, 2007. At this time, the overlay was known as the Wildfire Management Overlay,

This overlay is applied in partnership with the Country Fire Authority (CFA). Council relies on the advice of the CFA as a Section 55 referral authority to guide decision making under the overlay.

The review has found that the overlay implements the strategies in Clause 21.09 of the MSS to “*further identify areas where bushfire behaviour is likely to pose a significant threat to life and property*”. As part of this review, CFA has advised that DPCD has prepared new mapping for the overlay for the Central Goldfields Planning Scheme, in close consultation with CFA. They have advised that the new BMO does not make major changes to the existing overlay, but that the overlay will be extended to a distance of 150 metres from stands of native vegetation greater than 4 hectares and a ‘smoothing of the edges’ of the overlay will occur. Irrelevant stands of vegetation in rural areas have also been removed.

CFA advises that the new mapping has not yet been implemented in the Planning Scheme and CFA is unsure about when this will occur. The implementation of the mapping in the Planning Scheme is being carried out by DPCD.

#### **Recommendations:**

OV.40) Assist the Country Fire Authority in checking the accuracy of the Wildfire Management Overlay and in preparing any planning scheme amendments to modify the overlay.

### **Public Acquisition Overlay (PAO)**

The purpose of this overlay is to identify land which is proposed to be acquired by an authority and to manage the use and development of land reserved for a public purpose. The overlay applies to the reservation of a future heavy vehicle bypass road to the south and south east of Maryborough. The overlay has formed part of the Planning Scheme since 2000.

The overlay gives effect to an implementation action in Clause 21.12 of the MSS to apply the overlay to land within the Maryborough Bypass that is not yet in public ownership.

In response to questions about the bypass during the consultation process, VicRoads did not offer any advice on the ongoing need for the overlay. It should therefore remain unchanged unless a change is initiated by VicRoads. On the assumption that the bypass is still required, this review has made a number of recommendations for updates to the MSS in relation to the Maryborough Bypass (refer to Section 7, Theme 8).

#### **Recommendations:**

OV.41) Retain the overlay.

OV.42) Pursue recommendation MS.25 of Section 7, Theme 8, of this report.

### **Environmental Audit Overlay (EAO)**

The purpose of this overlay is to ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination. The overlay has formed part of the Planning Scheme since 2000, when it applied to one site to the south east of Bealiba. Since this time, it has been applied to three sites in Maryborough (Amendments C10, C18 & C23).

The review has found that the overlay is generally being applied correctly in the Central Goldfields Planning Scheme, but that further work should be done in relation to potentially contaminated land (refer to Section 7, Theme 3 – Environmental Risks).

#### *Recommendations:*

OV.43) Retain the overlay on current sites

OV.44) Further investigate potentially contaminated land in accordance with the recommendations of Section 7, Theme 3).

## **10.3 Conclusions**

Many areas within Central Goldfields Shire are affected by overlays in the Planning Scheme. In particular, large areas in the rural parts of the Shire are affected by environment and landscape, or land management overlays.

The review has tested the purpose, application and operation of each overlay in the Planning Scheme. It has found that the overlays have generally been properly applied in the Planning Scheme and give effect to the MSS and State Planning Policy Framework.

The review has found that a number of the overlays need to be refreshed to improve language, content and referrals, in consultation with relevant government departments. This finding is most relevant to the environment, landscape and land management overlays, which have not been altered or reviewed since they were introduced in 2000.

The review recommends that changes to the Heritage Overlay are long overdue and should be a high priority for Council. The other high priority recommendations involve working with relevant agencies to update the Bushfire Management and flooding overlays.

The review has found that some of the overlays, including the Erosion Management and Salinity Management Overlays, are unlikely to be achieving their strategic objectives due to a lack of policy guidance in the Planning Scheme. More detailed investigations are required into how these issues should continue to be managed, in consultation with DPI and DSE. It is noted that Council is likely to confront these issues if it proceeds with more detailed residential settlement planning in some areas of the Shire such as Talbot.

In the medium term, other overlays that could be considered include new schedules to the Design and Development Overlay for industrial areas (refer to recommendation LP.12) and inner parts of Maryborough and Talbot, in accordance with the recommendations of the Heritage Review and Urban Design Frameworks for these towns (refer to Appendix D).

## 10.4 Summary of recommendations

Table 2 contains a summary of the recommendations of this report for all overlays and their schedules, together with a list of the actions that are considered to be priorities for Council (numbered 1-3).

**Table 2 Summary of findings for overlays**

Strategic study & recommendation	Recommended changes		Priority
	Ordinance	Mapping	
Environmental Significance Overlay (ESO1)	✓	✓	
Environmental Significance Overlay (ESO2)	✓	✓	
Vegetation Protection Overlay (VPO1)	✓	✓	
Significant Landscape Overlay (SLO1)	✓	-	
Significant Landscape Overlay (SLO2)	✓	-	
Heritage Overlay (HO1 to HO209)	✓	✓	1
Design and Development Overlay (DD01)	-	-	-
Design and Development Overlay (DD02)	✓		
Development Plan Overlay (DPO1)	-	-	-
Development Plan Overlay (DPO2)	-	-	-
Development Plan Overlay (DPO3)	-	-	-
Erosion Management Overlay (EMO)	✓	-	2
Salinity Management Overlay (SMO)	✓	-	2
Land Subject to Inundation Overlay (LSIO)	✓	✓	1
Wildfire Management Overlay (WMO/BMO)	✓	✓	1
Public Acquisition Overlay (PAO)	-	-	-
Airport Environs Overlay (AEO)	Investigate	Investigate	Investigate
Environmental Audit Overlay (EAO)	✓	✓	3
Parking Overlay (PO)	Investigate	Investigate	Investigate



## 11 Review of other provisions

### 11.1 Particular provisions

The Particular Provisions cannot be altered at the local level, although opportunities exist for planning authorities to include local content in the provisions through the use of schedules to each clause.

At present, the Central Goldfields Planning Scheme does not contain any local schedules to the Particular Provisions that require review as part of this process, although this review identifies the potential for the Schedule to Clause 52.01 to be used to clarify Council's expectations for open space requirements in new subdivisions (recommendation FW.5).

The use of these schedules should be considered as part of strategic work for particular forms of use and development such as advertising signage, car parking, licensed premises and native vegetation.

### 11.2 Administration of scheme

At present, Central Goldfields Shire is the authority responsible for issuing planning certificates under the schedule to clause 61.01. There is an opportunity for Council to transfer responsibility for this task to the Minister for Planning. Many regional Councils have chosen not to issue planning certificates in order to focus on their core roles as responsible authorities. This opportunity should be considered by Central Goldfields Shire as part of a review of systems and processes, so that the financial and resource implications of the change can be properly considered.

### 11.3 Referrals

#### What issues and opportunities are emerging?

- The *Planning and Environment Amendment (General) Act 2013*, proposes to alter the roles and responsibilities of referral authorities, depending on whether they are deemed to be 'determining' or 'recommending' authorities. This will require a range of changes to Planning Schemes, and it is unclear about how these changes will occur.
- NCCMA has advised that planning scheme exemptions for Council developments of less than \$1 million (62.02-1) have led to poor planning outcomes on sites that are subject to flooding. It should be noted that this was a general comment and was not specific to Central Goldfields Shire.
- NCCMA receives few referrals from Central Goldfields Shire and would like more referrals to ensure it has the opportunity to provide flooding advice.

- Coliban Water has advised that they should receive all referrals for the Loddon Declared Water Supply Catchments relevant to their area of responsibility under Clause 66 of the Planning Scheme.
- The EPA is concerned that it does not receive the opportunity to comment on all applications for uses with adverse amenity potential or land that is potentially contaminated. Recent issues have arisen in Central Goldfields Shire relating to:
  - a two lot subdivision of former railway land in the Residential 1 Zone
  - the re-development of the former Knitting Mills and Aldi sites;
  - a planning scheme amendment to rezone the former California Gully Oval to Residential 1 (Amendment C23).

## 11.4 Incorporated Documents

### **Goulburn-Murray Water Native Vegetation Code of Practice (February 2011)**

This document was introduced into the Planning Scheme through Amendment C24. The Code gives effect to exemptions for native vegetation removal associated with a utility installation under Clause 52.17. The Code was prepared by Goulburn-Murray Water and forms part of 26 planning schemes in Victoria.

Neither the Shire or Goulburn Murray water have identified any issues with this document as part of the planning scheme review process.

### **Mildura – Geelong Rail Freight Upgrade Project (September 2007)**

This document was introduced into the Planning Scheme through Amendment C17. The document relates to land owned by Victorian Rail Track Corporation or Crown Land vested in the Victorian Rail Track Corporation along the railway corridor between Gheringhap and Mildura. The document provides permit exemptions for the upgrade of the rail track.

Consultation is required with VicTrack to determine whether the upgrade works have been completed and whether the document should be retained in the Planning Scheme.

### **Rail Infrastructure Projects (December, 2002)**

This document has not been reviewed as part of this process, however it is understood that the rail infrastructure project has been completed. It is recommended that this document be removed from the list of Incorporated Documents, subject to confirmation from the relevant rail authorities.

## 11.5 Conclusions

The review has not revealed any major issues with the Particular Provisions, referrals or Incorporated Documents in the Planning Scheme, although it has revealed that referral processes to a number of external organisations could be improved. This suggests that there may be a need to undertake a more general review of referral and administrative processes in the Planning Department.

The *Planning and Environment Amendment (General) Act 2013* will make general improvements to the referrals system that should assist all users of the planning system. The review has found that that two of the three incorporated documents may no longer be required, subject to confirmation from the relevant agency or government department.

## 11.6 Recommendations

- OP.1) Update referral and notice provisions of overlays, as per the specific recommendations of Section 10 of this report.
- OP.2) Introduce systems to ensure that all applications under the Loddon Declared Water Supply Catchment are referred to the relevant water authority. Options to achieve this include:
  - the introduction of a mapping layer in Council’s GIS; and/or
  - an administrative check when planning files are created.
- OP.3) Carry out investigations to better identify land that is potentially contaminated as per the recommendations of Section 7, Theme 3).
- OP.4) Carry out a more general review of systems and processes in the Planning Department, which should include consideration of:
  - staff resources and responsibilities;
  - planning systems and processes;
  - compliance with the requirements of the Planning & Environment Act 1987;
  - whether Council should continue to issue planning certificates under the Schedule to Clause 61.01.
- OP.5) Engage with VicTrack to determine whether the Mildura –Geelong Rail Freight Upgrade Project (September 2007) document should be retained in the Planning Scheme.
- OP.6) Subject to confirmation from the relevant rail authorities, remove the Rail Infrastructure Projects (December, 2002) from the Planning Scheme.

## 12 Implementation of review

In order to give effect to the priority findings of the review, it is recommended that Council pursue a range of actions that fall broadly into four categories; amendments to the Planning Scheme, establishing a strategic framework for the Shire, identifying further strategic work that needs to be undertaken and establishing a budget to undertake the work.

### 12.1 Amendments to Planning Scheme

It is recommended that Council prepare a planning scheme amendment to implement the key findings of the review. The amendment should the following changes to the Planning Scheme (in summary):

- improve the structure and content of the MSS, as per the recommendations of Section 7 of this report.
- incorporate the key strategic directions found in all adopted studies in a revised Municipal Strategic Statement, including updates to plans, as per the detailed recommendations of Appendix D;
- remove or alter the Local Planning Policies as per the recommendations of Section 8.
- modify the zone schedules, as per the recommendations of Section 9;
- modify overlay schedules as recommended in Section 10 ;
- modify the notice provisions, as per the recommendations of Section 10; and
- remove the Incorporated Documents as per the recommendations of Section 11.

In order to pursue some of the recommendations, further consultation with stakeholders will be required prior to preparing the amendment. The consultation process is likely to take some time, so for efficiency the implementation of the review may need to occur through a number of planning scheme amendments.

## 12.2 Strategic framework

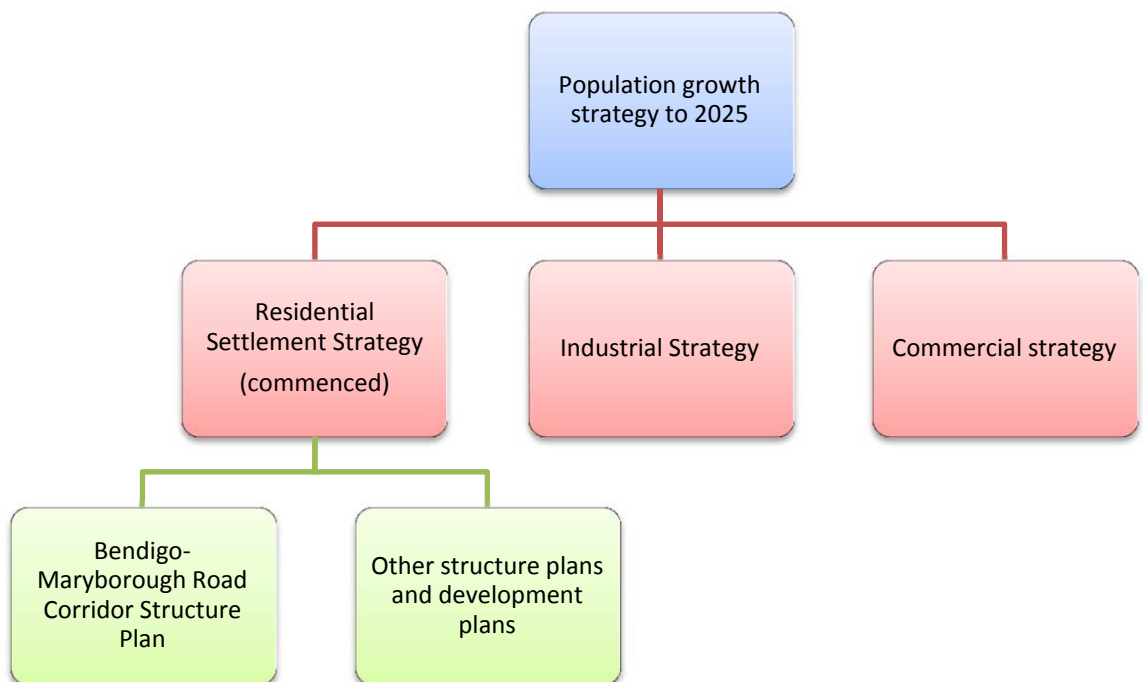
This report suggests that, as a longer term objective, Council should strive to establish a strategic framework that is based around four key components:

- a residential land strategy (a residential settlement strategy has been commenced);
- a commercial land strategy;
- an industrial land strategy;
- a rural land strategy, which should include an assessment of rural living land.

The first these of these components would form the basis of Council's settlement strategy, which would take high level direction from Council's adopted Population Growth Strategy.

It is noted that Council will ultimately decide on its strategic priorities based on population growth rates, emerging priorities, resource availability and external funding opportunities.

**Figure 8 Suggested strategic framework for settlement to 2025**



### 12.3 Further strategic work

This report has made 26 recommendations for further strategic work that should be undertaken by Council (refer to Section 7). Table 3 below identifies the recommendations that are considered to be of highest priority, and provides a suggested timeframe for action. Again, Council will ultimately decide on its strategic priorities based on population growth rates, emerging priorities, resource availability and external funding opportunities.

**Table 3 Priorities for further strategic work**

Ref No.	Recommendation	Timeframe / method of implementation
FW.1	As part of the development of Council's Residential Settlement Strategy, develop strategic directions for low, medium and high growth settlement scenarios.	Immediate (project underway)
FW.10	Prepare schedules to the Bushfire Management Overlay and planning scheme amendment to implement the findings in the Planning Scheme.	Immediate (project underway)
FW.25	Seek guidance from the EPA on the status of Best Practice Environmental Management Siting, Design, Operation and Rehabilitation of Landfills (EPA, 2010).	Immediate
FW11	Prepare a planning scheme amendment to implement the findings of the Flood and Drainage Management Plan for Carisbrook in the Planning Scheme.	Next 12 months
FW.12	Request that the NCCMA and State Government contribute to flooding investigations for Maryborough and Dunolly, or other priority areas as identified in consultation with the NCCMA.	Next 12 months
FW.18	Prepare a planning scheme amendment to implement the findings the Heritage Review Stage 1.	Next 12 months
FW.19	Engage with Parks Victoria ,DSE and CFA to develop a policy for urban development at the urban-forest interface.	Next 2 years
FW.2	Prepare a structure plan for the 'Bendigo-Maryborough Road Corridor'.	Next 2-3 years, subject to further growth in annual building approvals.
FW.21	Prepare a commercial land strategy for Maryborough and other key areas.	Next 4 years, or sooner if major rezoning or development proposals arise.
FW.16	Prepare a rural land study.	Next 4 years, or sooner if major rezoning or development proposals arise.

It is also recommended that Council's planning department establish a formal forward program for strategic planning studies that would provide a framework for the funding and management of the studies. This would also assist in efforts to obtain grant funding, organise staff resources, and manage budgets.

### **12.3.1 Resources**

To date, Council has prepared strategic studies when grant funding has become available or when strategic justification has been required to address particular issues or provide strategic support for planning scheme amendments. Over past decade, Central Goldfields Shire has allocated amounts of up to \$10,000 for strategic projects and planning scheme amendments. It does not have an ongoing strategic program to fund strategic studies or planning scheme amendments.

In order to make meaningful progress on the further strategic work identified in this report will require a significantly greater financial commitment from Council. As a guide, other Councils with rate base and population around 50% higher than Central Goldfields Shire have budgets of \$100,000 to \$150,000 for strategic studies and additional budgets of \$50,000 to \$70,000 for planning scheme amendment to implement the projects.

This review has also revealed a need for Council to improve its performance in implementing the findings of strategic planning projects through planning scheme amendments. It is recommended that Council should ensure it has sufficient funds to implement strategic projects when they are commenced. It is suggested that this could be calculated as a proportion of the cost of the project. Projects could also be grouped together to provide efficiencies in implementation.

## 12.4 Recommendations

### Strategic program

- IM.1) Establish a formal forward program that would provide a framework for the funding and management of strategic planning studies.
- IM.2) Aim to complete and implement one larger strategy (settlement/industry/commercial) every four years, with commencement starting early in the term of a new Council to allow time for strategy preparation, consultation and implementation.
- IM.3) Combine smaller, related strategic projects together in single planning scheme amendments for efficiency.

### Resources

- IM.4) Establish an ongoing budget for strategic planning projects of \$75,000;
- IM.5) Establish an ongoing budget allocation for planning scheme amendments to cover the cost of panels and representation for Council initiated strategic projects; a suggested figure is 25% of the budget for strategic studies (i.e. in the order of \$20,000).
- IM.6) Provide flexibility for budget funds to be carried between financial years to allow for the staged completion of larger projects.
- IM.7) Consider formal arrangements to allow Council to require proponents to fund the cost of preparing amendment documents, strategic reports, expert reviews.

### Guidance from DPCD

Seek guidance from DPCD about the following matters:

- Potential for the 'Flying Squad' to provide assistance in investigating the issues associated with recommendation ZO.2, and prepare a planning scheme amendment, if appropriate.
- Seek assistance from the DPCD 'Flying Squad' to prepare updates to the Land Subject to Inundation Overlay, in accordance with recommendation OV.39.



## References

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- Central Goldfields Shire Council 2012, Maryborough Aerodrome Masterplan
- Central Goldfields Shire, Minutes of Council Meeting 23/3/2011, Population Growth Strategy
- Central Goldfields Shire 2009 Central Goldfields Municipal Public Health and Wellbeing Plan 2009-2013
- Central Highlands Regional Mayors' and CEOs' Forum, 2010, Central Highlands Regional Strategic Plan
- Communityvibe 2008, Central Goldfields Shire Council Recreation Strategy 2008 - 2018
- Department of Infrastructure 2000, Incorporated and reference documents, Practice Note 13
- Department of Planning and Community Development 2009, Planning permit applications in open, potable water supply catchment areas guidelines
- Department of Planning and Community Development 2010, The role of mandatory provisions in planning schemes, Practice Note 59
- Department of Planning and Community Development 2012, Writing a Local Planning Policy, Practice Note 8
- Department of Planning and Community Development 2010, Writing a Municipal Strategic Statement, Practice Note 4
- Department of Planning and Community Development Central Highlands Regional Growth Plan Strategic Directions Brochure (July, 2012)
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Department of Sustainability and Environment 2012, Climate Change Adaptation Plan

Department of Environment and Primary Industries 2013, Reforms to Victoria's native vegetation permitted clearing regulations

Department of Environment and Primary Industries 2013, Victorian Waste and Resource Recovery Policy

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Loddon Mallee Regional Management Forum 2010, Loddon Mallee Regional Strategic Plan - Southern Region

MacroPlan Australia, Maryborough Knitting Mills, Economic Impact Analysis

Michael Smith Landscape Architecture and Urban Design 2002, Dunolly Urban Design Framework

Michael Smith Landscape Architecture and Urban Design 2003, Carisbrook Urban Design Framework

Michael Smith Landscape Architecture and Urban Design 2005, Maryborough Urban Design Framework

Michael Smith Landscape Architecture and Urban Design 2009, Talbot Urban Design Framework

North Central Catchment Management Authority 2012, Moolort Plains Wetlands Investigation

North Central Catchment Management Authority 2012, Regional Catchment Strategy 2012-2018' - Draft

Rowe, D and Jacobs, W 2004 Central Goldfields Shire Heritage Review Stage 1

RPD Group 2005, Central Goldfields Shire Municipal Strategic Statement Review

TGM Group Pty Ltd & SED Consulting 2010, Talbot Community Wastewater Scheme Business Case

URS 2012, Maryborough CBA Traffic Parking & Pedestrian Study – Draft.

### **Correspondence**

Letter from Goulburn Murray Water to Central Goldfields Shire Council 29/2/2012

Letter from Coliban Water to Central Goldfields Shire Council 13/4/2012

Letter from the North Central Catchment Management Authority to Central Goldfields Shire Council 9/5/2012

Letter from the Department of Transport, Planning and Local Infrastructure to Central Goldfields Shire Council 14/6/2013

### **Websites**

[www.dpcd.vic.gov.au](http://www.dpcd.vic.gov.au)

[www.dse.vic.gov.au](http://www.dse.vic.gov.au)

[www.abs.gov.au](http://www.abs.gov.au)

[www.ptv.vic.gov.au](http://www.ptv.vic.gov.au)

## Appendices

## Appendix A. Structural relationship between SPPF and current MSS

State Planning Policies	MSS Clause
<b>11 Settlement</b>	
11.01 Activity Centres	21.04 Vision and strategic framework 21.12 Strengthening the regional role of Maryborough
11.02 Urban growth	21.06 Residential development
11.03 Open space	21.12 Strengthening the regional role of Maryborough
11.04 Metropolitan Melbourne	<i>Not relevant</i>
11.05 Regional development	21.06 Residential development 21.12 Strengthening the regional role of Maryborough 21.13 Enhancing the lifestyle qualities of townships
<b>12 Environmental and Landscape Values</b>	
12.01 Biodiversity	21.09 Protection of land and water resources
12.02 Coastal areas	<i>Not relevant</i>
12.03 Alpine areas	<i>Not relevant</i>
12.04 Significant environments and landscapes	21.09 Protection of land and water resources
<b>13 Environmental Risks</b>	
13.01 Climate change impacts	No obvious relationship
13.02 Floodplains	21.09 Protection of land and water resources
13.03 Soil Degradation	21.08 Agricultural productivity 21.09 Protection of land and water resources
13.04 Noise and air	21.06 Residential development 21.07 Industrial development
13.05 Bushfire	21.09 Protection of land and water resources
<b>14 Natural resource management</b>	
14.01 Agriculture	21.08 Agricultural productivity
14.02 Water	21.09 Protection of land and water resources
14.03 Mineral and stone resources	None
<b>15 Built Environment and heritage</b>	
15.01 Urban environment	21.07 Industrial development 21.10 Heritage 21.12 Strengthening the regional role of Maryborough 21.13 Enhancing the lifestyle qualities of townships

State Planning Policies	MSS Clause
15.02 Sustainable development	21.12 Strengthening the regional role of Maryborough
15.03 Heritage	21.10 Heritage 21.11 Tourism 21.12 Strengthening the regional role of Maryborough 21.13 Enhancing the lifestyle qualities of townships
<b>16 Housing</b>	
16.01 Residential development	21.06 Residential development 21.13 Enhancing the lifestyle qualities of townships
16.02 Housing form	21.06 Residential development
<b>17 Economic Development</b>	
17.01 Commercial	21.12 Strengthening the regional role of Maryborough
17.02 Industry	21.07 Industrial development 21.12 Strengthening the regional role of Maryborough
17.03 Tourism	21.11 Tourism 21.12 Strengthening the regional role of Maryborough
<b>18 Transport</b>	
18.01 Integrated transport	21.12 Strengthening the regional role of Maryborough
18.02 Movement networks	21.12 Strengthening the regional role of Maryborough
18.03 Ports	<i>Not relevant</i>
18.04 Airports	21.12 Strengthening the regional role of Maryborough
18.05 Freight	<i>Not relevant</i>
<b>19 Infrastructure</b>	
19.01 Renewable energy	No obvious relationship
19.02 Community infrastructure	No obvious relationship
19.03 Development infrastructure	No obvious relationship

## Appendix B. Census data



Key demographic trends and indicators for Central Goldfields Shire revealed in the 2011 Census have been summarised below. The data relates to peoples' usual place of residence.

Data relates to 2011 Census data for Central Goldfields Shire unless stated otherwise. 'Regional Victoria' refers to all rural and regional areas outside the Melbourne Metropolitan area, as defined by the ABS.

### *Population*

- Positive and accelerating population growth occurred during the 2000's, reversing the trend of net population loss from 1981 to 1996.
- The population of Central Goldfields Shire increased by 76 residents between 2001 and 2006, or 0.12% per annum, on average.
- The population of Central Goldfields Shire increased by 173 residents between 2006 and 2011, or 0.28% per annum, on average.
- The age profile of Central Goldfields Shire is older than in Regional Victoria. The median age of people in Central Goldfields Shire was 48 compared with 41 in Regional Victoria.
- The population of the Shire is ageing. The median age of people in Central Goldfields rose from 46 to 48 between 2006 and 2011.

### *Households*

- Average household size declined in Central Goldfields Shire from 2.3 persons per household in 2006 to 2.2 persons per household in 2011.
- Average household size was lower in Central Goldfields Shire compared with Regional Victoria in 2011 (2.4 persons per household).
- Single or lone person households represented a higher proportion of all households in Central Goldfields Shire (34%) compared with Regional Victoria (28%).

### *Families*

- The proportion of 'couple families with children' fell from 38% of all families in 2001 to 34% of all families in 2011. This was less than the Victorian average of 46% in 2011;
- The proportion of 'couple families without children' rose from 45% of all families in 2001 to 47% of all families in 2011. This was greater than the Victorian average of 37% in 2011;
- The proportion of single parent families without children rose from 16% of all families in 2001 to 18% of all families in 2011. This was greater than the Victorian average of 15.5% for 2011.

### *Dwellings*

- The proportion of dwellings in Central Goldfields Shire that are owned is higher (47%) than in Regional Victoria (38.5%).
- The proportion of dwellings in Central Goldfields Shire that are rented (21%) is lower than in Regional Victoria (24.5%).
- The proportion of occupied dwellings in the Shire that are separate houses is similar (90%) to that of Regional Victoria (89%).
- The proportion of occupied dwellings that are medium density dwellings (7.6%) is lower than in Regional Victoria (10%).

### *Population projections*

- The Shire's population is projected to grow from 12,792 to 13,988 in the period 2011 to 2031, or approximately 0.4% per annum.
- Average household size in the Shire is expected to fall from 2.2 to 2.1 over the period 2011 to 2031.
- The number of households in the Shire is expected to increase by 846 over the period 2011 to 2031, or an average of 42.3 per year.

Source: Victoria in Future (DSE, 2012).

## Appendix C. VCAT Cases

Case	Proposal	Key issues	Council position	VCAT position
Young v Shire of Central Goldfields [2001] VCAT 1311 (30 June 2001)	Display of signage in Heritage Overlay (HO205 - Dunolly area) Retrospective application.	Whether the location, colour and size of the signage is acceptable	Refusal	Permit issue, but signs to be removed within three years.
Central Goldfields SC [2003] VCAT 563 (12 May 2003)	Subdivision of land into three lots and the erection of detached dwellings on two of the lots	Whether the subdivision is responsive to the land capability constraints of the land.  Whether there is legal access to the land.  Whether the proposal is consistent with proper future strategic planning and would detrimentally impact the land in terms of environmental issues.	Refusal	Refusal affirmed.
Young v Central Goldfields SC [2006] VCAT 1598 (4 August 2006)	Use and development of a dwelling in a Rural Zone	Whether the development is appropriate in terms of land use, if appropriate, whether the matter of wastewater disposal has been satisfactorily addressed.	Approval with conditions (appeal by objector)	Approval affirmed.
Stoneman v Central Goldfields SC [2007] VCAT 51 (8 January 2007)	Demolition of dwelling in Heritage Overlay (HO206)	Whether the demolition will adversely affect the significance of the heritage place having regard to the definition of the heritage place and any applicable heritage study	Approval with conditions (appeal by objector)	Approval, but conditions varied.

Case	Proposal	Key issues	Council position	VCAT position
Kau v Central Goldfields SC [2008] VCAT 1094 (6 June 2008)	Demolition of an existing dwelling and outbuildings and construction of a new dwelling in HO206	Is there justification for demolishing the existing dwelling having regard to heritage objectives of planning policy and controls?  Is the proposed replacement dwelling an appropriate development assuming the existing dwelling is removed?	Approval with conditions (appeal by objector)	Approval, but conditions varied.

The cases were merits hearings for planning matters. There were also a number of other VCAT cases during this period that were not reviewed. These dealt with enforcement orders, questions of law, or matters that were resolved prior to hearing.

## Appendix D. Summary of recommendations from strategic studies

Strategic study & recommendation	MSS reference	Recommended priority
<b>Dunolly Town Centre Urban Design Framework (March 2002)</b>		
<ul style="list-style-type: none"> <li>Develop heritage guidelines to guide future development restoration works in the main heritage precinct (high priority)</li> </ul>	✘	
<ul style="list-style-type: none"> <li>Seek heritage listings for buildings along Broadway and develop a heritage study with signage, conservation and built form guidelines (high priority)</li> </ul>	✓	3
<ul style="list-style-type: none"> <li>Adopt planning controls to ensure land is made available over long term for future expansion and development within the core precinct of the town (high priority)</li> </ul>	?	3
<b>Carisbrook Urban Design Framework (2003)</b>		
<ul style="list-style-type: none"> <li>Ensure location and zoning of Council Industrial 1 Zone (page 50)</li> </ul>	?	
<ul style="list-style-type: none"> <li>Designate Green Street as the retail and commercial core of Carisbrook.</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Encourage new retail businesses to establish in this core area.</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Develop Market Reserve into a community town square and associated public space</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Improve the limited shop mix</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Enhance the streetscape character of Green Street</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Develop and promote a more identifiable town centre</li> </ul>	✓	
<b>Central Goldfields Shire Heritage Review (2004)</b>		
<ul style="list-style-type: none"> <li>Divide existing Maryborough heritage overlays into eight precincts</li> </ul>	✓	2
<ul style="list-style-type: none"> <li>Prepare heritage policies based on the content of the studies</li> </ul>	✓	2
<ul style="list-style-type: none"> <li>Consider alternative planning overlays for areas in Maryborough East and West (e.g. DDO or NCO).</li> </ul>	✓	2
<ul style="list-style-type: none"> <li>Prepare citations for 49 identified places outside the precinct overlays.</li> </ul>	✓	1
<ul style="list-style-type: none"> <li>Prepare citations for additional places in Bealiba and Dunolly</li> </ul>	✓	1
<ul style="list-style-type: none"> <li>Seek responses from Heritage Victoria about 62 places nominated for the Victorian Heritage Register</li> </ul>	✓	1

✓ Include as objective / strategy in MSS

✘ Superseded by recommendations of this review or other strategic work

? Further investigation required

1 High priority

2 Medium priority

3 Low priority

C Project completed

Strategic study & recommendation	MSS reference	Recommended priority
<ul style="list-style-type: none"> <li>Review the MSS with profile, influences and objectives relating to heritage</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Develop a local heritage policy with an overall policy and individual policies for each heritage area</li> </ul>	✓	1
<ul style="list-style-type: none"> <li>Establish a regular heritage advisory service</li> </ul>	✓	1
<ul style="list-style-type: none"> <li>Further assess cultural landscapes identified in existing studies</li> </ul>	✓	2
<b>Maryborough Urban Design Framework (2005)</b>		
<ul style="list-style-type: none"> <li>Restrict the establishment of peripheral retail/industrial development on the town's edge, particularly at the main gateway entrances (high priority, p 44).</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Establish a strong precinct within and around the Railway Station so that it becomes one of the key magnets for future development of the Town Centre (medium priority, p 46)</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Consolidate retail, commercial and community uses in the Town Centre to create a stronger central hub for these two areas (high priority, p 48)</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Provide a new community focus at the proposed new Railway Station precinct as a central focus for residents (page 48)</li> </ul>		C
<ul style="list-style-type: none"> <li>Use some vacated school sites to provide increase diversity in the range of aged car accommodation and medium density housing (high/medium priority, page 50)</li> </ul>		C
<ul style="list-style-type: none"> <li>Encourage use of upper floor premises within Town Centre for small office and residential purposes (p 50)</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Encourage the development of rear yards of commercial premises in Alma Street...for residential purposes (medium priority, p 51)</li> </ul>	?	
<ul style="list-style-type: none"> <li>Prepare a Maryborough Land Use and Development Policy (high priority, p 54)</li> </ul>	✘	
<ul style="list-style-type: none"> <li>Promote the use of privately owned TAFE buildings on Neill Street and existing Council offices, land in Neill Street for health related uses. (high priority, p 55)</li> </ul>	?	
<ul style="list-style-type: none"> <li>If not sold and developed, encourage interim use of school sites for open space (high priority, p 56)</li> </ul>		C
<ul style="list-style-type: none"> <li>Recommendations for the future use of four former school sites – residential, accommodation, office, hospitality and education/place of assembly uses (high priorities, pp 57&amp;858)</li> </ul>		C

✓ Include as objective / strategy in MSS

✘ Superseded by recommendations of this review or other strategic work

? Further investigation required

1 High priority

2 Medium priority

3 Low priority

C Project completed



Strategic study & recommendation	MSS reference	Recommended priority
<ul style="list-style-type: none"> <li>Relocate Shire offices, develop 'town common' between Railway Station and Shire Offices (high priority, p 60)</li> </ul>		C
<ul style="list-style-type: none"> <li>Develop a civic-cultural precinct link from Civic Square to the Station (high priority, page 61)</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Provide design guidelines to ensure that new large scale urban development sites include pedestrian access (high priority, 65)</li> </ul>	✘	
<ul style="list-style-type: none"> <li>Establish in the planning controls a height limit of nine metres or two storeys (high priority, p 68)</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Adopt a policy that supports the retention of well-presented examples of different architectural periods/styles (high priority, p 72)</li> </ul>	✘	
<ul style="list-style-type: none"> <li>Refine and amend the heritage overlay to focus on key heritage sites, prioritise previous research (high priority, p73)</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Facilitate a large retail magnet development between High Street and Napier Street (medium priority, p83)</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Direct retailing to the Town Centre, prevent these uses on the periphery through a local planning policy (high priority, p 84).</li> </ul>	✓ Use zone not policy	
<ul style="list-style-type: none"> <li>Consolidate future industrial development in the three existing industrial estates, do not create any new industrial estates (high priority, p 85)</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Rezone unsightly industrial areas along main roads, relocate businesses to industrial estates (high priority, p85).</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Retain the existing reservation for future development as a bypass (low priority, page 94).</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Develop an open space strategy for Maryborough, (high priority, page 99)</li> </ul>	✓	2
<b>Talbot Urban Design Framework (2009)</b>		
<ul style="list-style-type: none"> <li>Prepare and adopt infill development guidelines (high priority)</li> </ul>	✘	3
<ul style="list-style-type: none"> <li>Add new decision guidelines to Clause 22.01 (high priority)</li> </ul>	✘	
<ul style="list-style-type: none"> <li>Include objectives relating to encouraging sustainable development, commercial buildings and a compact retail core into the MSS (high priority)</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Retain existing township boundaries in short to medium term (high priority)</li> </ul>	✓	

✓ Include as objective / strategy in MSS

✘ Superseded by recommendations of this review or other strategic work

? Further investigation required

1 High priority

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3 Low priority

C Project completed

Strategic study & recommendation	MSS reference	Recommended priority
<ul style="list-style-type: none"> <li>Consider applying a Design and Development Overlay to central Talbot (medium priority)</li> </ul>	✘	3
<ul style="list-style-type: none"> <li>Review Talbot structure plan and possible extension to Township zone to accommodate future growth (low priority)</li> </ul>	✓	2
<ul style="list-style-type: none"> <li>Facilitate discussions and prioritisation of natural gas and sewerage (high priority)</li> </ul>	✓	1
<ul style="list-style-type: none"> <li>Apply for funding to prepare citations for 26 buildings of heritage significance (high priority)</li> </ul>	✓	2
<b>Industrial Land Audit and Strategy (2011)</b>		
<ul style="list-style-type: none"> <li>Rezone more land to the north of the 'Drive-in' industrial estate as part of the next planning scheme review</li> </ul>	?	
<ul style="list-style-type: none"> <li>Retain industrial land in Tullaroop Road, Maryborough and Brick Kiln Road, Carisbrook (part) and develop/subdivide for industrial development</li> </ul>	✓	
<ul style="list-style-type: none"> <li>Sell surplus Council industrial land in Brick Kiln Road (part), and Pyrenees Highway (should be zoned for Farming)</li> </ul>		C

✓ Include as objective / strategy in MSS

✘ Superseded by recommendations of this review or other strategic work

? Further investigation required

1 High priority

2 Medium priority

3 Low priority

C Project completed

## Appendix E. Details of consultation events

### **Department of Planning & Community Development**

Workshop held, held 23 March, 2012, attended by:

- David Bannear (Heritage Victoria)
- Jesse Sherwood (Community Development, DPCD)
- Damien Kennedy (Manager, Regional Urban Settlement Planning Policy and Reform)
- Robert Rorke (DPCD)
- John Smelt (DPCD)
- Fiona Murray (Regional Planner, DPCD)
- Miriam Smith (Central Goldfields Shire)
- David Sutcliffe (Central Goldfields Shire)

### **Land Management Departments**

Workshop held 23 March, 2012, attended by:

- Amanda Johnson , Department of Sustainability & Environment
- David Major, Parks Victoria

### **Environment Protection Authority**

Workshop held 23 March, 2012, attended by:

- Nicole Porter

### **Water authorities**

Workshop held 26 March, 2012, attended by:

- Neil Repacholi (Goulburn Murray Water)
- Jenny Stewart (Coliban Water)
- Shaun Morgan (North Central Catchment Management Authority)
- Steve Millard (Manager Land Development, Central Highlands Water)
- Miriam Smith (Central Goldfields Shire)

### **Department of Transport**

Workshop held 11 April, 2012, attended by:

- Maree McNeilly, Transport Co-ordination Manager Grampians Region
- Edward Crossland, Senior Transport Planner Grampians Region

### **Country Fire Authority**

Workshop held 2 May, 2012, attended by:

- Ian Johnson, Service Delivery Planning Co-ordinator Loddon Mallee Region

## Appendix F. Details of submissions

### **Authority and agency submissions**

Neil Repacholi (Goulburn Murray Water)

Maree McNeilly (Department of Transport, Planning and Local Infrastructure)

Michael Leong (VicTrack)

Jon Anstey (Coliban Water)

Glen Pomeroy (Department of Primary Industries)

Martin Woodward (Parks Victoria)

Nick Layne (North Central Catchment Management Authority)

Shaun Morgan (North Central Catchment Management Authority)

Nicole Port (Environment Protection Authority)

Amanda Johnson (Department of Environment and Primary Industries)

### **Public submissions**

Marion De Costa

Lowen Clarke and Adrian Masterman-Smith

Unnamed survey form (x1)

Brian Park

### **Other submissions**

Cr John Smith

Breanna Doody Settings Coordinator, Grampians Goldfields Healthier Communities, Central Goldfields Shire Council

Sonny Neale, Program Manager Sustainable Development, Central Goldfields Shire Council