

## **MOUNT ALEXANDER PLANNING SCHEME**

### **AMENDMENT C96malx**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

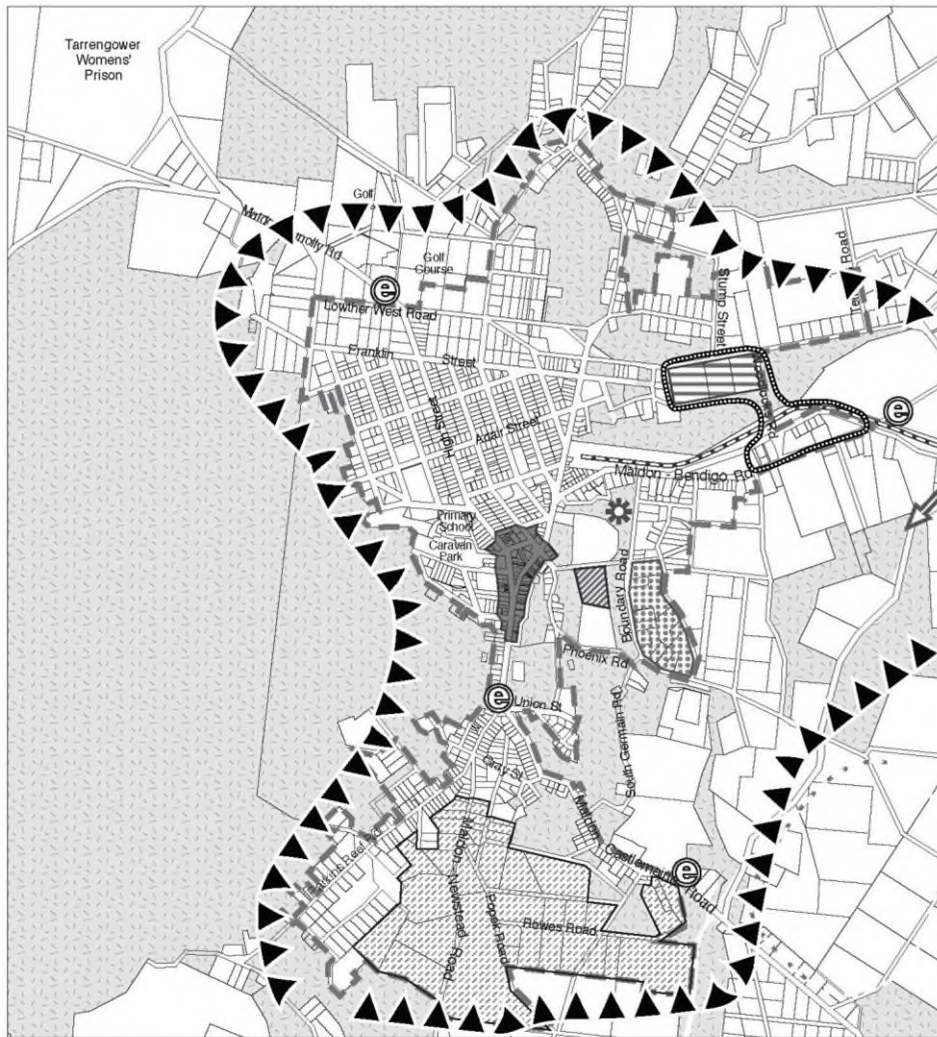
This amendment has been prepared by Mount Alexander Shire Council, which is the planning authority for this amendment.

##### **Land affected by the amendment**











The amendment applies to all land included within the Maldon township boundary, as identified on Map 1 - Maldon Framework Plan below and listed at Clause 02.04 (Strategic Framework Plans) within the Mount Alexander Planning Scheme, which is covered by one of the following:

- Precinct Heritage Overlay (HO) schedules, including:
  - HO443 - Maldon Historic Reserve
  - HO444 - Maldon Historic Residential Area
  - HO445 - Maldon Historic Central Area
- Site-specific Heritage Overlays
- Clause 42.03 (Significant Landscape Overlay) Schedule 1 (SLO1) and Schedule 3 (SLO3).

These overlays within the context of the Maldon township are identified on Map 2 – Overlays Plan below:

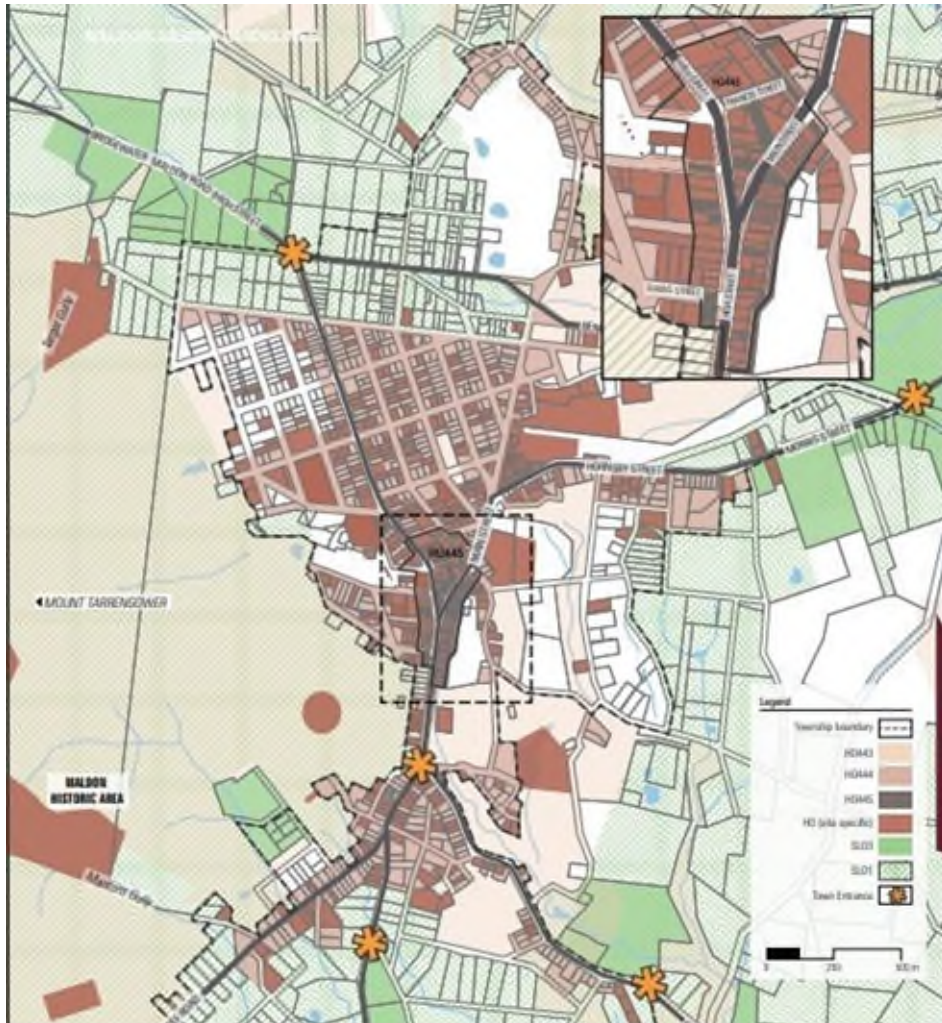


**PLAN 4: MALDON FRAMEWORK PLAN**

-  State Parks, Reserves
-  Township Boundary
  - Residential expansion to south and infill to north
-  Future Residential Development
  - Connection to town sewerage
-  Town Centre
-  Existing Industrial Area
-  Future Residential
  - Exposed site within view corridor of tourist railway
  - Rezoning from Industrial 1 to Residential 1 Zone recommended
-  View Corridor
-  Town Entrance
-  Public/Private Forest Interface Areas
-  Urban/bushfire hazard interface
  - Derived from Regional Bushfire Assessment, DPCD, 2012

Note, this township contains lots in or close to a bushfire Hazard  
(Regional Bushfire Assessment, DPCD, 2012)

**Map 1 – Maldon Framework Plan**  
Source: Mount Alexander Planning Scheme



Map 2 – Overlays Plan

Source: *Maldon Design Guidelines, Hansen Partnership 2020*

### What the amendment does

The amendment amends the Planning Policy Framework, Schedules 1 and 3 to the Significant Landscape Overlay, the Schedule to the Heritage Overlay and three schedules in the Operational Provisions of the Mount Alexander Planning Scheme to implement the updated *Maldon Design Guidelines (Mount Alexander Shire Council, 2022)*, replacing the existing incorporated document titled *Maldon Design Guidelines (Mount Alexander Shire, 1998)*.

The amendment also makes changes to the date and content to the Maldon Statement of Significance which was informed by the Design Guidelines and format set out in *Planning Practice Note 1 Applying the Heritage Overlay* including the use of model heritage criteria. The *Maldon Statement of Significance (Mount Alexander Shire Council, 2022)* has been simplified to more clearly articulate what is significant in order to better assist users of the document to make informed decisions.

Specifically, the amendment makes the following changes to the Mount Alexander Planning Scheme:

- Amends Clause 15.03-1L (Heritage General) to replace the policy document “*Maldon Design Guidelines (Mount Alexander Shire Council, 1998)*” with “*Maldon Design Guidelines (Mount Alexander Shire Council, 2022)*”.

- Amends Schedule 1 (Maldon Landscape Area) to Clause 42.03 (Significant Landscape Overlay) to replace reference to the “*Maldon Design Guidelines* (Mount Alexander Shire Council, 1998)” in the decision guidelines with “*Maldon Design Guidelines* (Mount Alexander Shire Council, 2022)”.
- Amends Schedule 3 (Scenic Landscape Area (Approaches to Maldon)) to Clause 42.03 (Significant Landscape Overlay) to replace reference to the “*Maldon Design Guidelines* (Mount Alexander Shire Council, 1998)” in the decision guidelines with “*Maldon Design Guidelines* (Mount Alexander Shire Council, 2022)”.
- Amends the Schedule to Clause 43.01 (HO443 and HO445) to:
  - replace reference to the existing “*HO443 Maldon Historic Reserve Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)” incorporated document with “*Maldon Historic Reserve Heritage Design Guidelines* (Mount Alexander Shire Council, July 2022)”
  - replace reference to the existing “*HO445 Maldon Historic Central Area Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)” incorporated document with “*Maldon Historic Central Area Heritage Design Guidelines* (Mount Alexander Shire Council, 2022)”.
- Amends the Schedule to Clause 72.04 (Incorporated Documents) to:
  - replace the incorporated document “*Maldon Design Guidelines* (Mount Alexander Shire, 1998)” with the correct document title “*Maldon Design Guidelines* (Mount Alexander Shire Council, 2022)”
  - replace the reference to “*HO445 Maldon Historic Central Area Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)” with the correct document title “*Maldon Historic Central Area Heritage Design Guidelines* (Mount Alexander Shire Council, 2022)”
  - replace the reference to “*HO443 Maldon Historic Reserve Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)” with the correct document title “*Maldon Historic Reserve Heritage Design Guidelines* (Mount Alexander Shire Council, July 2022)”
  - replace the reference to “*HO667 Castlemaine Central Conservation Area Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)” with the correct document title “*Castlemaine Central Conservation Area Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)”
  - replace the reference to “*HO668 Camp reserve and Environs Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)” with the correct document title “*Camp reserve and Environs Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)”
  - replace the reference to “*HO669 Castlemaine Botanical Gardens Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)” with the correct document title “*Castlemaine Botanical Gardens Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)”
  - replace the reference to “*HO670 Castlemaine Railway Precinct Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)” with the correct document title “*Castlemaine Railway Precinct Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)”
  - replace the reference to “*HO671 Burnett Road and Environs Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)” with the correct document title “*Burnett Road and Environs Heritage Design Guidelines* (Mount Alexander Shire Council, 2020)”
- Amends the Schedule to Clause 72.08 (Background Documents) to delete the background document ‘*Maldon Design Guidelines* (Mount Alexander Shire Council, 1998)’.
- Amends the Schedule to Clause 74.02 (Further Strategic Work) to delete reference to ‘Updating the Maldon Design Guidelines to improve usability and consistency’.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The amendment is required to give effect to the updated *Maldon Design Guidelines* (Mount Alexander Shire Council, 2022) (Guidelines), replacing the existing *Maldon Design Guidelines* (Mount Alexander Shire, 1998). The Guidelines provide detailed design criteria for new development in Maldon.

The review of the Guidelines was a key recommendation (flagged as a moderate priority) identified within the *Mount Alexander Planning Scheme Review 2019 (Ethos Urban)*, and updating the Guidelines was a task listed in the Mount Alexander Planning Scheme as further strategic work in the Schedule to Clause 74.02. The updated Guidelines improves their overall usability significantly.

The updates that were made to the Guidelines following public consultation include the following:

- Firmer language
- Additional text to address Maldon's topography and complex built environment
- Improvements to grammar and language, correction of errors and clarifying ambiguous language
- New commercial styles section in the introduction
- Changes to maps
- Clarity on the scope of the updated guidelines

The Guidelines were originally prepared for the Shire of Maldon Planning Scheme in the 1970s and were incorporated in the new format Mount Alexander Planning Scheme in 1999 (Amendment NPS1). No comprehensive review of, or update to, the guidelines has occurred since they were originally prepared.

The review and update of the Guidelines was necessary to:

- Ensure that the guidelines achieve the objectives of relevant planning policy.
- Identify any gaps or errors in the guidelines and make recommendations for modification.
- Analyse, research and develop a best practice approach to heritage.
- Ensure that the guidelines are useful and can be understood by all users.

The amendment assists both permit applicants (including property owners, architects, planners and builders) in preparing designs for new buildings or works or alterations to existing buildings, as well as Council's Statutory Planners and Heritage Officer in assessing planning permit applications in Maldon. The incorporation of the Guidelines is required to encourage buildings that complement the historic character of Maldon and do not dominate or compete with the culturally significant place.

Documents and data which informed the updated Guidelines' development included:

- *Maldon Conservation Study 1977*
- *Mount Alexander Shire Thematic Heritage Study 2016*
- *Mount Alexander Heritage Strategy 2012-2016*
- Various policies within the Mount Alexander Planning Scheme which influence local and regional land use planning in the Shire (including but not limited to Clauses 02.01, 02.03, 02.04, 15.03-1L).
- Planning Practice Notes, including Planning Practice Notes 1, 8 & 13
- *Mount Alexander Planning Scheme Review (Ethos Urban, 2019)*

The amendment also corrects administrative errors within the planning scheme, to ensure alignment with the *Ministerial Direction – Form and Content of Planning Schemes*. These administrative

changes help to ensure the accuracy, consistency, and correct functioning of the planning scheme, and do not alter the form of the amendment.

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

The amendment implements the objectives of sections 4(1) and 12(1)(a) of the *Planning and Environment Act 1987* (the P&E Act), particularly the need for planning to:

- Provide for the fair, orderly, economic and sustainable use, and development of land;

The amendment allows for the incorporation and application of updated Guidelines which ensure that use and development of land within the historically significant town of Maldon is fair and orderly. The Guidelines have been reviewed and updated to ensure that they are relevant and current and accord with contemporary planning standards and format.

- Secure a pleasant, efficient and safe working, living and recreational environment;

By making sure that the design of alterations to existing buildings or the design of new buildings within Maldon respects the historical significance of the town, this provides a pleasant, efficient and safe working, living and recreational environment. Additionally, the Guidelines allow for design that is responsive to climate change while respecting the heritage significance of Maldon.

- Conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;

The updated Guidelines improve the protection and conservation of properties, buildings and relics they apply to, which are of aesthetic, architectural and historical interest. This is important given the historical significance of Maldon, as a remarkably intact former mid-19th century gold mining town which was recognised by the National Trust of Australia (Victoria) in 1966. Maldon became the first town in Australia to be declared 'historic' and worthy of preservation, which signifies the need for those properties and relics to be protected in a way that responds to contemporary planning standards. The Guidelines ensure that alterations or additions to existing buildings are designed to preserve the heritage significance of Maldon and encourage good design for new buildings that respect the history and respond to the context of Maldon.

- Balance the present and future interests of all Victorians.

Reviewing and updating the Guidelines ensures that both present and future interests of all Victorians are balanced. Specifically, the Guidelines assist property owners, business owners, designers, residents, Council and the community to continue to conserve and respect the heritage character of Maldon.

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

The amendment is expected to have positive environmental, economic and social effects, and provide a net community benefit overall, through the improvement of the conservation and enhancement of the heritage values of Maldon.

The significant heritage character which helps to define Maldon contributes to the amenity and identity of the town and its community, and enhances its appeal as a place to live, work and visit. The updated Guidelines ensure that the built form within the town is approached in an appropriate manner so that this identity and amenity is retained and achieved in the future. Additional positive social effects addressed include the improvement of community awareness about the importance and value of heritage character. The updated Guidelines are more user friendly and assist property owners, business owners, designers, residents, Council and the community to continue to conserve and respect the heritage character of Maldon.

In terms of environmental effects, the updated Guidelines promote sustainable development by allowing for design that is responsive to climate change.

The amendment addresses economic effects through the tourism which the town's historical character will continue to attract, through the increased opportunities for high-quality urban design and architecture. Although some additional costs may be borne by property owners through the need to meet certain design standards under the new Guidelines, the amendment is not expected to result in any significant adverse economic impacts.

#### **Does the amendment address relevant bushfire risk?**

The amendment is not considered to impact bushfire risk. The changes are not expected to result in any significant increase to the risk to life, property, community infrastructure, or the natural environment from bushfire. The updated Guidelines assist with the conservation of existing development and ensuring that new development responds to the historic character of the town.

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

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the P&E Act. The amendment is also consistent with *Ministerial Direction 15 The Planning Scheme Amendment Process* and *Ministerial Direction 11 Strategic Assessment of Amendments*.

The amendment is accompanied by all of the information required by the relevant Minister's Directions.

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

##### State policy:

The amendment supports and gives effect to the following relevant objectives and strategies:

- Clause 11.01-1S (Settlement):
  - Strategy: 'Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks'.
- Clause 13.01-1S (Natural hazards and climate change):
  - Strategy: 'Site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards'.
- Clause 15.01-1S (Urban design):
  - Strategy: 'Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate'.
- Clause 15.01-2S (Building design):
  - Objective: 'To achieve building design outcomes that contribute positively to the local context and enhance the public realm'.
- Clause 15.01-5S (Neighbourhood character):
  - Strategy: 'Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
    - i. Pattern of local urban structure and subdivision.
    - ii. Underlying natural landscape character and significant vegetation.
    - iii. Neighbourhood character values and built form that reflect community identity'.
- Clause 15.03-1S (Heritage conservation):
  - Objective: 'To ensure the conservation of places of heritage significance'.

- Clause 16.01-1S (Housing Supply)
  - Strategy: 'Encourage the development of well-designed housing'.

The above objectives and strategies at the state policy level are considered relevant to the amendment as they relate to the built form environment and the protection and enhancement of heritage, in addition to ensuring that development responds to its surrounding character and context. These objectives and strategies are given effect through the implementation of the updated Guidelines which provide guidance and direction on the design of renovations and new buildings within the historical context of the Maldon township. The Guidelines also promote high-quality design which responds to a changing climate.

#### Local policy:

The amendment gives effect to and supports the following local policy:

- Clause 15.03-1L (Heritage General):
  - This policy applies to all land within a Heritage Overlay.
  - The Guidelines are listed as a policy document, which are to be considered as relevant.

The above local planning policy, Clause 15.03-1L (Heritage general), is updated as part of this amendment, to ensure that the updated Guidelines document replaces the original Guidelines as a policy document. This ensures that the updated Guidelines take effect and are considered in planning permit applications. The updated Guidelines are expected to help the planning authority to make decisions on planning permit applications given their improved usability and format. Further, the Guidelines will assist applicants by demonstrating how design is to be approached within the context of Maldon, and to understand whether or not a proposal is likely to be supported.

#### **How does the amendment support or implement the Municipal Planning Strategy?**

Maldon plays an important role in Mount Alexander Shire, being the second largest township. Clause 2.03-1 (Settlement) identifies its recognition for its heritage significance. Maldon is important for both the services it provides to its community, and its role in tourism.

The amendment to Clause 15.03-1L (Heritage General) implements the following Strategic Directions in the Municipal Planning Strategy:

- Clause 2.03 (Strategic Directions - Settlement and growth): Limiting urban expansion in Maldon.
- Clause 2.03-2 (Environmental and landscape values): Areas of high landscape and environmental value have been identified within the areas immediately surrounding the township of Maldon. Development along these natural features and the Shire's other significant landscapes need to be carefully managed to minimise any visual and environmental impacts.
- Clause 2.03-5 (Heritage and character):
  - Protecting and conserving the historic fabric and maintain the integrity of places of heritage and cultural heritage significance
  - Conserving and enhancing the existing scale, density, character and appearance of Maldon's earlier residential areas
  - Encouraging residential and commercial development that respects the existing form and character of streetscapes and allows for contemporary architectural expression
  - Managing the form and appearance of medium density and infill housing to protect the heritage and residential character of the Shire's towns.



- Encouraging development at highway entrances that respect township character and heritage values
- Encouraging energy efficiency in the planning and design of urban communities and development to reduce energy use and greenhouse gas emissions
- Encouraging the adaptation of existing building stock for varying forms of accommodation, including shop top living or warehouse-style living
- Clause 2.03-7 (Economic development) - Tourism: Key drawcards to the Shire include 'village' offerings of Maldon.

The amendment implements the updated Guidelines to ensure that the built form and development within the historical township of Maldon responds to its surrounding context. It allows for the town's scale, character and appearance to be protected which will contribute to its continued function and role as a tourist destination within the Shire.

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

The amendment makes proper use of the Victoria Planning Provisions by using the most appropriate tool to achieve the strategic objectives of the Mount Alexander Planning Scheme. It amends the Schedule to the HO, SLO1 and SLO3 to give effect to an updated incorporated document. The amendment updates the incorporated document listed in the Schedule to Clause 72.04 (Incorporated Documents) to ensure that the updated Guidelines are given statutory effect. The amendment also amends local policy Clause 15.03-1L (Heritage General) to ensure the updated Guidelines are referenced here as a policy document.

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

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

Agency feedback was incorporated into the Maldon Design Guidelines by revising objectives and principles throughout the document, as well as removing ambiguities and strengthening language where possible. For example, changing some instances of the use of 'encourage' to 'ensure'. A section on commercial buildings and architectural styles was added, additional glossary terms added, and references to climate change also updated.

In response to feedback from Parks Victoria, SLO1 and SLO 3 were amended to exempt Parks Victoria from requiring a permit to undertake routine maintenance works on land managed by them.

### **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

There are no significant impacts on the transport system defined by the *Transport Integration Act 2010* as a result of this amendment, as it primarily relates to detailed design issues.

### **Resource and administrative costs**

Throughout the process of preparing this planning scheme amendment, the potential cost implications as a result of implementing and administering the new planning scheme provisions have been taken into account. It is considered that Council will have adequate resourcing to respond to any effects of this scheme amendment, such as an increased number of planning applications.

Further, the amendment provides improved clarity and certainty for the community on the type of development that can occur in relation to heritage places of Maldon. This is expected to reduce the time Council's planning department spends on responding to heritage requests.

### **Where you may inspect this Amendment**

The amendment can be inspected free of charge at the Mount Alexander Shire Council website at [www.mountalexander.vic.gov.au](http://www.mountalexander.vic.gov.au); or

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

- Mount Alexander Shire Council Civic Centre, Cnr Lyttleton and Lloyd Streets, Castlemaine.

The amendment can also be inspected free of charge at the Department of Transport and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection) or by contacting 1800 789 386 to arrange a time to view the amendment documentation.