



Expert evidence

Amendment C36

Mount Alexander Planning Scheme

Tarren Valley, Maldon

Prepared by Fiona Cotter

Provincial Matters

November 2015

TABLE OF CONTENTS

1	Introduction	1
1.1	Name and address.....	1
1.2	Qualifications and Experience.....	1
1.3	Area of expertise.....	1
1.4	Instructions.....	1
1.5	Process and information sources.....	2
1.6	Information sources.....	2
1.7	Summary of evidence.....	3
2	The Amendment	3
2.1	Development Plans.....	3
3	The Site	5
4	The Surrounds	5
5	Background to the proposal	6
6	Terms of this Advisory Committee	6
7	What has changed since June 2014	7
7.1	Progress of Amendment C61.....	7
7.2	Planning Practice Note 37 Rural Residential Development	7
8	Planning Considerations	7
8.1	Strategic justification - is the rezoning of the land to Rural Living strategically justified?.....	7
8.2	Does the amendment appropriately balance the considerations of regional growth, fire risk and management and biodiversity protection?	9
8.3	What will be the visual impacts of the proposal?	11
8.4	How will the proposal impact on the historic and character attributes of Maldon?	12
8.5	Does the amendment use the appropriate planning tools?	13
9	Conclusion	13

1 Introduction

1.1 Name and address

Fiona Cotter, Principal, Provincial Matters

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Page | 1

1.2 Qualifications and Experience

Included in Appendix A.

1.3 Area of expertise

I hold a Bachelor of Applied Science (Planning) from RMIT. My area of expertise is in both statutory and strategic planning specializing in rural and regional matters.

I have 20 years experience in planning in Victoria, and have been running Provincial Matters for 8 years during which time I have been involved in preparing the Regional Growth Plans framework for Victoria, and in the preparation and administering of numerous structure plans in regional Victoria. I have extensive experience in preparing and dealing with planning scheme amendments and statutory planning tools.

1.4 Instructions

I have been instructed by Gerard Gilfedder, consultant at Sweett Asia Pacific on behalf of Tarren Valley Pty Ltd, owners of the land referred to as Tarren Valley, Maldon. I have been asked to review Amendment C36 to the Mount Alexander Planning Scheme, also having regard to the subsequent 2014 Standing Advisory Committee report regarding the Bushfire Management Overlay. I have been requested to review the strategic merit of Amendment C36 and the associated background documents, and the subdivision and sewerage plan.

1.5 Process and information sources

In preparing this evidence I have undertaken the following:

- Review of the C36 Amendment documentation.
- Review of the Panel report dated January 2009.
- Review of the material presented to the Standing Advisory Committee in 2014 and the report provided by that Committee.
- Inspected the site and surrounds on two occasions.
- Taken in to consideration relevant practice notes and Panel reports relating to rural land and the use of various planning tools.

1.6 Information sources

This report draws on the following information sources including but not limited to:

- Amendment C36 documentation and subsequent officers report.
- Amendment documentation C36 and associated supporting reports and plans.
- Mount Alexander Planning Scheme Amendment C36 Tarren Valley Maldon, Panel Report, January 2009.
- Standing Advisory Committee Report Amendment C36 Tarren Valley Maldon, June 2014.
- Submissions and referral comments to proceedings.
- Documents prepared by Sweett Group and Practical Ecology on behalf of Tarren Valley Pty Ltd.
- Documents prepared for Council including the Terramatrix report.
- Amendment C61 to the Mount Alexander Planning Scheme and associated Panel report.

1.7 Summary of evidence

In summary it is my opinion that;

- The rezoning of the land and subsequent development for rural residential purposes is strategically justified giving consideration to the relevant planning and policy considerations.
- The proposal appropriately balances the considerations of regional growth, fire risk and management and biodiversity protection.
- The amendment, through the proposed Development Plan Overlay Schedule 8 (DPO8) and siting of lots and building envelopes will not result in unreasonable visual impacts.
- The amendment appropriately balances and responds to the relevant provisions of the planning scheme and relevant practice notes.
- The proposal will not compromise the historic value or character attributes of Maldon.
- The proposed planning provisions to apply to the land as drafted are appropriate.

2 The Amendment

Amendment C36 to the Mount Alexander Planning Scheme proposes to rezone 125 hectares of land near Maldon township from the Farming Zone to a Rural Living Zone. It is proposed to amend the schedule to the Rural Living Zone to provide for a minimum subdivision area of 1ha. The amendment also seeks to apply:

- A Development Plan Overlay – Tarran Valley, Castlemaine-Maldon Road, Maldon Schedule 8 (DPO8).

I note that the above controls have been amended through the various Panel and advisory committee processes and for the purposes of this hearing. This is discussed later in this evidence.

The Erosion Management Overlay, Significant Landscape Overlay (Schedule 1 and 3) and the Bushfire Management Overlay that currently apply to the land are to remain in place.

2.1 Development Plans

Whilst the amendment is to rezone the land and apply the DPO8, an indicative Development Plan has been provided as part of the documentation package. There have been many versions of the Development Plan, the last of which was Version 30 which was considered by the SAC 2014. For the purposes of this statement I have relied upon that plan, noting that some amendments are required to reflect that reticulated sewer is now proposed to service the lots.

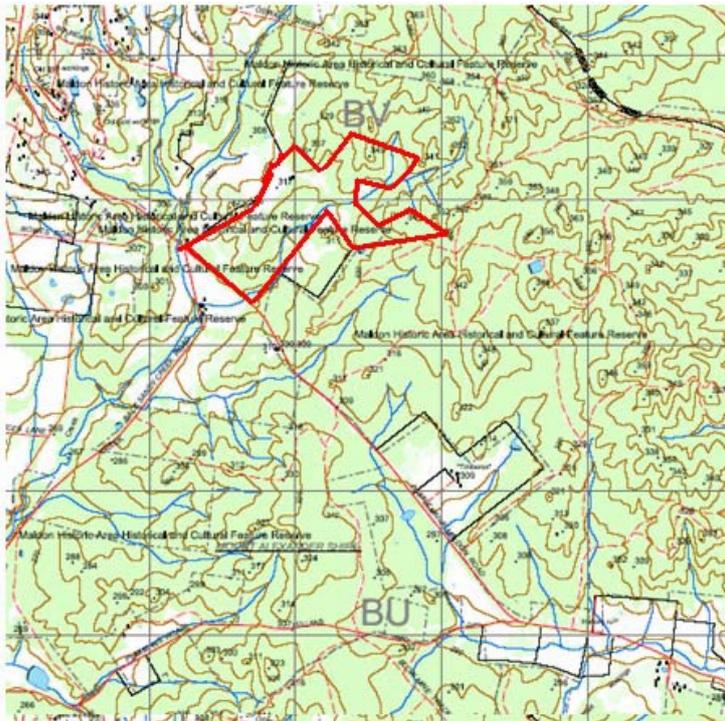
A key aspect of the proposal is the subdivision layout shown in the Development Plan prepared by Practical Ecology which shows:

- 42 lots ranging in area from 1ha to 22.8ha.
- Two road entrances, from Castlemaine-Maldon Road at the south west boundary and to Boundary Road at the north eastern edge of the site.
- An internal road layout which generally follow vacant road reserves or established informal pathways.
- Proposed building envelopes on for each lot with dimensions of 35 metres by 50 metres providing an area of 1750 sqm.
- Each proposed dwelling to be located centrally in the envelope with a nominal footprint of 15 by 20 metres.
- Driveways located to each building envelope/dwelling
- Fuel management zones and Defendable space to BAL 19.
- Nominated areas of built form protection for the adjacent Historical Reserve.
- Habitat and EVC listings for the site, noting that there are four communities of relevance.
- Topographical features shown, including watercourses and contours.
- The site is now proposed to be serviced by reticulated sewer as opposed to each site having on effluent disposal system as contemplated in previous considerations of this amendment.

3 The Site

The subject site is approximately 125ha with some frontage to the Castlemaine-Maldon Road along the south east boundary of the site. Access is provided in to the site from this road and also via an extension to Boundary Road in the north east of the site. The site is currently vacant except for some agricultural buildings. Approximately 32 ha of the site is cleared and the remaining 93ha lightly vegetated. A very detailed description of the site is provided in the Panel report 2009. For the purposes of this statement I adopt that description of the site, and note that there does not appear to be any substantial changes to the site from that time.

Figure 1: Subject Site



4 The Surrounds

The surrounding land is in a mix of public and private ownership, and in varying zones. As described in the numerous reports prepared relating to this site, with a detailed site description included in the 2009 Panel report. Generally the site is abutted by the State forest, the Maldon Historic Reserve, to the north, east and south, which is zoned Public Conservation and Resource Zone (PCRZ). The Maldon township is located to the north east of the site. Dwellings on small 'farm' lots are apparent in the surrounding area, as are some limited farming activities.

5 Background to the proposal

The proposal has a long history and has been considered by Council on a number of occasions, as well as a Panel and an Advisory Committee. A detailed history of the this proposal and relevant events is outlined in various documents, including the chronology commencing on Page 7 of the Sweett Asia Pacific (then the Sweett Group Pty Ltd) initial submission to the Standing Advisory Committee in 2014 (Appendix A).

As the Committee are aware the Bushfire Management Standing Advisory Committee considered the matter which is discussed in its report *“Amendment 36 to the Mount Alexander Planning Scheme Panel Report 12 June 2014.”* (SAC 2014)

That report provides a useful summary of what has and hasn't changed in relevant planning policy since 2009 (I note the summary was provided by Council to the Panel and reproduced in that report).

Since June 2014 there have been some further changes to planning policy and considerations relevant to this proposal which are outlined in the next section of this statement.

I also note that the exhibited amendment proposed to rezone the land to Rural Living and apply the Development Plan Overlay. As a result of a submission from DEPI Council prepared an Environmental Significance Overlay Schedule 8 for the site. Amongst other things the schedule was intended to manage the removal of native vegetation. Subsequent revisions to the DPO8 schedule including the requirement for a Section 173 Agreement ensures the ongoing vegetation management regime for the site, has resulted in the ESO8 no longer being proposed. This was a recommendation of the SAC 2014 and is discussed in that report on Page 33.

6 Terms of this Advisory Committee

The matters outlined in this evidence have had regard to the stated considerations for this Advisory Committee as follows:

The appropriateness of Amendment C36 to the Mount Alexander Planning Scheme on whether the land and its location, near Maldon, is suitable for rural residential development.

Whether the subject land is an appropriate location for additional dwellings on new lots in rural residential settings given the objectives of the Planning and Environment Act 1987 and in particular:

- to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- to secure the 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 of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

This evidence also discusses the policy objectives relating to bushfire management and the preservation of human life, the protection of biodiversity and the achievement of regional growth. Expert evidence on the details of bushfire behavior mitigation and management and biodiversity is being provided by others.

7 What has changed since June 2014

7.1 Progress of Amendment C61

Amendment C61 which proposes to change the MSS and LPPF and include the Rural Land Use Review (EnPlan 21 January 2014) as a reference document has been submitted to the Department of Environment, Land, Water and Planning (DELWP) for approval. At the time of writing, it is anticipated that approval and gazettal of that amendment is imminent. Amongst other things that amendment makes some alterations to the strategic considerations relating to Maldon, as well as aligns the MSS and LPPF with the SPPF.

Specifically in relation to the subject land, the current Clause 22.12 includes Figure 9: Maldon Framework Plan that nominates the subject land for Rural Living. In the C61 Amendment, the Framework Plan as it relates to this land remains the same.

7.2 Planning Practice Note 37 Rural Residential Development

This Practice Note has been updated as of June 2015. It is my understanding that the changes made from the 2014 version were minor and would not be of consequence to the consideration of this amendment. Ministerial Direction No.6 has been revoked since the time of the first Panel Hearing.

8 Planning Considerations

There are a range of planning considerations relevant to the amendment, which have been outlined in detail in previous and current reports relating to this proposal. For the purpose of this statement I note I have considered the relevant planning scheme policies and provisions as included in Appendix B.

8.1 Strategic justification – is the rezoning of the land to Rural Living strategically justified?

The provisions of the Mount Alexander Planning Scheme provide for the strategic justification for the amendment, including the land being nominated for Rural Living at Clause 21.12. As stated in the SAC 2014 report *“The MSS and LPP’s within the Mount Alexander Planning Scheme are currently being reviewed, but at this point in time the elements relevant to the strategic justification for the rezoning have not changed since the Council adopted Amendment C36 in 2009. This includes the Rural Living Strategy 2006 that identified the area of the subject site as ‘Preferred Rural Living- staging of rural living development recommended’. The Rural Living Strategy is reference document in Clause 21.03 of the Mount Alexander Planning Scheme and the map showing the Framework Plan for Maldon is included in Clause 21.03.”* (Page 12)

As noted in the previous section of this statement it is acknowledged that much has changed in planning policy since 2008 when this proposal began, therefore also accepting that much has changed since 2006 when the Rural Living Strategy was undertaken for the Shire. In my view the changes in planning policy are not such that they have altered the strategic support for this proposal. The nomination of this land for rural living purposes remains in the planning scheme, and also is retained in the revised MSS that is proposed to be introduced by Amendment C61.

The 2009 Panel report discusses the strategic justification for the amendment as follows:

The policy framework under Clause 21.03 seeks to achieve four key aims that are relevant to the amendment:

- *Improve land use decision making for the environment of the Loddon catchment (this draws in the issue of water supply catchments).*
- *Increase housing choice in sympathy with the environment.*
- *Protect agricultural land uses from incompatible non-agricultural based development.*
- *Maintain biodiversity.*

The Panel considers that these aims are clearly met by Amendment C36 because rezoning the subject land to Rural Living will introduce a dedicated area adjacent to Maldon whereby rural living development may occur under conditions which ensures that environmental issues are considered and managed. Importantly, it affords Council the opportunity to better control the “ad hoc” nature of residential development pressure on small lots in the FZ. This means that Council can better plan and strengthen its administration of State and local planning policy relating to protecting and supporting agriculture and better plan for rural living land use around Maldon.

Although the amendment may result in the loss of 125 ha of land from the FZ, the Panel considers that the ultimate effect of this loss is relatively minor. This is because the subject land has low fertility with physical constraints such as slope, and shallow or rocky soils and that most of the site remains well vegetated, all making it impractical for it to be used for sustainable farming.” (Page 39)

I note that the lots are proposed to be serviced by reticulated sewer which addresses the main considerations previously raised regarding the impact of on site effluent disposal on water catchments. In my opinion the other matters expressed by the Panel in that conclusion remain valid whilst taking in to consideration the changes to planning policy as they relate to native vegetation, fire risk, and regional growth.

In my opinion the key fundamental planning principles that support the rezoning of this land are:

- The land is located close to Maldon township and services and will deliver a supply type identified as being required through previous strategies. The rezoning is consistent with the objectives of the SPPF for regional growth and housing as well as the principles set out in Practice Note 37.
- The land will not prejudice the urban expansion of Maldon as it is located outside the town boundary within which there is area suitable to accommodate growth.
- There is limited rural living land around Maldon resulting in pressure on development of housing in the Farming zone. The delivery of rural living lots should reduce this pressure and provide for a diversity of housing options suitable to a regional/rural location consistent with State and Local policy.
- The land is of low to no agricultural quality, therefore achieving State and Local policy regarding the protection of agricultural land.

- The future lots are proposed to be serviced by reticulated sewer ensuring no impact on the waterways and the open potable water supply catchment.
- The future subdivision and design matters are guided by the DPO8 and will be considered in further detail at the planning application stage. Practice Note 37 provides a comprehensive list of considerations for such applications.

Furthermore, Amendment C61 considers rural land use and rural living in revised planning policy. The proposed Clause 23.03-3 Rural Living Objective 1 is “*To provide for rural living development in identified areas.*” The Rural Living Strategy 2006 remains as a reference document and Clause 21.12 contains the Maldon Framework Plan which identifies this area for Rural Living.

I consider that there is strategic justification for the amendment as identified in the previous Panel and Advisory Committee reports and based on existing and emerging planning policy as outlined in this section. Accordingly, I am of the view that this land, in its location near Maldon, is suitable for rural residential development.

8.2 Does the amendment appropriately balance the considerations of regional growth, fire risk and management and biodiversity protection?

Planning is a balance of sometime competing policies, a tension which is highlighted in regional environments with high bushfire risk. This location is similar to others in the Shire (for example Diamond Gully west of Castlemaine) and many others around the state in that it contains native vegetation and biodiversity assets, but is also an area of fire risk located near to an existing settlement.

Bushfire management

There are a complexity of matters that are involved in this assessment including the balancing of rezoning of the land with bushfire risk and management, and the protection of biodiversity assets. These considerations are dealt with in detail by other experts, however are examined in the following section from a planning policy perspective.

It is apparent in planning policy and practice notes and planning practice itself that consideration of bushfire risk and the preservation of human life is a key consideration for any planning proposal. The relevant provisions include Clause 13.05-1 which provides a broad framework to assist and strengthen community resilience to bushfire. Clause 44.06 is the Bushfire Management Overlay which applies to the site with any future development having to comply with these provisions. Clause 52.47 Planning for Bushfire outlines provisions which must be addressed for any development of a dwelling. In addition, the current Clause 22.14 seeks to ensure that any new development does not increase the level of fire risk and includes adequate fire measures.

Council’s adopted Rural Land Study states at Page 81 “*it is now considered potentially dangerous to permit rural lifestyle development unless appropriate ‘defendable space’ can be achieved and maintained. The ability to create defendable space may also be difficult because of environmental values associated with remnant native vegetation and potential for difficulties (in) its removal.*”

The requirement to achieve appropriate defensible space is also contained in the Clause 52.47 provisions and the Planning Practice Note 64 – Local Planning for Bushfire Protection.

The proposal retains the BMO on the land. The proposed subdivision layout has been designed with regard to bushfire risk and mitigation including the location of building envelopes on lots and the nomination of defensible space. Furthermore, two vehicle access points are provided at either end of the development area, both capable of servicing the site. Town water is available to the lots and a static water supply will also be required as part of any future development.

The evidence of Mr Kern indicates that the site is suitable for rural residential development as the bushfire risk can be reduced to an acceptable level. This is based on a detailed assessment of the significant bushfire hazard of the wider landscape, the nature of the landscape including factors that influence fire behavior and potential impact on life and property.

The defensible space for future dwellings can be achieved within the land boundaries whilst still preserving an extent of biodiversity assets of the site.

The introduction of the Development Plan Overlay Schedule 8 (DPO8) provides for additional control with requirements for the demonstration of fire mitigation and management measures, such as a Defensible Space Plan.

I note that the requirements in the DPO8 and for the BMO were discussed as part of the Standing Advisory Committee hearing.

“There was discussion at the Hearing about whether a BMO Schedule was needed if DPO8 referred specifically to the Bushfire Management Plan. It was agreed that it would be a duplication to have a site specific BMO Schedule for items that are covered elsewhere in the planning provisions or in the DPO8.

The CFA submitted that there would still be merit in having a BMO Schedule for the site that just exempted subdivision and building applications from a permit if prepared in accordance with DPO8. Without such an exemption, a permit requirement would be triggered by the BMO on the site.

After some discussion at the Hearing, this was agreed by all parties.” (Page 34)

The previous reports and expert evidence put forward by Mr Kern states that the site is appropriate for rural living development as the bushfire risk can be reduced to an acceptable level. In my opinion this also achieves the objective of the Planning and Environment Act in securing a safe living and working environment for future residents.

Biodiversity and native vegetation

In order to achieve the defensible space, native vegetation needs to be removed resulting in the need for offsets. The impacts on the biodiversity assets of the site and area as a result of the removal of the native vegetation are also addressed by Mr Kern.

Whilst there will be removal of native vegetation, appropriate offsets will be required as part of any future planning application. There will be vegetation retained on the land which will be appropriately managed by future landowners.

Again, I concur with the views of the 2009 Panel, being:

“The Panel considers that the rezoning will permit a range of lots to be subdivided in the future which will serve to provide an increase in housing choice, but developed in a manner which ensures that with the application of the DPO8 and ESO8, environmental values and significant impacts are mitigated. These provisions will support the maintenance of biodiversity values of the subject land through controls over the amount of clearing of native vegetation and land management practices undertaken by future lot owners.” (Page 40)

I note that the objectives of the ESO are now achieved through the DPO8 schedule. In my view, the rezoning and subsequent development of the site is reasonable, with consideration of the existing and proposed planning controls, ensuring a sensitive and managed environmental outcome, whilst delivering rural living opportunities where bushfire risk can be appropriately managed. In my opinion this provides for appropriate protection of the natural assets of the site consistent with the objectives of the *Planning and Environment Act 1987*.

8.3 What will be the visual impacts of the proposal?

Whilst the amendment is for the rezoning of the land to Rural Living, and the application of the DPO8 schedule, plans have been provided which show the subdivision layout, building envelopes, defensible space and locations where vegetation is to be retained. This information assists in making an assessment of the potential visual impacts of future development of the land.

The site is affected by two Significant Landscape Overlays being Schedule 1- Maldon Landscape Area and Schedule 3- Scenic Landscape Area (approach to Maldon). The key elements of the scenic landscape are identified as being both the natural and man made landscape including Mount Tarrengower and environs as well as the significant gold mining landscapes that were created last century. As stated in the control *“These elements surround the township and produce a unique gold mining landscape that contributes towards the heritage significance of Maldon.”* It is noted that the Maldon landscape is classified by the National Trust as a significant landscape.

The overlays outline how the landscape character objectives are to be achieved. Considerations for this proposal are the visual impacts of the proposal from the Castlemaine Maldon Road on arrival to the outskirts of Maldon, and visual impacts from the Maldon Historic Reserve. Various local policies also note the importance of Maldon, and Clause 22.11 Streetscape and 22.12 Growth Boundaries both provide policy direction regarding the protection of the character of the roadsides and edges of towns.

The majority of ‘viewers’ of any development of this site will be from a moving vehicle travelling at a speed limit of 80km per hour. The current sense of arrival in to Maldon is one of a broadly winding road, a native bush environment, interspersed with some dwellings and rural outbuildings. The proposed subdivision layout has some lots which will be visible from the road. As a result of clearing to achieve defensible space for new dwellings, some built form will be visible from the road. I also note that some building envelopes are located where there is currently little or no vegetation.

Development on lots closer to the Castlemaine Maldon Road will be more visible than those further in to the site. The closest dwelling envelope to the Castlemaine Maldon Road is that on Lot 25 which has a setback of approximately 120m.

This was also the view of the Panel for C36 in 2009 which stated:

“Secondly, the Panel considers that there will not be any direct impact on views into and from the town as a result of the rezoning. The subject land exhibits a valley falling away from the Castlemaine-Maldon Road, which combined with the extent of vegetation along the road frontage will act to reduce the degree of visibility of any rural living development that may occur. The subdivision design presented to the Panel shows only one lot directly fronting onto the Castlemaine-Maldon Road with the other lots setback from the road. The extent of vegetation proposed to remain on the subject land will also assist in filtering any views from outlooks such as Mt Tarrengower, which would be expected to be long distance views and most unlikely to impact on views.” (Page 83)

Vegetation will be retained on most lots, ensuring that the general bushland feel of the area remains. There is considerable separation between building envelopes which will ensure a sense of space appropriate to the rural environment. The fact that some dwellings may be seen from a moving vehicle, or by the occasional cyclist or walker, is not unreasonable, and currently occurs when entering Maldon with existing rural living style homes apparent when travelling along the road. It is my opinion that the proposal is appropriate to the broader rural character and will result in a rural living outcome that is in harmony with the area.

The Maldon Historic Reserve abuts the site in some locations. The *Planning and Environment Act 1987* contains objectives to conserve places of aesthetic and historical interest. Due to the vegetation on the reserve, and the areas of vegetation to be retained on the lots, there will be limited views to the proposal from the Reserve. In my opinion the development will not be apparent from most of the Reserve, and one would have to deliberately look for any dwellings or built form in order to see it. In my view the proposal will not result in any significant or unreasonable visual impact on the Reserve.

The amendment, through the proposed Development Plan Overlay Schedule 8 (DPO8) and siting of lots and building envelopes will not result in unreasonable visual impacts. The proposed amendment adequately achieves the stated policy directions as the proposal will not create a detrimental visual impact to the entry to Maldon or from the Maldon Historic Reserve or township. In my opinion the proposal achieves the relevant considerations of the Act, and planning policy.

8.4 How will the proposal impact on the historic and character attributes of Maldon?

To an extent this issue has been addressed in the previous section. The importance of Maldon as a historic town is well referenced in planning policy. This proposal, whilst proximate to Maldon, is located away from the town itself. The development could not be viewed from the township.

Whilst the proposal will change the character of the site from a large undeveloped parcel to an area with lots of 2+ to 15 hectares, this is considered appropriate in this location given it is nominated for rural living. It is also considered reasonable, as the subdivision layout provides for spacious lots, with generous setbacks between building envelopes, the main road, and from the Maldon Historic Reserve.

I concur with the commentary and conclusions of the C36 Panel which states:

“The Panel concludes that Amendment C36 will not result in significant impacts on the historic, cultural or landscape values of Maldon, its surrounds or the Maldon Historic Reserve.” (Page 84)

8.5 Does the amendment use the appropriate planning tools?

In my opinion the Rural Living Zone is appropriate for the site, and proposed lot sizes and future development. The application of the Development Plan Overlay is appropriate given the land is within single ownership, and the proposal is to provide for a masterplanned and well managed outcome to achieve housing and environmental objectives. The application of the DPO meets the tests outlined in the Practice Note “Applying Incorporated Plan and Development Plan Overlays”.

9 Conclusion

In summary it is my opinion that;

- The rezoning of the land and subsequent development for rural residential purposes is strategically justified giving consideration to the relevant planning and policy considerations.
- The proposal appropriately balances the considerations of regional growth, fire risk and management and biodiversity protection.
- The amendment, through the proposed Development Plan Overlay Schedule 8 (DPO8) and siting of lots and building envelopes will not result in unreasonable visual impacts.
- The amendment appropriately balances and responds to the relevant provisions of the planning scheme and relevant practice notes.
- The proposal will not compromise the historic value or character attributes of Maldon.
- The proposed planning provisions to apply to the land as drafted are appropriate.

Fiona Cotter

Provincial Matters

Appendix A

CV



Fiona Cotter

Principal - Provincial Matters

Urban and Regional Planning Services

Years of Experience

20 years

Education

Bachelor Applied Science (Planning) RMIT University, Melbourne

Professional Affiliations

Victorian Planning Environmental Law Association

Urban Development Industry Association

Member Planning Institute of Australia

Overview

I have over 20 years experience working as a planning practitioner and advisor in the both the public and private sectors in statutory and strategic planning in metropolitan and regional environments.

In 2007 I established Provincial Matters, a planning advisory firm to focus working on projects in rural and regional communities. I work across the State on both statutory and strategic planning projects and have demonstrated experience in project management, policy development and development approvals.

With extensive experience in the facilitation and management of complex major planning projects around Victoria, I am a planning strategist who provides viable and sustainable outcomes for both private and public sector clients.

I worked with Urbis as an Associate Director, planning consultant, exposing me to a range of statutory and strategic planning projects around the state.

My recent roles within the Department of Planning and Community Development (DPCD) as Manager for Planning and Development within the Loddon Mallee Region and as Acting Assistant Director of Regional Policy, I understand government policy and processes.

Having also worked for Regional Development Victoria (RDV) on the Loddon Mallee Regional Strategic Plan I am experienced in project management and regional planning issues and initiatives.

Relevant experience

I have demonstrated experience in:

- Project management and planning advice and services to achieve development approvals for renewable energy projects such as major solar facilities in the Mildura region.
- Preparation of strategic planning initiatives and documents, such as Regional Strategic Plans and Regional Growth Plans.
- Planning advice and preparation of planning scheme amendments for a variety of housing, industrial, commercial and tourism projects in rural and regional Victoria.
- Preparation and assessment of planning permit applications for a range of environments, from residential to industrial and commercial, tourism to agricultural.
- Development and management of a range of strategic planning projects, including the facilitation of initiatives from Regional Strategic and Regional Growth Plans, development of climate change strategies and township Structure Plans.
- Drafting of planning policy and Planning Scheme Amendments for implementation in Planning Schemes.
- Working on projects balancing issues of environmental sensitivity and risks, cultural and built form heritage, agricultural viability and adaptation.
- Facilitating workshops and presenting at forums such as Regional Planners Days, Regional Management Forums, Council meetings and groups of Councils (eg Murray River Group of Councils).
- Establishing and managing teams of expert consultants (eg heritage advisors, environmental planners, architects and urban designers) to deliver planning solutions and projects.
- Working with urban designers in precinct planning for activity centres, new growth areas in metropolitan Melbourne, regional cities and small towns.
- Preparation of development and built form guidelines.
- Preparing written submissions and presenting at VCAT and Planning Panels as both an advocate and expert witness.
- Designing and conducting community consultation programs and initiatives.

Appendix B

Chronology

- **16 January 2013:** DSE letter of advice provided to DPCD providing in-principle support for the amendment and seeking an updated report to allow the full consideration of the development and calculation of off-sets.
- **7 March 2013:** DSE letter provided to DPCD providing comments regarding CFA advice letter of 8 January 2013. DSE raise that approximately 2 additional hectares of vegetation would require removal as a result of CFA's 'grouped inner-zone condition'. Further, the creation of an outer-zone as a result of the '150 metre outer zone condition' would result in areas of fuel management to include the majority of the site, which will require management of areas of very high conservation value which had previously been avoided. DSE raised concern that the CFA requirements would lead to a failure to meet State Planning Policy including the recommendations made by the Bushfire Royal Commission, Clause 13.05-1 and Clause 12 principally because the requested bushfire protection measures do not give due consideration to biodiversity conservation.
- **2 July 2013:** Date of Minister for Planning's letter referring Amendment C36 to Bushfire Planning Provisions Standing Advisory Committee.
- **14 February 2014:** Council commission independent advice from Terramatrix that concludes that the proposal can meet planning scheme requirements without applying the CFA requested conditions for 150m of Outer Zone Management.
- **7 & 8 May 2014:** Bushfire Advisory Committee Hearing & discussion of proposed controls with final comments and plans circulated on 20 May 2014.
- **12 June 2014:** Bushfire Advisory Committee report tabled with DELWP for review and recommendation to the Minister.
- **28 June 2015:** Minister advised of appointment of a new Advisory Committee and released the Terms of Reference and BMO Advisory Committee Report.

3.3 Chronology

The following table provides a detailed chronology relating to Amendment C36.

Date	Event
16 February 2004	<ul style="list-style-type: none"> • Letter from DSE provided to DPCD stating no objection to the rezoning of land to enable a subdivision. • Possible issues – realignment of some lot boundaries and possible reduction in lot yield may be required.
November 2004	<ul style="list-style-type: none"> • Final Rural Living Strategy dated September 2004 approved by Council that: <ul style="list-style-type: none"> ○ Provides a series of strategic principals upon which proposals for Rural Living should be assessed. ○ Identifies Tarran Valley Site as one of the few locations within the municipality and the only land surrounding Maldon suitable for rezoning rural land.
2005-2006	<ul style="list-style-type: none"> • Amendment to the planning scheme for Tarran Valley (rezoning of Farming to Rural Living C36) prepared having regard to Mount Alexander Shire Rural Living Strategy, Mount Alexander Shire Urban Living Strategy.

June 2007	<ul style="list-style-type: none"> • Amendment C36 exhibited by Council. • 28 submissions received – 6 submissions were supportive of the proposal. • No objection to the amendment by DSE, CFA, the Catchment Management Authority and the Local Bush Users Group.
22 February 2008	<ul style="list-style-type: none"> • Applicant responds to submissions. • Document included: <ul style="list-style-type: none"> ◦ ERM report – achieving environmental enhancement at Tarran Valley ◦ Flora and Fauna Assessment – Garry Cheers ◦ Land use degradation report – David Luke ◦ Bushfire report – Phil Neander ◦ Land Capability Assessment – Robert van der Graff ◦ Review of Agricultural land – Larry White ◦ Archaeological assessment – David Rhodes ◦ Demand and Supply Report – Foresite
13 May 2008	<ul style="list-style-type: none"> • Council held meeting regarding amendment. • Resolved to send to Panel. • Council modified DPO schedule – now DPO8. • Council introduced a new schedule – ESO8.
25 July 2008	<ul style="list-style-type: none"> • Directions hearing held to consider preliminary matters
5 August 2008	<ul style="list-style-type: none"> • Letter from DPCD – Outlining issues (directions) to be addressed at the Panel Hearing. • Panel hearing scheduled for 14, 15, 16 October 2008 – dates are subject to change depending commitments.
2 September 2008	<ul style="list-style-type: none"> • Letter from DPCD – revised hearing dates – 8, 9, 10 December 2008. • Expert witness statements due 27 November 2008. <p>Refers to DPO 8 and ESO 8.</p>
January 2009	<ul style="list-style-type: none"> • Panel Report submitted to Council with recommendation to adopt with changes to DPO and ESO Schedules.
10 February 2009	<ul style="list-style-type: none"> • Panel Report released by Council.
10 March 2009	<ul style="list-style-type: none"> • Amendment C36 adopted by Council with the inclusion of additional provisions in DPO relating to wildfire management.
23 April 2009	<ul style="list-style-type: none"> • Amendment C36 submitted to DPCD for approval.
13 October 2009	<ul style="list-style-type: none"> • Letter from DPCD to Council advising that CFA advice sought on including the site in a WMO and requesting information on vegetation removal if WMO included on the site.
02 February 2010	<ul style="list-style-type: none"> • Letter from Minister for Planning to Mayor Mt Alexander Shire advising that Amendment C36 to be deferred pending outcome of the Royal Commission Report.
July 2010	<ul style="list-style-type: none"> • Bushfire Royal Commission report released, which made a range of recommendations including strengthening the WMO provisions, linking the BAL and WMO assessment methods and proposing a voluntary buy back of land in high risk areas.
08 June 2011	<ul style="list-style-type: none"> • Meeting with DPCD on status of the amendment. Assessment to be deferred pending introduction of new bushfire planning provisions.
18 November 2011	<ul style="list-style-type: none"> • Amendment VC83 introduces new provisions relating to bushfire protection.
08 August 2012	<ul style="list-style-type: none"> • DPCD Letter advising that assessment would recommence and requesting additional information within one (1) month

	of letter (an extension was later granted until 12 October 2012).
12 October 2012	<ul style="list-style-type: none"> Bushfire Assessment and Net Gain Analysis Report submitted to DPCD. Included is the 10 October 2012 Bushfire Development Plan.
08 January 2013	<ul style="list-style-type: none"> Letter of advice received from CFA indicating support with defensible space changes.
16 January 2013	<ul style="list-style-type: none"> DSE letter of advice to DPCD providing in principle support for the amendment and seeking an updated report to allow the full consideration of the development and calculation of off-sets.
7 March 2013	<ul style="list-style-type: none"> DSE provides comments to DPCD regarding CFA response to Amendment C36 dated 9 January 2013.
March 2013	<ul style="list-style-type: none"> DPCD submitted Briefing Paper to Minister.
2 July 2013	<ul style="list-style-type: none"> Minister's letter referring Amendment C36 to Bushfire Planning Provisions Standing Advisory Committee.
10 September 2013	<ul style="list-style-type: none"> Revised site plan developed by Practical Ecology (dated 10 Sep 2014) in response to CFA letter dated 8 January 2013 requesting changes to the site layout and Bushfire Development Plan.
25 October 2013	<ul style="list-style-type: none"> Meeting held with CFA with agreement that the CFA would provide a written response to the revised plan within two weeks.
8 November 2013	<ul style="list-style-type: none"> CFA asked by landowner to provide comments to the revised Practical Ecology plan that was prepared to respond to its 8 January 2013 amendment requests.
15 November 2013	<ul style="list-style-type: none"> Letter to Minister sent to request the finalisation and signing of the Bushfire Planning Provisions Standing Committee's new Terms of Reference to allow the Committee to commence preparation for a hearing on the matter.
November 2013	<ul style="list-style-type: none"> CFA provide verbal response to 8 November 2013 request.
20 December 2013	<ul style="list-style-type: none"> New vegetation assessment guidelines gazetted (<i>Permitted clearing of native vegetation – Biodiversity assessment guidelines</i> (Department of Environment and Primary Industries, September 2013).
23 December 2013	<ul style="list-style-type: none"> Response from Regional Development Victoria on behalf of the Minister of Planning providing the Departments decision to proceed with a hearing under the existing terms of reference for the Bushfire Management Overlay Consultation 2013 Standing Advisory Committee.
8 January 2014	<ul style="list-style-type: none"> Letter provided from Planning Panels Victoria confirming the role of the Advisory Committee including the scope of advice to be provided and an invitation for written submission to be provided from key parties.
30 January 2014	<ul style="list-style-type: none"> Time extension requested for written submissions and hearing dates (Directions and Final).
5 February 2014	<ul style="list-style-type: none"> Planning Panels Victoria letter agreeing to provide an extension to the due date of written submissions and the dates for the Directions and Final Hearings.
14 February 2014	<ul style="list-style-type: none"> Council commission independent advice from Terramatrix that concludes that the development can meet planning scheme requirements without needing to go as far as the CFA stipulations for 150m of Outer Zone Management.
14 February 2014	<ul style="list-style-type: none"> Decision made by applicant to proceed on the basis of the original October 2012 plan prepared by Practical Ecology.

7 & 8 May 2014	<ul style="list-style-type: none"> Advisory Committee Hearing & discussion of proposed controls with final comments and plans circulated on 20 May 2014.
12 June 2014	<ul style="list-style-type: none"> Advisory Committee report tabled with DELWP for review and recommendation to the Minister.
June 2014 to June 2015	<ul style="list-style-type: none"> Client and consultant work to have BMO Advisory Committee report released.
28 June 2015	<ul style="list-style-type: none"> Minister advised of appointment of a new Advisory Committee and released TOR and BMO Advisory Committee report.
23 September 2015	<ul style="list-style-type: none"> Advisory Committee Direction Hearing.
23 November 2015	<ul style="list-style-type: none"> Advisory Committee Hearing.

Appendix C

Planning

Provisions

State Planning Policy Framework

I have had regard to the following clauses in the State Planning Policy Framework (SPPF):

- Clause 11.02-1 (Supply of urban land), including the strategies:

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Restrict low-density rural residential development that would compromise future development at higher densities.

- Clause 11.05-1 (Regional settlement networks) which includes the Loddon Mallee South Regional Growth Plan 2014 as a Policy Guideline.
- Clause 11.05-3 (Rural productivity) which promotes agriculture and rural production.

Strategies

Prevent inappropriately dispersed urban activities in rural areas.

Limit new housing development in rural areas, including:

Directing housing growth into existing settlements.

Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.

*Encouraging consolidation of existing isolated small lots in rural zones.
Restructure old and inappropriate subdivisions.*

- Clause 11.05-4 (Regional planning strategies and principles) which supports regional development.
- Clause 11.05-5 (Coastal settlement) which supports sustainable coastal development.
- Clause 11.12 (Loddon Mallee South Regional growth) which includes the strategies relating to the management of growth in the region.
- Clause 12.01-1 (Protection of biodiversity) which seeks to protect and conserve biodiversity.
- Clause 12.04-2 (Landscapes) which seeks to protect landscapes and significant open spaces.
- Clause 13 (Environmental risks) including objectives and strategies relating to noise abatement, air quality, and bushfire planning.

- Clause 14.01-1 (Protection of agricultural land) which seeks to protect productive farm land which is of strategic significance in the local or regional context.
- Clause 15 (Built environment and heritage) including objectives and strategies relating to heritage, including aboriginal cultural heritage.
- Clause 16.02-1 (Rural residential development) which provides guidance for identifying land suitable for rural living and rural residential development, and includes the strategies:

Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.

Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.

Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.

Ensure planning for rural living avoids or significantly reduces adverse economic, social and environmental impacts by:

- *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.*
- *Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.*
- *Minimising or avoiding property servicing costs carried by local and State governments.*
- *Discouraging development of isolated small lots in rural zones from use for rural living or other incompatible uses.*
- *Encouraging consolidation of existing isolated small lots in rural zones.*
- *Maintaining an adequate buffer distance between rural residential development and intensive animal husbandry.*

Ensure land is not zoned for rural living or rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.

Ensure land is only zoned for rural living or rural residential development where it:

- *Is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development.*
- *Can be supplied with electricity and water and good quality road access.*

Local Planning Policies

Clause 21.01 – Overview

The settlement pattern and Crown Allotment structure emanate from the gold era. This has left a legacy of dispersed small allotments that are popular for hobby farming and rural lifestyle activities. The Shire is well known for its heritage townships, buildings and places, which are of local, state and national significance, and Maldon was recognised as Australia's first Notable Town in 1966.

The Shire has extensive road and rail transport links to Melbourne and Bendigo via the Calder Highway and the Melbourne-Swan Hill railway line.

The Loddon Campaspe catchment is ranked as one of the nations four most degraded catchments; dryland salinity, poor soil structure and erosion are prevalent throughout the Shire while the catchment has the highest incidence of algal blooms in the State. Its poor water quality threatens a range of activities (aquatic and riparian ecology, recreation, tourism, aesthetic values, urban water supply, domestic and stock and irrigation uses) throughout the catchment.

The Shire contains twenty Ecological Vegetation Classes of which sixteen are 'vulnerable' or 'endangered'. It also contains sixty-five threatened flora species and fifty-four threatened fauna species. The Region's Box Ironbark forests are important habitat for many threatened species, and the bushland is a most important recreational and tourism asset for the Shire, contributing to its unique character as a destination.

Clause 21.02 Key issues influencing the Shire's future land use planning and development

The Shire has important natural and cultural assets including the Box Ironbark forests that are greatly diminished in Victoria. The recognised cultural assets are a defining aspect of the area's character and identity.

While Coliban Water considers the existing water supply infrastructure able to meet most water supply needs for the Shire's projected population growth, there will be a need for upgrade of the system at some towns in the future.

Potential environmental and amenity impacts between horticulture and dwellings in rural areas needs to be minimised. Land use planning decisions should not reduce the potential for agricultural production.

There is also a need to identify areas appropriate for rural living so that:

- Agricultural areas are not restricted by incompatible uses,
- Demand can be focused into areas, which will not conflict with established agricultural land uses.

- The “rural feel” of the Shire is not eroded.
- Sustainability of water supply and other resources is established.
- Threatened species and vegetation communities are identified, and the three-step approach to achieving net gain is used in development.
- The amenity of ... the Maldon Historic Reserve and other Parks are not adversely affected.

Clause 21.03 Municipal Vision and Framework Plan

Of relevance to the amendment this Clause outlines that the land use planning and development vision for Mount Alexander Shire will be achieved by:

- Improved decision making for land use considering the Regional Catchment Strategy to improve the environment of the Loddon and Campaspe catchments.
- Increase in housing choice, in sympathy with the environment, for demographically diverse community.
- Protection of agriculture land uses from incompatible non-agricultural based development.
- Maintenance of the biodiversity of the Shire

The Shire’s strategic framework is illustrated on plans including:

Plan 1 Mount Alexander Shire Strategic Framework Plan Strategic Issues and Directions, which identifies Maldon as Australia’s first notable town. The strategic issues and directions are to protect and preserve the image and heritage identity of this nationally recognized asset. Infill development must be compatible in form and appearance to maintain the character and function of the historic and commercial tourist area. The surrounding reserves and other natural landscapes must be protected.

Plan 2 Mount Alexander Urban Living Strategy, which illustrates the Cluster, Connect and Consolidation model which is the selected growth model adopted by Council. This strategy reinforces the existing settlement pattern and concentrates future growth in towns with existing infrastructure.

Plan 4 Maldon Framework Plan, which identifies the subject land as the preferred Rural Living Area – staging of rural living development recommended. The Framework Plan was informed by the Mount Alexander Urban Living Strategy (2004) and the Rural Living Strategy (2006) which are reference documents in Clause 21.05.

Clause 21.04 Objectives and Strategies

Clause 21.04-1 Management of Urban Growth

Almost 3,000 people moved to the Shire between 1996 mainly from Melbourne. The Mount Alexander Urban Living Strategy contains a growth management model

called "Cluster Connect and Calder Corridor" (CCCC). A main component (with others) of this is Urban containment and limited expansion at Maldon.

'Recent' sewerage of Maldon and other towns provides opportunities for housing growth.

Identified issues include lack of housing diversity for existing and future needs.

Settlement objectives relevant to Maldon include:

- Encourage and guide urban growth that is generally consistent with the preferred urban growth model (Cluster Connect and Calder Corridor) for the Shire to the year 2030.
- Encourage residential infill and expansion in Maldon that protects the town's heritage significance and character.
- Increase housing choice to meet the diverse household types.

Environment objectives include:

- Encourage urban containment and planned growth to protect the natural environment and rural landscapes.
- Protect visual landscape corridors along highways between towns in the Shire.

Clause 21.04-4 Rural Living

Demand for living in the Shire continues and needs to be managed. Rural living has been a part of the Shire's rural landscape and population growth for many years and is a key has been a main contributor to social, economic and environment change.

Attraction for rural living is due to several factors. These include:

- proximity to urban centres (Bendigo, Castlemaine, and Melbourne)
- attractive and varied rural landscapes;
- undulating forest and farmland,
- low productivity values of much of the agricultural land
- prevalence of small lots throughout the rural areas (including forest areas around Maldon and Castlemaine) as a result of the gold mining heritage.

The fragmented land pattern has dispersed rural living activity. It contributes substantially to local supply and poses a significant land management issue.

Unlike many agriculturally based rural municipalities, Mount Alexander Shire's mining heritage means that the land subdivision pattern in the Shire is highly fragmented into small lots throughout the rural areas, including forest areas around Maldon and Castlemaine.

There are opportunities to provide for this form of development at locations which are within close proximity to services and settlements and in locations which do not compromise existing land uses and values and future needs of the community. The provision of land for future rural living does not have to be on the basis necessarily that a continuing supply must be available.

Issues identified (but are not limited to) the following

Settlement

Constraints to the supply of suitable land, fragmentation of small lots, and dispersed rural living areas.

Environment

Development in rural areas could lessen or impact on environmental qualities and natural resource base (water quality, salinity levels, native vegetation and biodiversity loss).

Rural landscape provides part of the charm and appeal for local residents.

Rural living development has been associated with some land management and primary production impacts including:

- Spread of environmental weeds and pest animals;
- Proliferation of dogs and feral cats;
- Increased fire hazards.
- Proliferation of dams reducing the environmental flows on streams and waterways,
- Illegal vegetation removal and loss of understorey and habitat.
- Rural living developments in the Shire have increased levels of native vegetation planting, removed stock from marginal country, and can improve land management practices.
- Strip type development along highways with adverse landscape and visual impact.

Economic Development

- Rural living has led to reinvestment in agricultural productivity particularly in intensive production of items such as grapes and olives.

Infrastructure

- Ad hoc residential development in rural areas can significantly increase costs of road upgrading and maintenance and general Council and community services.

The Shires objectives regarding rural living development include:

Settlement

- Reduce the number of small and inappropriately located rural lots.

- Encourage rural living development that promotes efficient use of resources (eg. water, power and fuel).
- Discourage use of existing old Crown allotments in the Rural Zone for rural living.
- Avoid strip development along highways.

Environment

- Provide locations for rural living development that will not cause water quality decline, native vegetation and habitat loss, soil erosion, and salinity.

Infrastructure

- Provide location for rural living development that can be readily serviced by the facilities of a nearby urban area or town.
- The Shire's strategies for rural living development are as follows: Settlement
- Ensure rural living development is located outside of defined urban boundaries and does not occur on land set aside for future urban development.
- Encourage clustering of rural living development close to key service areas.
- Consolidate lots in old and inappropriate townships into existing tenements or land holdings wherever practicable.

Environment

- Avoid rural living development in significant water supply catchments areas and in areas of significant vegetation and habitat and high erosion risk.
- Prevent vegetation removal and encouraging revegetation as a component of land use change.
- Ensure net environmental gain as a consequence of rural living development.

Economic Development

- • Ensure rural living development does not detrimentally impact on adjoining or nearby productive agricultural uses.

Infrastructure

- Ensure the full impact of rural living development in respect to road infrastructure, services and the management of storm water is met by the proposed development.
- Ensure rural living lots are of a size that all effluent and household stormwater can be contained on site.
- Ensure all rural living development is serviced with sealed roads, where reasonable and practicable, to a standard approved by Council.
- Ensure all rural living development is serviced, where practicable, with a reticulated domestic water supply.

The Shire will implement rural living as follows

- Implement the Mount Alexander Rural Living Study.
- Apply the Rural Living Zone to areas found to meet the criteria established in the Rural Living Strategy, as required to meet demands over time.
- Use relevant local policies.
- The following further strategic work is proposed in the MSS
- Prepare Rural Living Local Policy to assist implementation of the Rural Living Study.
- Develop a process to refine areas proposed for immediate zoning to Rural Living and determine the appropriate staging of other areas that have been found generally suitable.
- Undertake a Rural Land Study to assess the agricultural, mixed farming, lifestyle farming and environmental conditions of rural land, making recommendations on the application of the Farming, Rural Activity and Rural Conservation zones.

Clause 21.04-6 Agriculture

This clause identifies agriculture as a significant industry within the Shire and the importance of protecting viable farming land for production. It has been demonstrated that the subject site is not productive agriculturally and environmental enhancement and land rehabilitation will be achieved through the proposed development, consistent with the objectives of the Clause.

Clause 21.04-7 Protection of Biodiversity and Landscape

Relevant considerations from this clause are that appropriate locations for rural residential developments are to be based on a number of considerations including the condition and value of the natural environment, native flora and fauna habitats, flooding, fire hazard, land capability, soil structure, vegetation quality and proximity to reserves and parks. The selection of locations and appropriate lot sizes can enhance the control of weeds and vermin and the illegal dumping of household and garden waste which often results in the spread of weeds into public land and native bush.

Clause 21.05 Reference Documents

Both the Mount Alexander Rural Living Strategy,(2006) and the Mount Alexander Urban Living Strategy, (2004) are included within this clause and are adopted by Council and have provided the strategic basis for the amendment.

Local Planning Policies

The Local Planning Policies (LPPs) for the Mount Alexander Planning Scheme are at Clause 22. They provide more detailed land use and development objectives, strategies and actions for the future development of the Shire, which flow on from the policies contained in the MSS. The relevant clauses of the LPPs that are of particular relevance to the proposed amendment are outlined in Table 6 below.

Clause 22.02 Maldon

This policy applies to the Maldon township as defined on the Maldon Framework Plan (refer to Figure 7). It primarily recognises Maldon's important preserved heritage values, relating to its gold mining past (ie: buildings, mining relics, landscape and townscape, historical interpretative value, evidence of early settlement patterns, and interaction between the areas landforms and a wide range of historic pastoral, mining, residential and industrial development activities).

Major policies include

- Preservation of the character and cultural assets of the town.
- Protection and enhancement of the environs and approaches to Maldon township, including important landscape features of Anzac Hill, Mt. Tarrengower and the Nuggetty Range.
- Recognition of potential for mining activity
- Active discouragement of residential development proposed outside of the sewerage district (Where reticulated sewerage is not possible, proposals for residential development must satisfy the requirements of a land capability assessment prepared in accordance with the Septic Tanks Code of Practice).
- Specific policy detail is provided for three Township segments: Maldon Historic Central, Maldon Historic Residential and Maldon Historic Reserve. (These do not directly interface with the current proposal).

Clause 22.11 Streetscape

Presentation of towns from the highway is important in reinforcing the character, protecting existing heritage values and supporting tourism development. Landscaping of developments on the edge of towns will be a requirement and must demonstrate how development will be absorbed by the surrounding environment. The provisions contained within the proposed DPO schedule address the need to preserve the existing view corridor along the Castlemaine–Maldon Road such that impact of any new buildings and works is mitigated through the appropriate siting and design of all allotments and building envelopes.

Clause 22.12 Urban growth boundaries

Applies to the urban rural interface of towns including Maldon. It encourages consolidation of development within existing township areas, not prejudicing or limiting agricultural use of land around towns. An objective is to establish a clear process and criteria to guide the process of future conversion of productive rural/agricultural land to urban uses.

It is policy that:

Provision for population growth within the main township areas should be designed to:

- Prevent further reduction of water quality within the water catchment;
- Maximise the use of infrastructure;
- Lessen conflict in agricultural areas between agriculture and non-agricultural land uses;
- Ensure greater use of our community services and facilities;
- Assist in increasing the viability of such facilities;
- Ensuring the viability of local businesses and shopping areas; and
- Improve service delivery due to increased population of urban centres.
- A clear urban edge for towns should be established to ensure that the area of development is known to all residents.
- Land in agricultural production is to be protected from adjoining uses and development inconsistent with normal farming practices. Zoning will be used to provide a clear urban growth boundary.

Clause 22.13 Catchment and land protection

Aims to achieve long term sustainable care and management of the Shire's natural resource base by ensuring sustainable development of natural resources, promoting the maintenance of ecological processes and genetic diversity, ensure that the use and development of land and water takes into account impacts on the quality and quantity of natural resources, and promoting consistency with, and application of, the regional and other catchment and natural resource management strategies.

Clause 22.14 Wildfire management

Applies to developments in the FZ, RLZ and LDRZ. Objectives are:

- To ensure that new land use and development does not increase the level of fire risk.
- To ensure new land use and development include adequate fire protection measures. Policies include matters relating to:

- the provision, dimensions and accessibility of roads for emergency services access fuel management and buffering widths
- water supply for fire fighting, including water tank requirements

Buildings in Wildfire Management Overlays to be constructed in accordance with Regulation 6.4 of the Building Regulations 1994 and Section G5 of the Building Code of Australia, and sited in accordance with guidelines in CFA brochure 'Design and Siting Guidelines – Bushfire Protection for Rural Houses'.

Clause 22.15 Hilltop and ridgeline protection

Requires consideration of environmental, landscape and visual significance of hilltops and ridgelines in the assessment of use and development applications.

Clause 22.17 Pest plant and animal management

Applies to the management and control of pest plants and animals on productive and non-productive agricultural land.

Requires Council to consider management of pest plants and animals on all land and where appropriate, include permit conditions to require the removal of pest plants, feral orchards and eradication of pest animals prior to the commencement of a use or development.

Clause 22.20 Natural and cultural heritage

Applies to all buildings, works, sites and landscapes of local natural and cultural significance, including those buildings or places listed in the Heritage Overlay schedule.

Objectives include:

- Preservation and maintenance of local heritage.
- Ensuring that new uses and developments harmonise with and complement the historic and architectural integrity, character and appearance of the surrounding buildings, works, site or landscape.
- Recognise buildings, works, sites and landscapes of local historical and architectural significance and their role, and the need for their preservation and maintenance.
- Identification and protection of places, items and sites of Aboriginal cultural heritage.

Policies require council to take regard of cultural heritage matters including relevant advice and policy bases, in making decisions that may impact on heritage assets and areas.

Clause 22.22 Excisions, construction of housing and re- subdivision of land in the farming and rural living zones

This policy applies to all land in the Farming Zone and Rural Living Zone. It states that fragmentation of productive agricultural land by inappropriate subdivision is to be avoided in order to maintain the productive capacity of the land.

The policy mainly relates to land being retained in the FZ but Discourages low density residential estates and lots in the Farming Zone on agricultural land that has not been identified in the Town Structure Plans or the Municipal Strategic Statement as suitable for low density residential expansion. (ie does not apply to the subject land). It also discourages new house developments on existing small lots in all rural areas except if (and in addition to all other considerations):

- the lot has been created since the introduction of planning controls and;
- the development is completed by 1st October 2003 and;
- the development will not inhibit the rights of existing farms to continue their operations. Discourages boundary re-alignments except if they are minor adjustments to take account of physical, man made or topographical features on the site.

It supports restructuring of old and inappropriate subdivisions on rural land.

On subdivision it :

- Supports adopting subdivision sizes which reflect farm viability;
- Discourages subdivision that is likely to lead concentrating lots so as to change the general land uses and character of the rural areas, unless it can be shown that the clustering of lots will not limit the productive use and development of larger lots in the subdivision or that surrounding.
- Strongly discourages subdivision in water supply catchment areas, to protect water quantity and quality.

Discourages subdivision of high quality agricultural land.

Clause 22.26 Residential infrastructure

Applies to the provision of services of infrastructure for new residential development, where such services are presently available or in those areas where infrastructure is to be provided. It recognises that it is essential that infrastructure services are provided that contribute to functional and attractive living environments, and also ensure environmental quality is maintained.

- Objectives include the following: To ensure that all existing and future forms of residential development, including rural residential development is serviced with reticulated sewerage when available and practical, water, electricity and other services.
- To ensure that all roads that service a residential development are fully constructed and sealed.

- To ensure that environment and water quality downstream of urban development is not affected.
- To ensure that development is located within or abutting the existing urban areas and does not prejudice the further development of the town.
- To establish a clear process and set of criteria to guide the process for the future conversion of rural land to residential uses.

Policy includes that new development is to be focused in and around the Shire's townships providing an opportunity to expand and improve upon the current level of amenity and services provided within these communities, and that land in agricultural production is to be protected from adjoining uses and development inconsistent with normal farming practices. Zoning will be used to provide a clear urban growth boundary.

Clause 22.07 Road construction

Applies to the construction of non urban roads and proposes (in short) to ensure that the improvement and upgrading of roads and infrastructure is commensurate with the expected impacts of proposed uses and developments.

Other provisions

Overlays

A number of overlays apply to the site summarised in this table extracted from the 2009 Panel report.

Significant Landscape Overlay (Clause 42.03) Schedule 1:Maldon Landscape Area.

The Maldon landscape is classified by the National Trust. SLO1 covers most of the subject land, apart from a small portion in the far north east of the site. The landscape character objective to be achieved is:

- To prevent the destruction of significant tracts of bushland or trees which would detract from the value of the landscape, or area of significant vegetation.
- To preserve and enhance the character of the roadside along major approach roads to towns, the areas of landscape significance as identified by the National Trust and the Department of Natural Resources and Environment, prominent vegetation within the township area, the environs of the Cairn Curran Reservoir and other areas of visual landscape interest.
- To minimise the impact that mining activities are able to have on land of landscape significance.
- To encourage development of a type which does not detract from the value of the landscape due to its siting, height or general appearance.
- Before deciding on an application, the responsible authority must consider:

- The effect on the whole landscape of buildings, works or activities in the specified area, particularly prominent hilltops and visually significant landforms.
- The siting and design of building and works.
- The retention of areas of vegetation or remnant vegetation as a habitat for native animals and birds and as an important visual element of the overall landscape.

Schedule 3: Scenic Landscape Area (Approach to Maldon)

Covers the southern portion of the site abutting the Maldon-Castlemaine Rd.

Relevant objectives relating to the subject land are:

- To recognise, conserve and enhance the character of the approach roads to Maldon, their immediate environments and other prominent scenic areas.
- To encourage development which complements the density, scale and setback of existing development.
- To discourage development which is not in harmony with the existing character and appearance of the area.
- A permit is required to conduct most works including agricultural activities including ploughing and fencing (but not the construction of dams) and to remove, destroy or lop most vegetation (unless under prescribed conditions). Developments need to comply with the Maldon Design Guidelines.

Erosion Management Overlay (Clause 44.01)

The ESO covers around 75% of the subject land: except the south east portion. Its main objective is to protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development. A permit is required to:

- construct a building or construct or carry out works except for the use and development of outbuildings of less than 20% remove, destroy or lop any vegetation (except under specified conditions).
- Permits to subdivide land must be accompanied by information showing
- The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation.
- The extent of any proposed earthworks.
- The means proposed to stabilise disturbed areas.

Council must consider a range of plans strategies and other documents and matters before making any decision on land covered by the EMO.

Clause 52.47 Bushfire Protection: Planning Requirements

This Clause has as its purpose:

- To ensure that development is only permitted if the risk to life, property and community infrastructure can be reduced to an acceptable level.
- To specify requirements for buildings, works and subdivision on land to which the Bushfire Management Overlay applies.

These provisions apply to an application to subdivide land, construct a building or construct or carry out works under the provisions of the Bushfire Management Overlay.

A development:

- Must meet all of the objectives of this clause.
- Must meet all mandatory standards of this clause.
- Should meet all other standards of this clause.

If a schedule to the Bushfire Management Overlay specifies a requirement for a standard different from a requirement set out in this clause, the requirement in the schedule to the Bushfire Management Overlay applies.

Clause 52.48 Bushfire Protection: Exemptions

The clause outlines four exemptions which apply to Clause 52.47:

- Exemption to create defensible space around buildings used for Accommodation;
- Exemption for vegetation removal along a fenceline;
- Exemption for buildings and works associated with a community fire;
- Refuge Exemption for buildings and works associated with a private bushfire shelter.

The clause provides more detail about the nature of the exemptions and some Councils are not included in the exemptions.

Bushfire Prone Area

The site is in a designated bushfire prone area. A minimum construction standard applies to all new buildings in a bushfire prone area. Landowners are required to build to a minimum Bushfire Attack Level (BAL) of 12.5.

52.17 Native Vegetation

Purpose

To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:

- Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
- Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.
- To manage native vegetation to minimise land and water degradation.
- To manage native vegetation near buildings to reduce the threat to life and property from bushfire.

The Clause triggers a permit for the removal of native vegetation and sets out the pathway and offset strategy requirements.