

MOUNT ALEXANDER PLANNING SCHEME

AMENDMENT C36

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Mount Alexander Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of the land owner, Nylorok Pty Ltd.

Land affected by the amendment.

The amendment applies to twenty-four separate Crown Allotments: CA 1, 2, 3, 4, 5, 5A, 5 B, 6, 6 A, 7 A, 13, 14, 21, 22, 23, 24 25, 26, 27, 28, 29, 30, 31 & 32 Section 1, Parish of Maldon. The land is located to the south-east of the Maldon Township and the primary access is from the Castlemaine-Maldon Road, Maldon.

What the amendment does.

The amendment proposes to:

- Rezone the subject land from the Farming Zone (FZ) to the Rural Living Zone (RLZ).
- Amend the Schedule to the Rural Living Zone to provide a 1.0 hectare minimum lot size for subdivision.
- Apply a Development Plan Overlay to the subject land.
- Insert Schedule 5 to the Development Plan Overlay.

The amendment is supported by the following Strategic Reports:

- Report on achieving Environmental Enhancement at Tarran Valley, Maldon prepared by Paul Kelly, Principal Ecologist, Environmental Resource Management Australia Pty Ltd, February, 2004
- Flora and Fauna Assessment, Gary Cheers, Flora and Fauna Consultant, September, 2003.
- Marilyn J Sprague, Director Goldfields Revegetation, 'Maldon Subdivision', April, 2002.
- Land Use and Degradation, David Luke, May 2003.
- Phillip Neander, Fire Safety Officer, CFA Region 2, September, 2002.
- Land Capability Assessment for Rural Residential Subdivision of Tarran Valley Maldon, Van de Graaff and Associates Pty Ltd, July, 2004.
- A review of the agricultural status of land, Larry White, Paladin Pty Ltd, January, 2004.
- Archaeological Assessment of Tarran Valley, David Rhodes, January, 2006.
- Demand and Supply Assessment, Foresite, June, 2006

Strategic assessment of the amendment

- **Why is the amendment required?**

The amendment is required to increase the supply of Rural Living land around the Maldon township. The proposal is consistent with the Mount Alexander Rural Living Strategy 2004 and the Maldon Framework Plan contained within the Planning Scheme.

Further, the land is unsuitable for farming where the soil is shallow and rocky, and a large proportion of the vegetation on the site is in a degraded state. The amendment will also facilitate rehabilitation of eroded gullies and drainage lines on the subject land, and generally lead to the protection and enhancement of the environmental qualities of the land.

- **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria as set out in section 4 of the Planning and Environment Act 1987. The Municipal Strategic Statement responds to and implements the seven objectives in section 4(1), including the facilitation of development in accordance with environmental, heritage and equity objectives.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

The proposed amendment is based upon extensive strategic analysis of the subject land and its relationship with the Maldon township and surrounding rural land. The background material for this amendment includes a detailed flora and fauna assessment, a land capability study, an agricultural status review, a land supply analysis and an archaeological study of the subject land. These specialist studies all conclude that subdivision of the land is appropriate subject to planning controls and associated land management strategies.

The amendment is expected to have positive economic and social benefits for the Maldon district in that will satisfy current and future demand for rural living around the township without impacting on the productivity of agricultural land. The overall environmental status of the site is degraded with pockets of medium to very high Bioregional Conservation Significance. The structure of this amendment will ensure that appropriate measures are in place to protect and enhance environmental and heritage features of the land.

- **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

Minister's Direction No. 6 in relation to 'Rural Residential Development' is relevant to this amendment. The direction applies to the rezoning of land to the Rural Living Zone.

The planning report and specialist reports provide a detailed analysis of the strategic and spatial considerations, supply and demand, the comments of government agencies, resource protection, landscape and heritage values, land use compatibility and infrastructure and social services.

- ***Is consistent with the housing needs and settlement strategy of the area:***

The rural residential development is consistent with the guidelines outlined in the Mount Alexander Rural Living Strategy. The Rural Living Strategy provides the strategic basis for further rural residential development within the municipality. The strategy goes on to identify a number of specific areas worthy of consideration for rezoning for rural living purposes. Tarran Valley is identified as one of these locations.

Foresite Pty Ltd has undertaken a housing supply and demand assessment for within and around Maldon to assess current housing need and the impact of the proposed additional supply, having regard to the directions of relevant strategic plans including the Maldon Framework Plan and the Mount Alexander Urban Living Strategy. This study concluded that there is a likely under-supply of rural residential lots and that the proposed development would cater for anticipated demand and would not increase the supply to more than required to meet a 10 year demand for rural residential land.

- ***Is supported by and supports sustainable and viable settlements and communities.***

The proposed amendment will be compatible with the existing and future land-uses of the locality. The development plan will allow for a range of lot sizes and building envelopes with a reduced impact on the surrounding reserve. The land is located close to Maldon Township and will provide for further rural residential development within the municipality in keeping with need, as discussed above.

- ***Does not comprise the sustainable future use of existing natural resources, including productive agricultural land, water, mineral and energy resources.***

An agricultural land value assessment was undertaken by Paladin White Pty Ltd, which concluded that the property has a very poor agricultural potential, particularly poor soil and pasture status. The report notes that there is limited scope for good agricultural water supply and would require a very high management and economic input to establish and maintain pastures, construct fences and yarding to set up secure watering points for a grazing program. There would also be limited scope for any form of commercial horticulture.

A land capability assessment was also undertaken by Van de Graaff and Associates Pty Ltd, to assess the impact of the proposed development on the land, including from septic tank disposal, soil, salinity and water. The study concluded that the development of the site for rural residential purposes should improve the overall impact of nutrient emission into soils and waterways. The report notes that if the land is to be maintained under a grazing regime, much larger amounts of phosphorus would be applied per hectare per year than under the proposed rural residential use.

- ***Protects existing visual and environmental qualities of the area, such as landscape, water quality, native vegetation, habitat and biodiversity.***

Building envelopes have been located on each allotment to minimise potential visual obtrusion and to reinforce the landscape qualities that contribute towards the overall objectives of the rural living zone.

In particular, the proposal has had regard to the need for buffers to the adjoining crown land. Specific discussions with officers of the Department of Sustainability and Environment (DSE) on this matter have led to the establishment of building envelopes on lots. These building envelopes have been located after on-site inspection with officers of DSE ensuring that appropriate consideration has been made to protecting adjoining crown land areas from development of the land.

A number of other recommendations were made in the Biodiversity Study undertaken by ERM, which are incorporated into the proposed development to ensure that the environmental qualities of the area are protected.

- *Avoids predictable adverse environmental processes and effects, such as flooding, erosion, landslip, salinity or wildfire.*

A land capability assessment was undertaken to assess the existing and likely future land use and degradation associated with these effects. The CFA also made an assessment of the proposal and supports it subject to conditions. The recommendations and conditions of these studies have been incorporated into the planning of the proposal and the design of the subdivision layout.

- *Can efficiently be serviced by social and physical infrastructure, at an acceptable and sustainable community cost.*

The subject land is located close to Maldon Township with access to necessary physical and social infrastructure and services, as detailed in section 3 of this report. However, the site will not be required for residential uses at a normal density. The land can be supplied with electricity, water supply and has immediate access to the abutting sealed Castlemaine – Maldon main road.

The amendment is also consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

- **How does the amendment support or implement the State Planning Policy Framework?**

The amendment is consistent with the State Planning Policy Framework, and implements State policy on settlement, environment, housing and infrastructure. The planning report accompanying the amendment includes detailed assessment of the amendment with regard to the SPPF.

The amendment supports the objectives of the SPPF to provide sufficient forms of land use to address community needs, and balancing economic growth with environmental and social needs. The inclusion of the DPO also ensures that development responds to the site parameters and ensures that there is appropriate infrastructure provided.

The amendment supports the SPPF objectives to promote the growth of regional cities and to foster the development of towns that are on regional transport routes.

- **How does the amendment support or implement the Local Planning Policy Framework?**

The amendment is consistent with the Local Planning Policy Framework, particularly the strategic framework for the Maldon township, which was introduced to the Planning Scheme as part of Amendment C24. The Maldon Framework Plan indicates that the subject land be rezoned from Farming to Rural Living Zone.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment utilises the appropriate zone and overlay controls from the Victoria Planning Provisions to facilitate development of the site whilst protecting and enhancing its environmental and heritage features.

- **How does the amendment address the views of any relevant agency?**

In relation to conservation and environment issues, the Department of Sustainability and Environment has provided guidance in the strategic assessment that led to the preparation of this amendment. The relevant infrastructure service providers have also been consulted regarding servicing issues to the land.

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

The new planning provisions are not expected to have any undue impact on the resource and administrative costs of Council as the responsible authority for the Planning Scheme.

Where you may inspect this Amendment.

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

Department of Sustainability and Environment
Planning Information Centre
Ground Floor
8 Nicholson Street
East Melbourne 3002

Department of Sustainability and Environment
North West Regional Office, Corner
Taylor Street and Midland Highway,
Epsom

Mount Alexander Shire Council
Municipal Offices
Planning Department
Halford Street, Castlemaine

Mount Alexander Shire Council
Municipal Offices
Town Hall
25 Lyttleton Street, Castlemaine