

# Hepburn

## SHIRE COUNCIL

Confirmed at the Ordinary Meeting of Council held 20 April 2021



Chair, Cr Lesley Hewitt, Mayor

### HEPBURN SHIRE COUNCIL

### SPECIAL MEETING OF COUNCIL

### PUBLIC MINUTES

Monday 29 March 2021

Daylesford Town Hall  
76 Vincent Street Daylesford

6:00 PM

A LIVE STREAM OF THE MEETING CAN BE VIEWED  
VIA [COUNCIL'S FACEBOOK PAGE](#)

The meeting was conducted in person, but members of the public were not able to attend in person due to the COVID-19 Pandemic restrictions.

# MINUTES

Monday 29 March 2021

Daylesford Town Hall

76 Vincent Street Daylesford

Commencing at 6:00 PM

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**BRADLEY THOMAS**

INTERIM CHIEF EXECUTIVE OFFICER

Monday 29 March 2021

## 1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We would like to acknowledge we are meeting on Jaara people country, of which members and elders of the Dja Dja Wurrung community and their forebears have been custodians for many centuries.

On this land, the Jaara people have performed age old ceremonies of celebration, initiation and renewal.

We acknowledge their living culture and their unique role in the life of this region.

## 2 OPENING OF MEETING

**COUNCILLORS PRESENT:** Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday, Cr Tim Drylie

**OFFICERS PRESENT:** Mr Bradley Thomas - Interim Chief Executive Officer, Mr Andrew Burgess - Acting Director Community and Corporate Services, Mr Bruce Lucas - Director Infrastructure and Development Services, Mr Chris Whyte – Manager Information and Communication Technology, Ms Krysten Forte - Manager Governance and Risk, Mr David George – Acting Manager Development and Community Safety, Mr Glenn Musto - Strategic Planner

The meeting opened at 6:00pm.

### STATEMENT OF COMMITMENT

“WE THE COUNCILLORS OF HEPBURN SHIRE  
DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION  
TO CARRY OUT OUR DUTIES IN THE BEST INTERESTS OF THE COMMUNITY  
AND THAT OUR CONDUCT SHALL MAINTAIN THE STANDARDS OF THE CODE OF  
GOOD GOVERNANCE  
SO THAT WE MAY FAITHFULLY REPRESENT AND UPHOLD THE TRUST PLACED IN THIS  
COUNCIL BY THE PEOPLE OF HEPBURN SHIRE”

## 3 APOLOGIES

Ms Bronwyn Southee, Manager Development and Community Safety.

## 4 DECLARATIONS OF CONFLICTS OF INTEREST

Nil.

## **5 OFFICER REPORTS**

### **5.1 C80 HEPBURN PLANNING SCHEME REVIEW DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES**

*In providing this advice to Council as the Strategic Planner, I Glenn Musto have no interests to disclose in this report.*

#### **ATTACHMENTS**

1. Panel Recommendations and Council Response C80Hepb [5.1.1 - 8 pages]
2. Post Panel Changes to Amendment Ordinance and Maps - tracked changes [5.1.2 - 83 pages]
3. Post Panel Changes to Amendment Ordinance and Maps - Clean [5.1.3 - 82 pages]
4. Planning Panels Report Amnt C80Hepb [5.1.4 - 87 pages]

#### **EXECUTIVE SUMMARY**

The purpose of this report is to consider the Planning Panels Victoria (Independent Panel) recommendations (Attachment 4) with respect to Planning Scheme Amendment C80Hepb (Amendment C80), otherwise known as the Planning Scheme Review, to determine a response to these recommendations, to make changes to the amendment documentation in accordance with these recommendations, and to recommend the amendment be submitted to the Minister for Planning for approval.

Planning Panels Victoria has submitted a response to Planning Scheme Amendment C80Hepb which included nineteen recommendations. Of the nineteen recommendations, the officer recommendation is that eleven of them are accepted as proposed. The report provides discussion and officer recommendation on the remaining eight recommendations for Council consideration to progress the Amendment.

#### **OFFICER'S RECOMMENDATION**

*That Council:*

1. *Approves the response to the Independent Panel's recommendations for Amendment C80help as outlined in Attachment 1;*
2. *Adopts Planning Scheme Amendment C80hepb as exhibited with changes outlined in Attachment 2;*
3. *Submits the adopted Amendment to the Minister for Planning for approval; and,*
4. *Arranges a community information and consultation session to explain the outcomes of Amendment C80hepb and the Shires upcoming strategic planning work program.*

## **MOTION**

*That Council:*

- 1. Approves the response to the Independent Panel's recommendations for Amendment C80hepb as outlined in Attachment 1; with the wording change to Recommendation 15 that Council accept the Independent Panel recommendation but not limit the requirement for a permit to native vegetation;*
- 2. Adopts Planning Scheme Amendment C80hepb as exhibited with changes outlined in Attachment 2; and Insert at the end of the schedule to clause 74.02 – Further strategic work of the planning scheme document the following wording 'Undertake a review of the mineral springs and aquifers throughout the Shire to ensure their appropriate environmental and heritage protection';*
- 3. Submits the adopted Amendment to the Minister for Planning for approval;*
- 4. Arranges a community information and consultation session to explain the outcomes of Amendment C80hepb and the Shire's upcoming strategic planning work program; and*
- 5. Requests Officers to prepare a report to Council that outlines the scope and priorities of the Strategic Planning Works Program, including settlement strategies, structure plans, heritage and environmental studies, and that the report is to be tabled in such time that allows for resourcing and funding needs to be considered in the preparation of the 2021/2022 Council budget.*

**Moved:** Cr Jen Bray

**Seconded:** Cr Tessa Halliday

**Carried**

## **BACKGROUND**

Key dates:

2019: Hepburn Planning Scheme was comprehensively reviewed and audited, including significant community consultation.

18 February 2020: Council adopted the Hepburn Planning Scheme Review and authorised officers to draft a revised and updated planning scheme to be exhibited. These updates involved significant consultation with Department of Environment Land Water and Planning (DELWP) and the community.

16 June 2020: Council resolved to seek authorisation to place Amendment C80hepb on exhibition from the Minister for Planning and following authorisation, commence exhibition for a period of six weeks.

6 July 2020: Authorisation to exhibit the amendment was granted by DELWP for a period of 6 weeks. Exhibition included mailing 5,268 letters, 9,953 A3 sized flyers, significant signage in prominent areas and five online information sessions.

28 August 2020: 276 submissions were received.

15 September 2020: Council considered all submissions received to Amendment C80hepb and resolved to refer all submissions to the Independent Panel for consideration and to make recommendations with respect to the Amendment.

October/November 2020: The Independent Panel hearing took place, with numerous presentations from submitters considered as well as an opening and closing presentation from Council's representative.

February 2021: The Independent Panel's recommendation was received.

March 2021: Council officers have considered the Independent Panel's report and recommendations and prepared a proposed response (Attachment 1)

In summary, Amendment C80 is a comprehensive review of Hepburn Planning Scheme, highly praised by the Independent Panel, that provides elite policy neutral translation into the DELWP standards for a modern Planning Scheme, exceptional urban planning considerations that guide development and land use planning, and establishes a robust strategic planning framework to enhance outcomes for future development, land use planning and appropriate environmental protection.

## **KEY ISSUES**

Of the nineteen Independent Panel recommendations, it is recommended that eleven of them are accepted as proposed. Following is a discussion and officer recommendation on the remaining eight recommendations.

### **Recommendation 2**

The Independent Panel has recommended Council review the list of strategic work and re-prioritise the list according to a logical sequence. The Independent Panel has determined that a logical sequence involves focusing on the delivery of a Shire wide strategic report – which has been termed a municipal settlement strategy, as well as resolving the issue of land currently constrained by undelivered restructure plans (Sailors Falls and Drummond North).

Discussion:

The list of strategic work has not been questioned, simply the priority of delivery and the overarching nomenclature. A Shire wide Hepburn Settlement Strategy (HSS) will need to be informed by a series of technical documents. There is significant value in delivering the HSS before more site-specific work (such as structure plans) is completed. However, the machinations and processes required to deliver such a

document will have significant budgetary and resource impacts. An effective Settlement Strategy needs to be underpinned by key technical reports, that will need to be considered Shire wide. For example:

- Commercial, Industrial and Residential land demand and supply analysis
- Biodiversity Strategy (*which Council has begun*)
- Integrated Water Management Plan (*Council has start working with Central Highlands Water for an IWM over 60% of the Shire – The HSS will also need an IWM Plan for the other 40%*)
- Infrastructure Services Strategy (*including design manual*)
- Community and Recreation Infrastructure Assessment (*Shire wide*)
- Access Management Strategy (*all forms of transport*)
- Agricultural and Rural Land Use (including settlements) strategy (*underpinned by the future recommendations from the DELWP Agricultural Land Review*)
- Environmental and Contamination Assessment (*Major Hazard Facilities / tips*)
- Indigenous Heritage Strategy
- Updates to the Post European Contact Heritage Strategy
- Significant Landscapes / Distinctive Areas and Landscapes Assessment
- Affordable Housing and Neighbourhood Character Studies
- Developer Contributions

This work requires a significant commitment across many Council departments to work on providing outcomes that will deliver a satisfactory HSS and meet DELWP requirements. Upon agreement of the delivery of an HSS a comprehensive work program and budget can be delivered for consideration.

The compromise in delivering a priority HSS is the potential that it will slow down the delivery of currently recommended high priority projects. For example, the waste management plan for the Daylesford tip site, instead of being delivered as an immediate assessment, would need to be considered within a wider environmental contamination study as part of the HSS.

The Independent Panel recommendation provides the Shire with an opportunity to request State Government involvement in the delivery of some of the strategic work. This involvement could be in terms of funding or providing resources. For example, Recommendation 2 will form the basis of our request for Hepburn Shire Council to apply to DELWP to be considered as part of their Distinctive Areas and Landscapes project, where we will request resources to conduct background research and a rationale for determining future appropriate Significant Landscape Overlay's in the Planning Scheme, as well as delivering any Scheme amendment through DELWP's internal processes.

Delivering the HSS will have implications on the Municipal Planning Strategy (MPS) and the ultimate outcomes of the HSS will likely require some changes to the MPS as part of a Scheme Amendment to include the Settlement Strategy in the Scheme. The intent of the MPS is to change as the strategic outcomes for the Shire are delivered,

hence it would be changing, for example, if town Structure Plans were prioritised and individually delivered.

After many years of responsive planning, Hepburn Shire Council now has a significant amount of Strategic Planning work that it needs to deliver. There is strong logic around the concept of delivering a Shire wide Strategic document before progressing into site specific planning work.

The recommendation to deliver the site-specific restructure plans alongside the proposed HSS, is somewhat paradoxical. It is accepted however, that Council needs to resolve this as soon as possible. It is considered that the HSS needs to be delivered first as some of its outcomes, particularly the Agricultural and Rural land use strategy, will inform the restructure plans. Once completed the restructure plans can then be prioritised.

Officer Recommendation:

Accept the Independent Panel's recommendation and proceed to prepare a Hepburn Settlement Strategy and the required technical reference documents as a matter of Council priority. Once completed the delivery of restructure plans will be prioritised.

#### **Recommendation 4**

The Independent Panel has recommended to review the Municipal Planning Strategy to:

- clarify the distinction between 'established townships', 'main townships' and 'settlements'
- delete any policy support directing growth to parts of settlements within the Low Density Residential Zone or Rural Living Zone where such development might run counter to State policy on bushfire and protection of natural values.

Discussion:

The MPS is very clear on the distinction between a township and a settlement defining Daylesford, Trentham, Hepburn Springs, Clunes and Creswick as townships. These are also mapped on the Settlement Plan. Any reference to 'main' townships can be removed and just refer to townships.

The Independent Panel appear to have misunderstood that the MPS is a largely policy neutral translation of the existing zones and overlays. There has been a significant strengthening of the MPS to reflect the bushfire risk facing the municipality based on new State policy in relation to bushfire. There are significant legacy issues with zonings outside townships that this amendment did not have the capacity to address. This is a longer-term issue that Council needs to address through future strategic work.

Officer Recommendation:



To partially agree with the Independent Panel recommendation and make a number of small changes to Clause 02.03-1 Settlement to clarify the link between settlement and bushfire risk.

### **Recommendation 8**

The Independent Panel has recommended to abandon to rezone land in Clunes, Daylesford, Hepburn Springs and Trentham to Neighbourhood Residential Zone (NRZ).

Discussion:

In simple terms the NRZ reduces the height limit for development from eleven metres to nine metres. This rezoning was undertaken on the advice of DELWP on the basis of the neighbourhood character and current development pressure in these towns (the Data and Evidence Report, undertaken for Amendment C80 outlined that there was significant housing supply available based on current settings for the next fifteen years).

In Clunes and Trentham the change from Township Zone to NRZ does reduce permissible uses, including uses that sit more appropriately within the Commercial zone. There is Commercial zoned land currently in both Trentham and Clunes and future land supply and demand can be assessed as part of the HSS and Land Demand and Supply Analysis.

The proposed re-zoning to NRZ is justified from the assessment of existing conditions. The proposed HSS and future strategic work will include an assessment of residential demand and neighbourhood character. If it is established that there is a need for areas of higher densities of development in each town and for different types of development, such as for unique styles of affordable housing, then the HSS will make recommendations in that regard, informing the future structure plans.

This will be a robust and well considered process to consider any potential density changes, meanwhile the NRZ appropriately reflects the current character and residential development pressure within these towns. The future residential demand will also be considered by the proposed land supply and demand analysis that the HSS will be undertaking. This work will assist in understanding the supply and demand of Commercial and Industrial land as well, allowing the Shire to deliver future structure plans that consider all the requirements for the town, before more intense development occurs.

Officers Recommendation:

To not accept the Independent Panel recommendation and negotiate with DELWP about applying the NRZ to Clunes, Daylesford, Hepburn Springs and Daylesford based on current strategic settings and provide reasons for its decision with approval of Amendment C80hepb.

### **Recommendation 9**

The Independent Panel has recommended that subject to further notice to affected properties (readvertising this component to the Scheme review) apply a minimum lot size of 40 hectares to land in Area 3 of the current Farming Zone Schedule.

Discussion:

The existing minimum Lot size in this area is 20 hectares and it is also the minimum lot size that was exhibited for public consideration. The proposal complies with State Planning Policy in that there are numerous numbers of lots below 20 hectares in this area and the Schedule to the Farming Zone currently allows for the minimum lot size to be 20 hectares. The DELWP Agricultural Land Review is underway but is not due to be finalised until 2021/2022. Once completed, any recommended minimum lot sizes within the Melbourne “green wedge” (which Hepburn Shire falls within) will be implemented into the Planning system (and Hepburn Planning Scheme) at that time. Any change of minimum lot size now could prejudice the final recommendations of the review.

Assessing the appropriateness of 20 hectares compared to 40 hectares, is more appropriately assessed as part of the recommended HSS. Changing it now, via re-advertising or a new amendment, before the local assessments are done, would prejudice the strategic planning process and it would mean the Shire is prioritising an isolated and localised issue over the Shire wide approach, compromising the intent of the accepted Independent Panel Recommendation 2.

Officer’s Recommendation:

To not accept the Independent Panel recommendation and inform DELWP that this issue will be dealt with as part of an Agricultural and Rural Land Use strategy that will inform the HSS, making Shire wide strategic work a priority, as recommended by Panel in Recommendation 2.

### **Recommendation 11**

The Independent Panel has recommended that subject to advice from the Environment Protection Authority (EPA) on the constraint imposed by the Major Hazard Facility (MHF) on Station Street, to rezone 6 Victoria Street, Trentham to Mixed Use Zone and apply an Environmental Audit Overlay.

Discussion:

Strategic Planning are engaged in discussions with EPA and Worksafe with regard to the full nature of the constraint imposed by the MHF. Significant work is still required to determine the appropriate buffer distances. The impact of this MHF affects a much wider area of Trentham than the subject land proposed to be re-zoned and it is appropriate for the HSS and Trentham Structure Plan to interpret and deliver these outcomes in a strategic context through the preparation of a Shire wide Environmental and Contamination Assessment. The recommendations from this

assessment and the HSS can then inform the impact of the MHF on to 6 Victoria Street. An assessment of the MHF, if made, in priority over the Panel recommended strategic planning process, would be inconsistent with Recommendation 2.

The processes from DELWP Ministerial Direction 19 includes formally engaging with all authorities on re-zonings of this nature. All relevant authorities have not yet been suitably engaged. If advice is received that the subject land is not impacted in any way by an environmental hazard buffer, scrutiny of the Planning Scheme Amendment raises significant process and Strategic Planning concerns.

From a process perspective, the re-zoning has never been publicly exhibited, despite attempts by Council to work with the proponent over the past year to resolve issues and incorporate the request into Amendment C80hepb. It was simply raised, and considered by the Independent Panel, as a submission through exhibition of the Planning Scheme Review. If Council determines to proceed with the re-zoning, a robust public consultation process would be required to ensure compliance with the exhibition requirements stipulated in the *Planning and Environment Act, 1987*.

From a Strategic Planning perspective, spot re-zonings are generally frowned upon at State Government level because they set a negative precedent of re-zoning land before the strategic planning work has been completed. We have been required to complete our broader strategic work first, yet we have also been requested to progress a re-zoning where there is no Strategic Planning nexus.

A re-zoning of land currently zoned Industrial to Mixed Use requires the following considerations:

- Consideration of land demand and supply in Trentham
- An understanding of the nature of the Mixed Use zone and the potential of its impact on the existing Commercial zone in Trentham
- Environmental and Contamination Assessment
- Consideration of surrounding land uses (*this re-zoning leaves one isolated Industrial zoned lot*)
- Community and Recreation Infrastructure Assessment (*being located so close to Quarry Street Reserve and the railway line, impacts and connections need to be considered*)
- Access Management requirements (*the nature of any Mixed Use development is not known*)

All of these considerations can and will be addressed by the HSS and the Trentham Structure Plan.

Accepting the recommendation to re-zone this land at this point in time, prejudices the strategic planning process recommended by the Independent Panel.

If Council chooses to accept the Panel recommendation to rezone 6 Victoria Street, it is recommended that it only occurs once the EPA and Worksafe confirm that there is no environmental buffer that would restrict any form of Mixed Use zone

development, and then a comprehensive public information/exhibition process be undertaken to ensure the strategic issues are considered and addressed by the re-zoning.

Officer's recommendation:

To not accept the Independent Panel recommendation and to address the potential to re-zone 6 Victoria Street through the Independent Panel's recommended strategic planning processes: the Hepburn Settlement Strategy and the Trentham Structure Plan.

### **Recommendation 15**

The Independent Panel has recommended Council adopt the exhibited version of Schedule 1 to the Significant Landscape Overlay (SLO) but limit the requirement for a permit to remove vegetation to native vegetation.

Discussion:

It is important to note that that proposed mapping of the exhibited version of the SLO1 is not recommended to change (smaller areas on the volcanic hilltops and 6 small geological sites).

Accepting the Independent Panel recommendation means a permit is needed to:

- construct a fence but not *"to construct a fence that is a timber or metal post and wire, timber or metal post and railing, wire mesh, chainmesh or similar open rural style fence up to 1.8 metres in height."*
- Remove, destroy or lop native vegetation.

While no permit is needed to:

- To construct a farm access track.
- For minor construction to existing buildings and works.
- For the construction of a building or the construction or the carrying out of works less than 6 metres in height above natural ground level and not more than 100 square metres in additional floor area that are of muted, natural and nonreflective colours and materials.
- For works undertaken by or on behalf of a public authority relating to watercourse management and environmental improvements.

Another option is to adopt the post exhibited SLO as presented by Council. This means a permit is needed to:

- remove native vegetation (that is vegetation native to Victoria) but not exotic vegetation.

While no permit is needed to:

- Construct any type of fence.
- Emergency works.

- Works associated with minor works, repairs and routine maintenance to existing buildings and works.

The Independent Panel has responded to a significant number of submissions expressing concern with regard to members of the community who desire to protect significant landscapes in the region. The proposed Independent Panel change do not alleviate many of these concerns (for example, Lalgambook - Mount Franklin, does not have the mapping changed for the SLO), but it does provide a stricter interpretation of permit requirements in the Schedule. Submissions were also received from farmers and the Victorian Farmers Federation who do not want their capacity to farm on these landscapes, to be diminished.

Council has committed to undertake further landscape assessment work as part of its future agricultural land and rural settlement strategy. This work can now be delivered as part of the HSS, which will require detailed research into the areas of significant landscape quality and value within the Shire. It is anticipated that this work will make recommendations on SLO mapping as well as what is permissible and when a permit is required.

The exhibited documents are considered appropriate, including the permit requirement for all vegetation and are what the community and submitters commented on. The Independent Panel has determined the outcome it has proposed on the basis of weighing up the various concerns of community members. The proposed changes do not undermine the future strategic planning work that is required, however it is anticipated to change again through the HSS process.

Officer recommendation:

To accept the Independent Panel recommendation but not to limit the requirement for a permit to native vegetation. A community engagement process is also recommended to discuss the changes with relevant submitters.

### **Recommendation 18**

The Panel has recommended we review whether listing property addresses in the Schedule to Clause 52.28 has the potential to create uncertainty if the areas do not meet the requirements for a strip centre in the Clause 52.28-5.

Discussion:

This recommendation contradicts the Ministerial Direction on Form and Content of Planning Schemes. Each property listed in the Commercial 1 Zone in these townships has been listed in Clause 52.28-5 so there is no uncertainty or conflict.

The template for this Schedule requires the property address in a commercial zone to be included. DELWP can advise on this and if they are unhappy with these requirements they can be removed prior to Ministerial approval.

Officer recommendation:

To not accept the Panel recommendation and keep Clause 54.28-5 as proposed.

### **Recommendation 19**

The Independent Panel has recommended, in consultation with the Country Fire Authority, that we review its referral status in the Bushfire Management Overlay, including whether it should be a recommending or determining referral authority.

Discussion:

This action was undertaken in the preparation of Amendment C80hepb and is clearly articulated in the CFA's submission.

The CFA was consulted extensively in the development of the amendment. They provided a submission to the Amendment (submission 171) where they noted that the new Municipal Planning Strategy would provide stronger direction on managing bush fire risk and settlement than the current Hepburn Municipal Strategic Statement. There was no request to alter their referral status from a determining to a recommending referral authority for applications under for BMO1 or BMO2. The BMO will be mapped in the relevant maps on the MPS.

Officer Recommendation:

To not accept the Independent Panel recommendation on the basis of submission 171, however to include BMO1 and BMO2 on the MPS mapping.

### **Final Recommendation**

It is recommended that Amendment C80 be adopted subject to:

- The changes proposed by the Independent Panel in recommendations 1, 2, 3, 5, 6, 7, 10, 12, 13, 14, 15, 16 and 17.
- The changes proposed by officer recommendations with respect to Independent Panel recommendations 4, 8, 9, 11, 18 and 19, as below:

**R4:** To partially agree with the Independent Panel recommendation and make a number of small changes to Clause 02.03-1 Settlement to clarify the link between settlement and bushfire risk.

**R8:** To not accept the Panel recommendation and negotiate with DELWP about applying the NRZ to Clunes, Daylesford, Hepburn Springs and Daylesford based on current strategic settings and provide reasons for its decision with approval of Amendment C80hepb.

**R9:** To not accept the Independent Panel recommendation and inform the DELWP that this issue will be dealt with as part of an Agricultural and Rural Land Use strategy that will inform the HSS, making Shire wide strategic work a priority, as recommended by Panel in Recommendation 2.

**R11:** To not accept the Independent Panel recommendation and to address the potential to re-zone 6 Victoria Street through the Independent Panels recommended

strategic planning processes: the Hepburn Settlement Strategy and the Trentham Structure Plan.

**R15:** To accept the Independent Panel recommendation but not to limit the requirement for a permit to native vegetation. A community engagement process is also recommended to discuss the changes with relevant submitters.

**R18:** To not accept the Independent Panel recommendation and keep Clause 54.28-5 as proposed.

**R19:** To not accept the Independent Panel recommendation on the basis of submission 71, however to include BMO1 and BMO2 on the MPS mapping.

The response to the Independent Panel recommendation can be viewed at Attachment 1. The proposed changes to Amendment C80 can be viewed at Attachment 2 (ordinance tracked changes and maps. Additional maps are also required to be changed, with respect to some of the rezonings accepted and recommended by the Independent Panel, these maps will be updated by the Department of Environment, Land, Water and Planning once the amendment is adopted by Council and before the final amendment is presented to the Minister for Planning.

It is proposed to undertake a community information and consultation session to assist in community understanding of the outcomes proposed for Amendment C80, the next steps in the process and to expand on the Shires upcoming strategic planning work program. A fact sheet on the outcomes of Amendment C80 will also be prepared and made available to the community.

#### **POLICY AND STATUTORY IMPLICATIONS**

Being the Planning Scheme review, the entirety of Hepburn Shire Council's statutory and planning policy framework is implicated by this amendment.

#### **GOVERNANCE ISSUES**

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

#### **SUSTAINABILITY IMPLICATIONS**

The Planning Scheme review includes the introduction of a sustainability policy. There are no changes to this policy as a result of the Independent Panel recommendations. The proposed policy is approved by DELWP and in accordance with current State government environmentally sustainable development road map.

#### **FINANCIAL IMPLICATIONS**

There are significant financial considerations to consider as a result of this Independent Panel recommendation of the Scheme Review. Primarily being the costs

involved in preparing a Hepburn Settlement Strategy and all of the technical reports that will be required to underpin it. Consideration needs to also be given to the costs of preparing structure plans for five towns. It is imperative that strategic planning budgets are set, over the next 5 years, in a manner that will deliver the necessary strategic planning outcomes.

### **RISK IMPLICATIONS**

There are no immediate risk implications associated with this report.

### **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The community has been engaged at a significant level during the Planning Scheme Review process, to the point where the Independent Panel commended Hepburn Shire Council on the level of engagement they received. If the Scheme amendment is finalised, and once the strategic planning processes begin, a comprehensive and exhaustive process of community engagement will be required.

Further, it is intended that a community information and consultation session be provided to explain the outcomes of Amendment C80hepb and the upcoming strategic planning work program.



## Amendment C80hepb Panel Recommendations - Council Response

| Rec # | Panel Recommendation   | Council Response   |
|-------|--|--|
| 1     | <p><b>Make the post exhibition changes proposed by Council in Document 33 unless contradicted by a more specific recommendation below.</b></p>   | <p><b>Noted.</b></p> <p>The changes referred to in Document 33 of the Panel Report are the post exhibition documentation included in Council's Part C submission and in Appendix V of the Part A Submission.</p>   |
| 2     | <p><b>In Clause 74.02, review the list of future strategic work and prioritise this list according to a logical sequence. First order priorities should include a municipal wide settlement strategy and the resolution of land in restructure overlays. The settlement strategy would need to:</b></p> <ul style="list-style-type: none"> <li>• <b>be underpinned by a land use supply and demand analysis</b></li> <li>• <b>be grounded in a realistic assessment of the constraints affecting existing 'settlements'</b></li> <li>• <b>address the threats to the highly valued unique elements of the Shire and protect important landscape and heritage elements</b></li> <li>• <b>address the tensions and potential synergies between farming, tourism and rural residential development</b></li> <li>• <b>make recommendations on specific zone changes and minimum lot sizes in zones.</b></li> </ul> | <p><b>Agree.</b></p> <p>Accept the Panel's recommendation and proceed to prepare a Hepburn Settlement Strategy and the required technical reference documents as a matter of priority.</p> <p>Changes have been made to Clause 74.02 to include a revised order as follows:</p> <ul style="list-style-type: none"> <li>• 'The preparation of a Municipal Settlement Strategy by:'<br/>.....with items listed as they stand in the post exhibition version of Clause 74.02.</li> </ul> <p>A municipal wide settlement strategy is the culmination of all the strategic work recommended in the HPSR. It is not possible to prepare that strategy without the completion of a wide range of inputs. A 'one off study' would be very expensive hence this is why the Hepburn Planning Scheme Review (HPSR) suggested breaking up future strategic work into 'bite sized' pieces.</p> <p>Completing all this strategic work at once would highlight existing issues of tension within the community and would be cost prohibitive and unmanageable. Addressing these issues on a site specific, township by township approach, and then by each issue is more manageable and cost effective for Council. It would also be less confusing and onerous for the community to participate in.</p> <p>Future strategic work and its priority is a Council decision and can be altered as required. The preparation of Restructure Overlay plans was identified as a priority in the HSPR and recommended as a short term project.</p> <p>Clause 74.02 of the Hepburn Planning Scheme (HPS) provides Council with its strategic basis to seek further funds from the State government to progress this recommendation.</p> |

|                 |  |  |
|-----------------|--|--|
| <p><b>3</b></p> | <p><b>Review the Municipal Planning Strategy to ensure that the strategic direction, particularly as those relate to settlement planning, bushfire hazards, housing supply and economic development are consistent with State policy.</b></p>  | <p><b>Noted.</b></p> <p>Minor changes have been made to the Municipal Planning Strategy (MPS) and Clause 11.01-1L.</p> <p>There are no contradictions between State policy and the strategic directions of the MPS. Some very minor refinements have been included to clarify settlement policy and its relationship to bushfire and other natural hazards. The Panel appear to have misunderstood this position as a central tenant of the HPSR and MPS.</p> <p>Two drafts of the MPS and local policies were submitted and reviewed by DELWP’s Smart Planning team who endorsed the PPF translation content. A key part of their work ensures that no PPF translation contradicts State policies and the proposed MPS does not contradict State policy.</p>  |
| <p><b>4</b></p> | <p><b>Review the Municipal Planning Strategy to:</b></p> <ul style="list-style-type: none"> <li>• <b>clarify the distinction between ‘established townships’, ‘main townships’ and ‘settlements’</b></li> <li>• <b>delete any policy support directing growth to parts of settlements within the Low Density Residential Zone or Rural Living Zone where such development might run counter to State policy on bushfire and protection of natural values.</b></li> </ul> | <p><b>Disagree.</b></p> <p>The Panel seem to have misunderstood this issue.</p> <p>The MPS is very clear on the distinction between a township and a settlement defining Clunes, Creswick, Daylesford, Hepburn Springs and Trentham as townships. These are mapped on the Settlement Plan and the Strategic Framework Plan. However, any reference to ‘main’ townships has been removed to just refer to townships.</p> <p>The Panel appear to have misunderstood that the MPS is a largely policy neutral translation of the existing zones and overlays. There has been a significant strengthening of the MPS to reflect the bushfire risk facing the municipality based on new State policy in relation to bushfire. There are significant legacy issues with zonings outside townships that this amendment did not have the capacity to address. This is a longer term issue that Council needs to address through future strategic work.</p> <p>In the interim, a number of minor revisions have been made to Clause 02.03-1 Settlement to clarify the link between settlement and bushfire risk.</p> <p>This response needs to be read in conjunction with proposed changes to Settlement Policy in Recommendation 7.</p> |

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| 5 | <p><b>In Clause 02.01 delete the reference to ‘alternative lifestyle communities’.</b></p>  | <p><b>Agree.</b></p> <p>This phrase has been removed from Clause 02.01 Context and the word “highly” included prior to the word “diverse”.</p>  |
| 6 | <p><b>At Clause 02.03, redraft the Clause to more precisely define locations (or ‘settlements’) constrained by bushfire risk, including those areas which are currently affected by a Restructure Overlay (or should be considered for such an approach).</b></p>   | <p><b>Agree.</b></p> <p>Revisions have been included in Clause 02.03 for settlements that are constrained by bushfire risk. These settlements have been clearly mapped and designated on the Settlement Plan and the Strategic Framework Plan to reflect existing planning scheme settings (such as policy and mapped extreme bushfire hazard). Settlements for restructure are already clearly mapped and identified.</p>  |
| 7 | <p><b>In Clause 11.01-L delete:</b></p> <ul style="list-style-type: none"> <li>• <b>the reference to settlements in the objective</b></li> <li>• <b>the strategy: ‘Encourage limited development in settlements that are not identified for restructuring’</b></li> <li>• <b>on the Hepburn map annotate the yellow rectangle in the centre of Hepburn to indicate ‘Town centre activities’</b></li> <li>• <b>on the Creswick map remove reference to two parcels of Crown land being (3~77\APP5211 in Bloomfield Road and 1~78\PP5211 in Pasco Street) as ‘residential infill opportunity’.</b></li> </ul> | <p><b>Agree.</b></p> <p>Minor changes have been made to Clause 11.01-1L.</p> <p>The reference to “settlements” in the objective of Clause 11.01-1L has been removed. The strategy in Clause 11.01-1L relating to settlements has been reworded to support the MPS strategic direction as follows: “Discourage residential development in settlements where bushfire risk cannot be mitigated”.</p> <p>The ‘Town centres activities’ designation has been annotated on the Hepburn Springs township map which follows Council’s submission to the Panel.</p> <p>The removal of residential infill opportunities on the Creswick township map for two Crown land parcels has been made and was agreed at the Panel based on the submission from DELWP Land provided as a late submission.</p> <p>To address broader concerns by the Panel in relation to bushfire risk being clearly identified, the extent of existing Bushfire Management Overlay (BMO) areas has been mapped on each of the township maps included in Clause 11.01-1L.</p> |
| 8 | <p><b>Abandon the proposal to rezone land in Clunes, Daylesford, Hepburn Springs and Trentham to the Neighbourhood Residential Zone until a settlement strategy for the Shire has been completed.</b></p>   | <p><b>Disagree.</b></p> <p>Applying the Neighbourhood Residential Zone (NRZ) to Clunes, Daylesford, Hepburn Springs and Trentham is a significant part of the Amendment and is based on current strategic settings in the HPS.</p> <p>Exhibition of the Amendment widely canvassed the application of the NRZ to these townships and less than 10 submissions were received on the issue. Views are</p>   |

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|  |  | <p>known and there are clear expectations from the community that the NRZ will be applied to the four townships.</p> <p>The Panel appear to have misunderstood the nature of current zoning applying to the townships. All townships have commercial zones in their town centres where most commercial activities are located and these are separate to residential zones.</p> <p>The proposed NRZ rezoning of residential land in townships (other than Creswick) was undertaken on the advice of DELWP (primarily DELWP's Planning Systems area) to give greater effect to the <i>Hepburn Structure Plan Review, 2006</i> and Planning Practice Note 91.</p> <p>The Panel have misunderstood that the differences between the General Residential Zone (GRZ) and the NRZ are not based on housing supply given that the same housing density requirements apply in both zones. The main difference between these two zones is about neighbourhood character in the townships and how maximum building heights operate (GRZ: 11 metres; NRZ: 9 metres). Other than very minor land use differences, building height is the main delineator with these zones.</p> <p>The <i>Hepburn Structure Plan Review 2006</i> includes objectives and strategies for the four townships that encourage low-scale development of no more than one storey additional to existing development. This document also includes clear direction for rezoning the townships where the Township Zone (TZ) is applied and altering that to a conventional residential zone (at the time the Residential 1 Zone) – see pages 46 and 50 for Clunes and pages 57 and 62 for Trentham.</p> <p>A key misunderstanding from the Panel was about the difference between the TZ and the NRZ. The TZs in Clunes and Trentham effectively operate as residential zones with very little commercial activity undertaken in them. In these townships, the Commercial 1 Zone accommodates shop, hotel, restaurant, café, office and other commercial activities. This is different to settlements such as Smeaton and Kingston where residential and commercial activities are more mixed.</p> <p>The HPSR Data and Evidence Report outlined that there was significant housing supply available in Hepburn Shire's townships based on current settings for the next fifteen years with an anticipated forecast population increase of 2000 people to 2036. In the last 25 years there have been 700 new dwellings constructed in the municipality. From 2014/15 data, there were approximately 630 existing vacant lots</p> |
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|    |   | in the five townships (in total) and many more hectares of residentially zoned land in Clunes, Creswick, Daylesford and Trentham that are yet to be serviced and subdivided, which will add to residential lot supply.   |
| 9  | <b>Subject to further notice to affected properties, apply a minimum lot size of 40 hectares to land in Area 3 of the current Farming Zone Schedule.</b>  | <p><b>Disagree.</b></p> <p>The Amendment exhibited the translation of the existing 20 hectare minimum subdivision area for Area 3 in the municipality (east of Daylesford) in the Farming Zone and Rural Conservation Zone. The strategic basis for a 40 hectare lot change for Area 3 at this stage lacks sufficient evidence for a Council led Amendment and requires further strategic work to be undertaken.</p> <p>Views about this proposed recommendation from the Panel are not widely known or anticipated through the exhibition process and there are clear expectations from the community that the 20 hectare lot size will continue to be applied to Area 3.</p> <p>The issue of the minimum subdivision area in rural zones within 100 kilometres of Melbourne is currently being considered as part of DELWP's Agricultural Land Review. That work will inform the Settlement Strategy, making Shire wide strategic work a priority, as recommended by the Panel in Recommendation 2.</p> <p>A 20 hectare minimum subdivision size remains possible in the rural zones template from the <i>Ministerial Direction on the Form and Content of Planning Schemes</i> and complies with State policy about the <i>Protection of agricultural land (14.01-15)</i>. The HPSR identified that over 8,000 lots of between 1 and 20 hectares currently exist in the Shire. Many of these lots are located in the eastern part of the Shire where the 20 hectare minimum subdivision area currently applies.</p> <p>While a 40 hectare minimum subdivision size for the Shire's rural land might be a longer term aim, this recommendation puts the 'cart before the horse' in terms of DELWP's Agricultural Land Review (which might solve the issue through a future State amendment) and Council's future agricultural land review.</p> |
| 10 | <b>Rezone that part of the land at 6 Golf Links Road, Hepburn Springs currently within the designed Urban Growth Boundary for Hepburn Springs but within the Rural Conservation Zone to the residential zone applying to the balance of the land.</b> | <b>Agreed.</b>   |

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| 11 | <b>Subject to advice from the Environment Protection Authority on the constraint imposed by the Major Hazard Facility, rezone 6 Victoria Street, Trentham to Mixed Use Zone and apply an Environmental Audit Overlay.</b> | <p><b>Disagree.</b></p> <p>This Panel recommendation is problematic due to the proximity of the Major Hazard Facility (MHF) and appears to contradict the Panel’s recommended strategic planning processes for a Settlement Strategy and the Trentham Structure Plan.</p> <p>The proposal to rezone 6 Victoria Street, Trentham does not take into account the recent strategic work that has been completed by DELWP about MHFs and the required buffer distances for sensitive uses such as residential uses and the implications for this industrial land.</p> <p>A residential rezoning at 6 Victoria Street requires consultation with the EPA and WorkSafe to determine their views. Their views are not currently known, nor are the views of the local Trentham community. In addition, the requirements of <i>Ministerial Direction 19</i> have not been satisfied for this recommendation and require the EPA’s written consent. The matters referred to in this recommendation will be dealt with in a separate Amendment so that it does not delay the processing of Amendment C80hepb and can be properly considered through a separate process related to the preparation of the Trentham Structure Plan.</p> <p>This rezoning request was not publicly exhibited despite attempts by Council to work with the proponent over the past year to resolve issues and incorporate the request into Amendment C80hepb. The proposal was only raised as a submission through the exhibition process. There is also an adjoining industrial site that has not been considered and would remain industrial if the rezoning at 6 Victoria Street proceeded. It is not appropriate to consider the future of these industrial sites in isolation from one another or from structure planning for the township.</p> |
| 12 | <b>Correct the minor zoning anomaly at the Trentham WTP on TP 760521 and the rezoning of Reserve 1 on PS530950 by rezoning the land from Farming Zone to Public Use Zone Schedule 1.</b>                                  | <b>Agreed.</b>   |
| 13 | <b>Rezone 217 Ascot Road, Creswick from Public Use Zone Schedule 1 to Rural Living Zone.</b>  | <b>Agreed.</b>   |
| 14 | <b>In the Schedules to Clause 42.01 Environmental Significance Overlay:</b>   | <p><b>Agreed.</b></p> <p>The suggested changes have been made to the ESO1.</p>   |

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|    | <ul style="list-style-type: none"> <li>• <b>In Clause 3.0 of Schedule 1 and 2 delete the text and documents listed, after and including the following text ‘A permit must meet the following requirements’.</b></li> <li>• <b>In Clause 3.0 of Schedule 1 delete the notice and review exemptions.</b></li> </ul> | <p>The recommendation to not include a notice and review exemption in ESO1 causes an administrative issue for Council. For future applications, Council officers will need to form a view on each application as to whether notice is required or not and this can be challenged at the Victorian Civil and Administrative Tribunal (VCAT).</p> <p>Including an option for an exemption from notice and review in the ESO parent provision should be considered further by DELWP but is a longer term solution.</p>   |
| 15 | <p><b>Adopt the exhibited version of Schedule 1 to the Significant Landscape Overlay but limit the requirement for a permit to remove vegetation to native vegetation.</b></p>  | <p><b>Agreed in Part.</b></p> <p>The Panel recommendation is accepted except for limiting the requirement to native vegetation</p> <p>It is noted that Council’s position was to abandon the SLO1 exhibition version and the Panel was asked not to review this component of the Amendment. However the exhibited SLOs were brought to the Panel’s attention by a number of submitters, some who opposed the expanded scope of SLO1 (as exhibited) and others who were supportive of expanded landscape protections.</p> <p>Existing SLO mapping in the HPS will be retained (not the expanded mapping included in the <i>South West Victoria Landscape Study, 2013</i>). This currently applies to much smaller areas on volcanic hilltops and 6 small geological sites. Translation of mapping included in the existing SLO1 schedule for 6 small geological sites has been included in SLO maps in the HPS to meet the requirements of the <i>Ministerial Direction on the Form and Content of Planning Schemes</i>.</p> <p>Clear messaging about the changes to the SLO1 and the negligible impacts on landowners can accompany approval of Amendment C80hepb to reduce any potential confusion in the community.</p> |
| 16 | <p><b>Revise the application requirements in the Heritage Overlay Schedule relating to subdivision to ensure they relate to planning outcomes of the Heritage Overlay and do not duplicate other requirements in the Planning Scheme.</b></p>   | <p><b>Disagree.</b></p> <p>This HO schedule replicates some requirements in other controls (such as residential zones) but this has merit as the requirements relate to elements needed to assess the heritage impacts of subdivision all areas of the Shire.</p> <p>There are a number of zones where subdivision requirements are not included and the heritage overlay applies (such as in commercial zones). Improved application</p>   |

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|    |  | requirements in the HO schedule were included to minimise time wasted seeking further information requests for subdivision proposals in heritage overlays.   |
| 17 | <b>Retain Development Plan Overlay Schedule 3 over the Creswick Golf Course Resort and abandon any changes made in the exhibited version of the Special Use Zone Schedule 2 that duplicate the Development Plan Overlay Schedule 3 requirements.</b> | <b>Noted and agreed.</b><br>Minor changes have been made to the SUZ2 in line with the Panel's recommendation. The DPO3 requirements have been retained and now included in the Amendment as DPO1, given the deletion of two other redundant DPO schedules. It is noted that the Panel's criticism of some of Council's previous strategic work being a bit old did not extend to this development plan which was first approved in 2006 and has been given currency by the Panel.  |
| 18 | <b>Review whether listing property addresses in the Schedule to Clause 52.28 has the potential to create uncertainty if the areas do not meet the requirements for a strip centre in the Clause 52.28-5.</b>   | <b>Disagree.</b><br>This recommendation contradicts the <i>Ministerial Direction on Form and Content of Planning Schemes</i> . The Clause 52.28 schedule template requires the property address in a commercial zone to be included. Each property listed in the Commercial 1 Zone in these townships has been listed in Clause 52.28-5 so there is no uncertainty or conflict.  |
| 19 | <b>In consultation with the Country Fire Authority, review its referral status in the Bushfire Management Overlay, including whether it should be a recommending or determining referral authority.</b>  | <b>Disagree.</b><br>No action is required on this recommendation as the CFA was consulted extensively in the development of the amendment. This work was undertaken in the preparation of Amendment C80hepb and is clearly articulated in the CFA's submission. Their submission to the Amendment (submission 171) noted that the new MPS would provide stronger direction on managing bushfire risk and settlement than the current Hepburn Municipal Strategic Statement (MSS). There was no request to alter their referral status from a determining to a recommending referral authority for applications under for BMO1 or BMO2. |



## Attachment X

### Post-Panel and Post-Exhibition Changes to Amendment C80hepb Planning Scheme Clauses

The clauses on the following pages represent Post-Exhibition and Post-Panel Changes to Amendment C80hepb shown in tracked changes resulting from Council's response to the Panel Recommendations.

Where changes have been made as a result of a Panel Recommendation, the words [Panel Rec] have been annotated next to the proposed change.

Where changes have been made as a result of a submission, the submission number has been acknowledged next to the proposed change. [Submission #]

Other changes include:

- Removed Clause 53.06 from Amendment C80hepb changes due to Amendment GC175 which updated the clause with a new heading 3.0.
- Updated Clause 16.01-4L Affordable housing needs with a new Clause # (16.01-2L) resulting from Amendment VC169 [AmVC169].
- Retained HO987 in HO schedule between HO985 and HO988 as shown below from Amendment C79hepb:

| PS map ref  | Heritage place   | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|--|--------------------------------|-------------------------------------|----------------------|--|--|----------------------------|----------------------------|
| HO 985  | Street Tree Planting of 21 Trees <i>Quercus robur</i> (English Oak) Barkly Street, Glenlyon (between Molesworth Street and Ford Street)  | No                             | No                                  | Yes                  | No   | No   | No                         | No                         |
| HO 988  | Spud Hut 11 Property no 200765 at 40 Breheny Lane, Trentham<br>Spud Hut No 15 Property no 14641 at 98 Huttons Lane, Little Hampton<br>Spud Hut 17 Property No 14643 at 119 Huttons Lane, Little Hampton<br>Spud Hut 21 a and b Property no 14837 at 70 Rothes Rd, Little Hampton<br>Spud Hut 37, Property no 20257, 2177 Trentham Falls Rd, Trentham<br><b>Statement of significance</b><br>Serial listing of Itinerant Potato Diggers' Huts in the Trentham and Little Hampton District | No                             | No                                  | No                   | No   | No   | No                         | No                         |
| HO 987<br>Interim Control<br>Expiry Date:<br>30/04/2021 | Old Hepburn Hotel<br>236 Main Road, Hepburn  | Yes                            | No                                  | No                   | No   | No   | No                         | No                         |

- Updated Clause 72.01-1 based on the changes from Amendment VC179 [Am VC179].
- Updated Schedule to Clause 72.03 based on mapping changes Post Panel with:
  - NRZ for land at 6 Golf Links Road, Hepburn Springs (Map 28 ZN).
  - RLZ for land at 217 Ascot Road, Creswick (Map 20 ZN).
  - PUZ1 for land at 191 Lagoon Road, Blackwood North (Map 38 ZN).
  - 6 Mapped Geological Sites of Significance from the existing SLO1 schedule included in SLO maps (added to existing 14SLO, 24SLO, 26SLO; Revised SLO map 19SLO; new SLO maps 23SLO, 42SLO).
  - Reinstatement of renumbered DPO maps 23DPO and 41DPO for the Creswick Golf Course Resort (now to be DPO1).
  - Remove references to the *South West Victoria Landscape Assessment Study* mapping in all SLO maps (delete exhibited maps 2SLO, 9SLO, 15SLO, 19SLO, 25SLO, 27SLO and amend exhibited maps 3SLO, 4SLO, 10SLO, 13SLO, 14SLO, 24SLO, 26 SLO, 43SLO) to retain existing SLO1.  
*Note: DELWP Mapping Services need to update Planning Scheme Maps prior to approval.*
- Updated Explanatory Report and Instruction Sheet (subject to DELWP mapping confirmation).

## 02 MUNICIPAL PLANNING STRATEGY

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Proposed  
C80hepb

## 02.01 CONTEXT

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Proposed  
C80hepb

Hepburn Shire is located in Victoria's Central Highlands, 110 kilometres north-west of Melbourne, in the heart of the goldfields region. The Shire encompasses a total land area of approximately 1,470 square kilometres and comprises 26% public land.

The Shire is strategically placed to take advantage of its proximity to the north and west outer areas of Melbourne and the regional centres of Ballarat, Bendigo, and Castlemaine. Many townships in the Shire are within reasonable commuter distances of Melbourne and the nearby regional centres.

In 2018, Hepburn's residential population was estimated to be 15,810 (Victoria in Future, 2019). The Shire's population is not predicted to grow significantly.

The townships of the municipality are Clunes, Creswick, Daylesford, Hepburn Springs and Trentham. Smaller settlements include Allendale, Broomfield, Coomoora, Glenlyon, Muskvale, Newlyn, and Smeaton.

The character of settlements within the Shire reflect the varied historical patterns of development including indigenous heritage, early pastoral, 19th Century gold rush, agriculture, industry and forestry. The Shire's extraordinary 19th Century history is reflected in a vast array of buildings and sites which have local, state and national significance.

The original inhabitants of the Hepburn area were the Dja Dja Wurrung Aboriginal people. Lalgambook (Mt Franklin) lies within the Hepburn Shire and is one of a number a-of sites of indigenous cultural significance.

Hepburn has attracted a highly diverse social mix of people that includes more traditional farming communities and long term residents in established townships, a growing commuter population, alternative lifestyle communities, as well as a large number of part-time residents. [Panel Rec]

The Midland Highway bisects the Shire providing primary road access to the regional and interstate transport network for both passenger and freight vehicles.

The re-establishment of passenger rail services to Clunes and Creswick is providing improved public transport access for residents to Ballarat and Melbourne however public transport provision is limited in other areas of the Shire.

Hepburn is located within a number of water supply catchments, including the Loddon and Coliban Rivers, designated by the State Government to provide drinking water, and in some cases irrigation water for central and northern Victoria.

Hepburn is renowned for its mineral springs containing one of the largest concentrations in Australia. Since the 19<sup>th</sup> century these springs have been a major attraction and economic asset within the Shire and wider region.

The area contains significant areas of high quality agricultural land and provides opportunities in important horticultural activities including vegetables, viticulture and seed production and is known as a prime potato producing area.

The Shire has an enviable reputation as a key tourist destination, largely resulting from the attraction of the mineral springs, spectacular bushland and cultural landscapes, natural resources and environmental features.

Vegetation in the Shire is important for habitat, biodiversity and landscape values; as well as a land and water management resource. Significant areas of public and private land remain forested or are sites of remnant grasslands and vegetation.

Bushfire is a significant risk for the Shire with Creswick, Daylesford, Hepburn Springs and Trentham all identified as high bushfire risk townships. Balancing bushfire management with vegetation and landscape values, and settlement are key challenges.

## 02.02 VISION

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C80hepb

Council's mission for the Shire is the following:

*'Hepburn Shire will maintain, promote, protect and enhance the district's unique social, cultural, environmental and heritage characteristics. This will be achieved through effective, caring management and responsible governance. We will strive to gain maximum advantage for our community by protecting and enhancing our natural and built environment.'*

The key land use and development directions to deliver this mission as derived from the *Hepburn Planning Scheme Review 2020* are to:

- Protect agricultural land as a valued resource to support jobs and opportunities into the future.
- Carefully manage the development of housing and services for residents in keeping with the heritage and rural feel of those areas.
- Preserve the heritage character and strong sense of place of the townships.
- Protect and manage the municipality's valued landscapes from unsympathetic development or major change.
- Manage the Shire's natural resources sustainably and protect them for future generations.
- Support tourism as an important industry based on the Shire's beautiful townships and countryside.
- Facilitate infrastructure across the Shire to meet the needs of the community.

**02.03**  
Proposed  
C80hepb  
**02.03-1**

## STRATEGIC DIRECTIONS

### SETTLEMENT

The Shire's settlement pattern consists of a range of distinct townships and settlements set within the landscape. The townships are Clunes, Creswick, Daylesford, Hepburn Springs and Trentham. Settlements are scattered across the municipality including Allendale, Broomfield, Bullarto, Coomoora, Glenlyon, Muskvale, Newlyn and Smeaton. Other settlements exist in rural areas, many of which are former goldfields townships.

Creswick and Daylesford are regional service hubs while the other townships are focused on meeting the needs of the local community and visitors. Rail and road improvements to the Calder regional transport corridor have increased the desirability of Trentham as a location to live. Access to Ballarat and Melbourne via the western transport corridor have also increased the attractiveness of Creswick, and to a lesser extent Clunes.

There are extensive tracts of low-density zoned land between and around the edges of Clunes and Creswick. Development capacity within these ~~settlements~~ areas outside township boundaries [Panel Rec] is limited due to servicing requirements, on site effluent disposal, ~~and~~ surface and groundwater quality and quantity, and bushfire [Panel Rec] concerns. A number of settlements and rural living areas [Panel Rec] have high risk of bushfire with some [Panel Rec] requiring restructuring and potentially abandonment to reduce the threats to life and property.

The Shire has strong economic relationships with Ballarat, Bendigo, Castlemaine, Melbourne, Woodend and Gisborne with a growing number of residents seeking employment and services from these locations. Access to rail services are increasingly positioning Creswick and Clunes as commuter townships. The municipality's high-quality landscapes, natural environment, township character and proximity to Melbourne attract weekenders and tourists.

Council's strategic directions for settlement are to:

- Concentrate development into defensible parts of existing township boundaries and settlements to mitigate bushfire risk, protect agricultural land, and limit natural and environment risks.
- Facilitate growth in Creswick and Clunes within the designated township boundaries.
- Consolidate development in Daylesford within the designated township boundary.
- Contain growth of Trentham and Hepburn Springs within the designated township boundaries.
- ~~Support~~ Discourage residential development in settlements within existing residentially zoned boundaries where bushfire risks cannot be mitigated [Panel Rec].
- Prevent residential and commercial development between settlements along major roads.
- Direct rural residential development that is not associated with rural enterprises into established townships and settlements.

**02.03-2**

### ENVIRONMENTAL AND LANDSCAPE VALUES

#### Landscape

Hepburn contains a range of spectacular landscapes of state, regional and local significance which are the traditional lands of the Dja Dja Wurrung Clans. Large panoramic views of Lalgambook (Mt. Franklin) and the whole groups of volcanic hills give heart to the country of Larnibarramal (Home of the Emu) [#194]. The peaks and plains of the Victorian Volcanic Plains bioregion, the ridges and forests of the Central Victorian Uplands and the unique mineral springs area, form landscapes that are significant for their Aboriginal and post contact cultural, visual, environmental, geological and scientific values. These landscapes are attractive to tourists, visitors and locals alike and have strong cultural obligations and connections for the Dja Dja Wurrung Clans [#194].

### Vegetation

Vegetation in Hepburn Shire is important for habitat, landscape and Dja Dja Wurrung [Clans Aboriginal Corporation's](#) cultural values, and as a land and water management resource. Almost half of the Shire is covered in native vegetation with just over half of this area located on private land. Significant areas of public and private land remain forested or as sites of remnant grasslands. Important habitat areas are also located on roadsides, streams and associated riparian zones. Exotic vegetation, significant for reflecting European settlement patterns, also exist particularly in townships.

### Biodiversity

A rich diversity of plants, animals and habitats exist across the Shire. Many species are under threat from activities such as land clearing, invasive flora and fauna, climate change and bushfire management. Reducing habitat fragmentation across the landscape for wildlife and plant dispersal, and protecting large old trees on private and Council land are among key focus areas for Council.

Council's strategic directions for environmental and landscape values are to:

- Protect and enhance significant natural, [Aboriginal and post contact](#) cultural and heritage landscapes across the Shire. [#194]
- [Protect and enhance state significant landscapes such as volcanic outcrops, cones and goldfields.](#)
- [Protect sites of importance to the Dja Dja Wurrung Clans such as Lalgambook \(Mt Franklin\) and Mt Kooroocheang and associated landscapes](#) [#194].
- Protect and enhance watercourses, wetlands and water bodies and their associated riparian zones.
- Protect indigenous vegetation across the Shire including on Council managed reserves and private property.
- Protect biodiversity and environmental values of local, regional and state significance.
- Retain existing habitat and create new habitat corridors, that increases the resilience of existing stands of native vegetation.
- Encourage land owners and public land managers to sustainably manage land and instream uses including removing environmental weeds.
- Minimise wholesale clearing of significant vegetation in areas of high bushfire risk.

## 02.03-3 ENVIRONMENTAL RISKS AND AMENITY

The Shire will continue to be subject to the risks of environmental challenges such as bushfire, flooding, erosion and salinity. The impacts of climate change, together with local factors such as land management and development, risk exacerbating some of these environmental challenges even further. In addition to increasing mean temperatures, research predicts a reduction in rainfall for the Shire and increases in seasonal variability by 2050. The Shire needs to be ready to adapt to these likely impacts and plan within this uncertainty. This will involve anticipating likely risks and using a precautionary approach for making decisions.

### Bushfire

Bushfire poses a significant risk to life and property in Hepburn Shire. Bushfire risk is exacerbated by topography, dispersed townships, ad-hoc development and lack of infrastructure in some locations. There are some locations where residential land uses have been allowed that with current knowledge are unsuitable for settlement and suggest the need for review of boundaries through structure planning. Potential development of existing small lots dispersed across rural landscapes and on the edges of towns are at highest risk from bushfires.

### Flooding

Flooding impacts the Shire's settlements. Clunes and Creswick were two of the worst affected regional townships in the flood events of 2010-11. Due to more extreme weather

events, flooding impacts are expected to increase and a consistent Shire-wide approach to flood mitigation is needed.

### **Soil management**

Managing the impact of land uses on soil quality, erosion and salinity throughout the Shire is important for the preservation of high quality soils and the protection of waterways and groundwater tables in the catchment.

Council's strategic directions for environmental risks and amenity are to:

- Contain future growth within township boundaries to protect environmental values and to limit the risk to life and property from bushfire.
- Avoid development that through its location or design increases exposure to bushfires.
- Limit development outside townships by minimising future subdivision of rural land to address bushfire risk.
- Minimise risk to life and property from flooding through appropriate siting, design and management of use and development.
- Maintain the flood carrying capacity, temporary storage function and environmental significance of floodplains and waterways.
- Maintain and improve soil quality and limit erosion.

## **02.03-4 NATURAL RESOURCE MANAGEMENT**

### **Climate Change**

In order to mitigate the impacts of climate change, Hepburn Shire Council and community groups have committed to a target of 100% renewable electricity supply, zero-net energy by 2025 and zero-net emissions by 2030. This requires careful consideration of opportunities to manage and reduce greenhouse gas emissions, while also looking to carbon sequestration opportunities locally and supporting community led alternative energy infrastructure.

Considering climate change in all land use and development decisions is essential to ensuring that emission reduction goals are realised. This will include minimising: pollution to air, soil and water; the use of non-renewable resources; solid waste generation; or other activities resulting in detrimental environmental outcomes. Localised climate change action is encouraged such as best practice environmentally sustainable development, localised circular economy industries or renewable energy projects.

### **Water**

Water catchments within the Shire ultimately link to the Murray River and Port Phillip Bay. The whole of the Shire is within proclaimed water supply catchments declared under the *Catchment and Land Protection Act 1994*. Potable supply is provided to townships within and downstream of the Shire.

Hepburn Shire is known as the Spa Centre of Australia. Mineral springs are a major tourist attraction and economic asset for the Shire and wider region. Maintaining groundwater quantity, quality and management is an important issue for Council and the Catchment Management Authorities. Mitigating the impacts of stormwater from development will also assist to maintain water resources.

### **Agricultural land**

The rural areas of the municipality form part of Melbourne's hinterland. Careful planning is required to maintain rural and agricultural land uses and to prevent unrelated housing and other urban development negatively impacting upon or reducing this resource.

The Shire's high quality agricultural land is part of a region supplying important horticulture including vegetables, vines, seeds and notably potatoes. Emerging rural industries include locally sourced produce, value added food manufacturing and related products and rural tourism.

In order to maintain the economic and social value of the municipality's rural land, the productivity and versatility of agricultural land needs protection. Landscape and environmental values also form a significant part of the value and character of rural areas.

Council's strategic directions for natural resource management are to:



- Reduce the impacts of climate change, by supporting alternative energy sources, carbon farming, micro-grids, reducing greenhouse gas emissions and adopting environmentally sustainable development principles.
- Minimise landscape and water quality impacts on the catchments through careful location and design of development and wastewater systems.
- Protect streamsides, catchments, flood plains and wetlands from the impacts of development.
- Support future development that adapts to the impacts of climate change and contributes to meeting Council’s targets for reducing greenhouse gas emissions.
- Protect water resources in the Shire through integrated water and catchment management including stormwater.
- Protect mineral springs, their aquifers and environs from the impacts of waste disposal and drainage.
- Protect high quality productive agricultural land for agricultural uses over the long term.
- Protect rural land for agricultural uses and compatible rural uses.
- Support the evolution of agriculture in response to improved practices and climate change.

## 02.03-5 BUILT ENVIRONMENT AND HERITAGE

### Heritage

Hepburn Shire has a large number of significant built and cultural heritage places, as well as heritage landscapes of local, regional, state and national and potentially World Heritage significance.

Pre-contact ~~Aboriginal~~ cultural heritage sites [of significance to the Dja Dja Wurrung Clans](#) exist across the municipality ~~that are of significance to the Dja Dja Wurrung people~~. These include artefacts, scar trees, [middens](#), and sites of birthing, ~~middens~~ and massacre. Many of these are inadequately identified or protected. [#194]

There are significant buildings, streetscapes, townships, Avenues of Honour and individual trees that have strong associations with, and represent the Shire’s post-contact settlement, particularly its pastoral, gold rush, world wars, manufacturing and tourism history.

The Shire’s 19th Century gold mining landscapes are of state, national and potentially international significance in demonstrating the progression of the gold rush era within Australia, including landscapes regarded as the most intact gold rush landscapes in the world.

The mineral springs led to significant interwar development. This built on their therapeutic properties and tourism, with the accompanying notable spa facilities, infrastructure and associated private accommodation in the form of numerous guest houses and other forms of tourist accommodation.

The Shire’s built, natural and cultural heritage are fundamental to its sense of identity. Preserving and protecting these assets will give residents and visitors an opportunity to learn about the past and appreciate its role in the Shire’s future.

### Built form

The Shire contains some of Australia’s most important heritage townships. Each of the Shire’s townships have a distinctive character shaped by development over various eras and their landscape setting. Residents and visitors are attracted to the individual character of each of the townships. As a collection of townships and settlements, they provide a significant illustration of Australian history particularly the goldfields story.

Natural and ‘semi’ natural features within townships and settlements are also important to their character. These include significant native and exotic vegetation, creeks, main drainage lines and man-made lakes and reserves. In these environments, the quality of the built form and view lines from, and to, these environments is especially important.

Improved urban design guidance will assist in ensuring that the character of townships is complemented and preserved and quality of development improved.



Council’s strategic directions for built environment and heritage are to:

- Protect the built, natural and cultural heritage to enhance appreciation of the Shire’s history and to maximise opportunities for tourism.
- Prevent the demolition of heritage built form and provide for its conservation and restoration.
- Support and strengthen the individual character and role of townships that contribute to the Shire’s diversity as a place to live, work, recreate and visit.
- Protect and enhance the rural areas of the Shire for their diverse agricultural, environmental and landscape values.
- Ensure development is in keeping with the historic, landscape and neighbourhood character of townships and settlements.
- Support development, including new residential areas and infill development, that responds to its setting and surrounds.
- Ensure development does not obstruct significant views to prominent hilltops, ridgelines and landmarks.
- Encourage built form that has been designed to both mitigate bush fire risks and minimise vegetation loss.

## 02.03-6 HOUSING

The Shire’s housing needs are changing due to demographic and lifestyle choices. The housing market is severely impacted by tourism as family homes are made available as weekenders for rent or private use. This affects land prices, [affordability](#) and the choice in housing supply. [\[Panel Rec\]](#)

Like many regional and rural areas, Hepburn Shire is facing a continued ageing population and a rise in lone person households. The median age of people in 2016 was 50 years compared to just 43 in 2006 and 37 in 1996. By 2036, there is projected to be an additional 2,790 persons aged above 60 years living in the Shire. There is also a significant percentage of the municipality facing housing stress. These residents require housing that suits their needs including smaller, more affordable accommodation with cheaper operating costs and the opportunity for people to age in their communities.

Infill housing, new housing formats and providers and community and aged care facilities that are sensitively located and designed within townships will assist in filling this gap. Partnerships with housing providers and developers are encouraged.

Council’s strategic directions for housing are to:

- Support infill housing development in townships that respects and complements neighbourhood character.
- Promote and facilitate residential development and housing diversity in established townships to meet community needs, including affordable housing and aged care accommodation.

## 02.03-7 ECONOMIC DEVELOPMENT

Hepburn Shire is part of a region where a broad range of development and employment opportunities continue to be created through good access to Melbourne and other provincial cities.

Hepburn Shire has an economic base built around agriculture, retail, accommodation, spa and wellness, cafes / restaurants, construction, property and businesses services, health and education and manufacturing. Tourism and agriculture contribute the most in dollar terms to the local economy.

### Rural enterprises

Hepburn Shire is a significant agricultural region and part of Melbourne’s ‘food bowl’. The region’s contribution will become of even greater importance to the State in adapting to a changing climate. High quality agricultural land is used for horticulture, grazing and other

rural industries. Other rural land is important for its contribution to the Shire’s landscape and environmental setting and important for tourism attraction. The fragmentation of agricultural land through unmanaged subdivision and housing in rural areas has the potential to undermine established rural uses and must be carefully planned to maintain the long-term productivity of rural land. Rural living development not associated with agricultural enterprises needs to be directed around established townships and settlements.

### **Tourism**

Tourism in the Shire is founded on the attractions of mineral springs, historic townships, natural resources and environmental features, and value-added products from agriculture. Tourism has positive economic benefits in other business activities and infrastructure and is a major driver of the accommodation, café, restaurant and retail sectors. To maintain this market, the attractions and features of the Shire must be protected and enhanced.

### **Manufacturing and industry**

The Shire has limited manufacturing and industrial activities located in Creswick, Daylesford, and Trentham with some industrial land uses also located in rural areas. There are opportunities to develop value added activities and industries processing local agricultural products. These include high value, niche horticulture and production, organic farming and paddock to plate initiatives.

Some industrial land uses located in rural areas of the Shire include mineral water extraction and seed processing. These uses and associated activities need to be sensitively managed in rural areas and environments. Serviced industrial land opportunities need to be available in townships for industries to process and add value to products grown locally and in the region. Materials recycling activities should be located in industrial areas to manage their amenity and environmental impacts.

It is important to protect industrial areas from encroachment by applying the ‘agent of change’ principle which requires sensitive uses to not impede the viability of existing industrial uses.

### **Retail and community services**

The Shire’s ~~main~~-[Panel Rec] townships provide for local convenience shopping and discretionary needs and services. Creswick and Daylesford as larger townships have a greater range of retailing and offices.

The health and community services sector is an important growth industry in the region due to increased demand, particularly as the population ages and the local population grows. Upgrades to existing and additional facilities will be required in townships over the coming years.

Council’s strategic directions for economic development are to:

- Maintain and protect agricultural land by avoiding fragmentation and commercial uses that may lead to loss of, or limitations for, production.
- Support the economic sustainability of the Shire’s townships with an adequate supply of land zoned for industrial and business purposes.
- ~~and p~~Protect ~~them~~ industry and business from encroachment ~~of incompatible land use and development by applying the ‘agent of change’ principle.~~ [#244]
- Facilitate a greater range of economic activity and home based businesses in townships and settlements.
- Locate tourist facilities and development in the Shire’s ~~main~~-[Panel Rec] townships that brings economic benefits, respects township character and enhances the distinctive tourism assets of each township.
- Ensure that the Shire’s quality mineral water resources and reserves are maintained and managed as a long-term community and economic resource.
- Enhance the Shire’s existing tourism offer through the development of a more diverse tourism product centred around the natural environment, bike trails, arts and culture, food and environmental sustainability.
- Protect the Shire’s heritage and environmental tourism assets.

- Locate materials recycling activities (other than municipal facilities) in industrial areas.

## 02.03-8 TRANSPORT

The main road network services the [\[Panel Rec\]](#) larger townships, provides for regional travel and freight movements, and links to the Western and Calder Freeways. Creswick and Clunes have improved regional connections with passenger rail services to Ballarat and Melbourne. Settlement strategies for the Shire need to take advantage of the opportunities for improved access to jobs and services in the Creswick-Clunes corridor.

Maintaining key transport linkages from within the Shire to interstate transport corridors including the Western and Calder Highways / Freeways is important. Primary producers and other industries in the Shire are dependent on road freight as a means to distribute goods.

Lack of access to transport, particularly public transport, is a key issue for many residents in the Shire along with a desire for greater infrastructure to support walking and riding (active transport) throughout the municipality.

Council's strategic directions for transport are to:

- Concentrate development into Creswick and Clunes to capitalise on transport facilities and connections.
- Facilitate sensitively designed, higher density, walkable neighbourhoods close to train stations in Creswick and Clunes.
- Support a transport network that provides freight connections to the Calder and Western Freeways / Highways.
- Facilitate an active transport network across the Shire to improve connections within and between townships and settlements.
- Ensure car parking provision in townships does not negatively impact on township character.

## 02.03-9 INFRASTRUCTURE

The provision and adaptation of infrastructure is essential to the future growth and development of the Shire to support both the community and visitor population.

### Utility infrastructure

Clunes, Creswick, Daylesford, Hepburn Springs and Trentham have sewerage and potable water infrastructure while settlements are unsewered and have no reticulated water supply. Maintaining water supply and quality will continue to be important for serviced townships and settlements.

There is a need to protect infrastructure facilities such as waste and resource recovery centres, [transfer stations](#) and sewage treatment facilities from encroachment of sensitive uses. [Former landfill sites are also located across the Shire in Creswick, Daylesford, and Trentham which require careful management in terms of environmental risks so that the environment and community are protected \[#244\]](#).

The Central Highlands region has been identified as a region with significant opportunities to generate renewable wind and this is supported if appropriately sited to not impact upon highly valued landscapes. Renewable energy developments and associated infrastructure should incorporate benefit sharing, including opportunities for community investment. New infrastructure must limit negative impacts to biodiversity and the significant landscape settings and provide a benefit to communities.

### Community infrastructure

Larger townships in the Shire are generally well serviced with community facilities. Facilities in the smaller settlements are more limited requiring residents to travel to the larger townships. Changing population demographics are creating demands for new or improved services and facilities in the Shire's townships.

### Infrastructure design

New infrastructure requires careful design to ensure it is in keeping with township character, heritage values, ~~and the~~ landscape setting and minimises impact on native vegetation and biodiversity [#13]. The Infrastructure Design Manual (IDM) has been adopted by Council. It provides the foundation for improved and sensitive design for the Shire that will be enhanced through structure planning. Infrastructure is ageing or no longer fit for purpose. Opportunities for green or more sustainable infrastructure should be considered to provide for future needs.

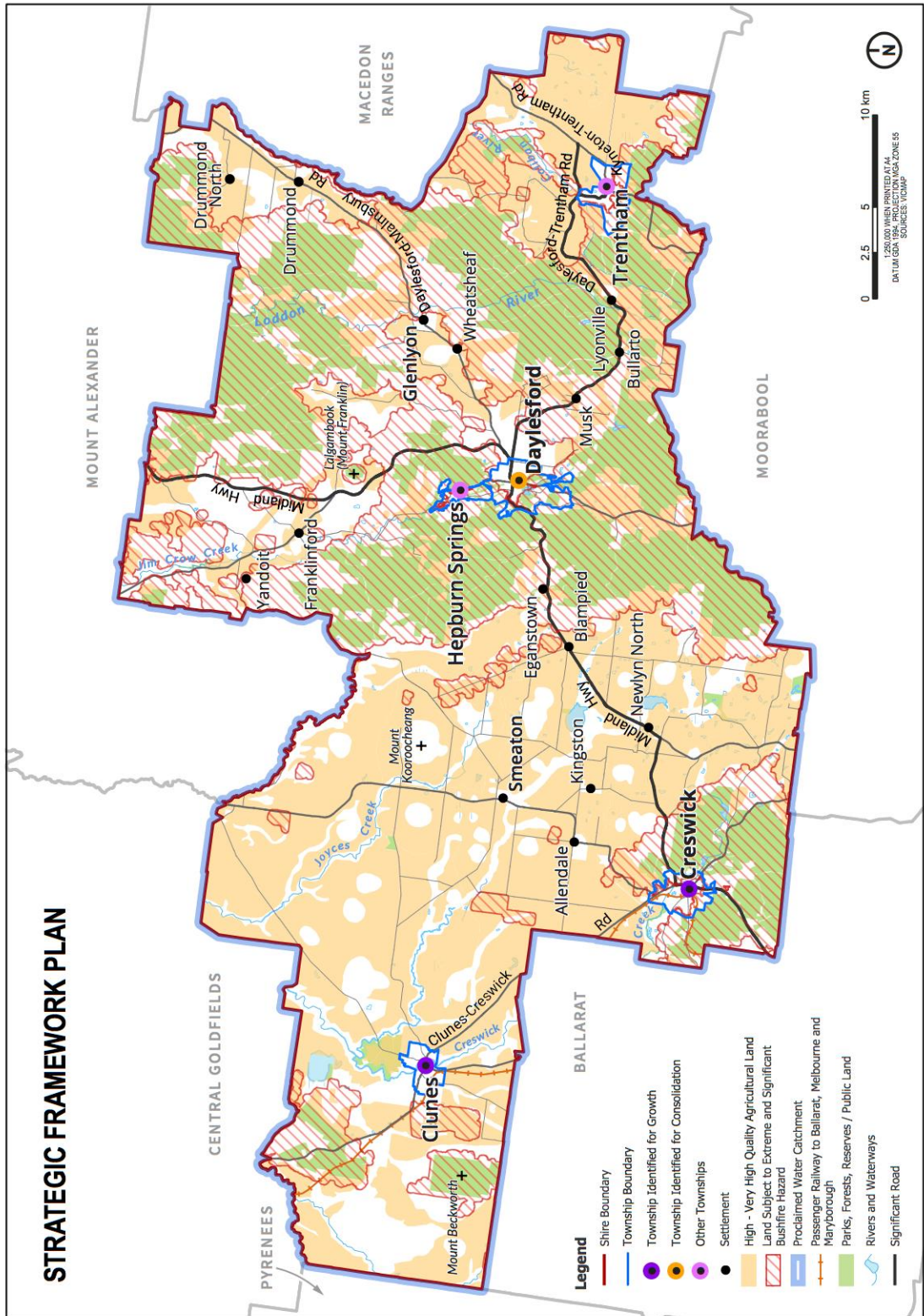
Council's strategic directions for infrastructure are to:

- Ensure development is directed into townships with reticulated water, or capacity for alternative potable water sources, and reticulated sewerage.
- Support community infrastructure including open space, health, education and cultural facilities into townships to support community needs.
- Protect infrastructure facilities such as waste and resource recovery centres, transfer stations, and water and sewage treatment facilities from encroachment of sensitive uses [#244].
- Manage landfill sites in Creswick, Daylesford, and Trentham and their environmental risks so that the environment and community are protected [#244].
- Upgrade existing and ageing infrastructure resulting from the demands of new development and servicing needs, and utilise infrastructure contributions.
- Support green infrastructure provision to minimise environmental and climate impacts on elements such as soil, water, amenity ~~and~~, air quality, native vegetation and biodiversity [#12].
- Support the sensitive location of transmission infrastructure to support decarbonisation within the municipality that provides a net community benefit.
- Support infrastructure to facilitate the growth of electric vehicle use.

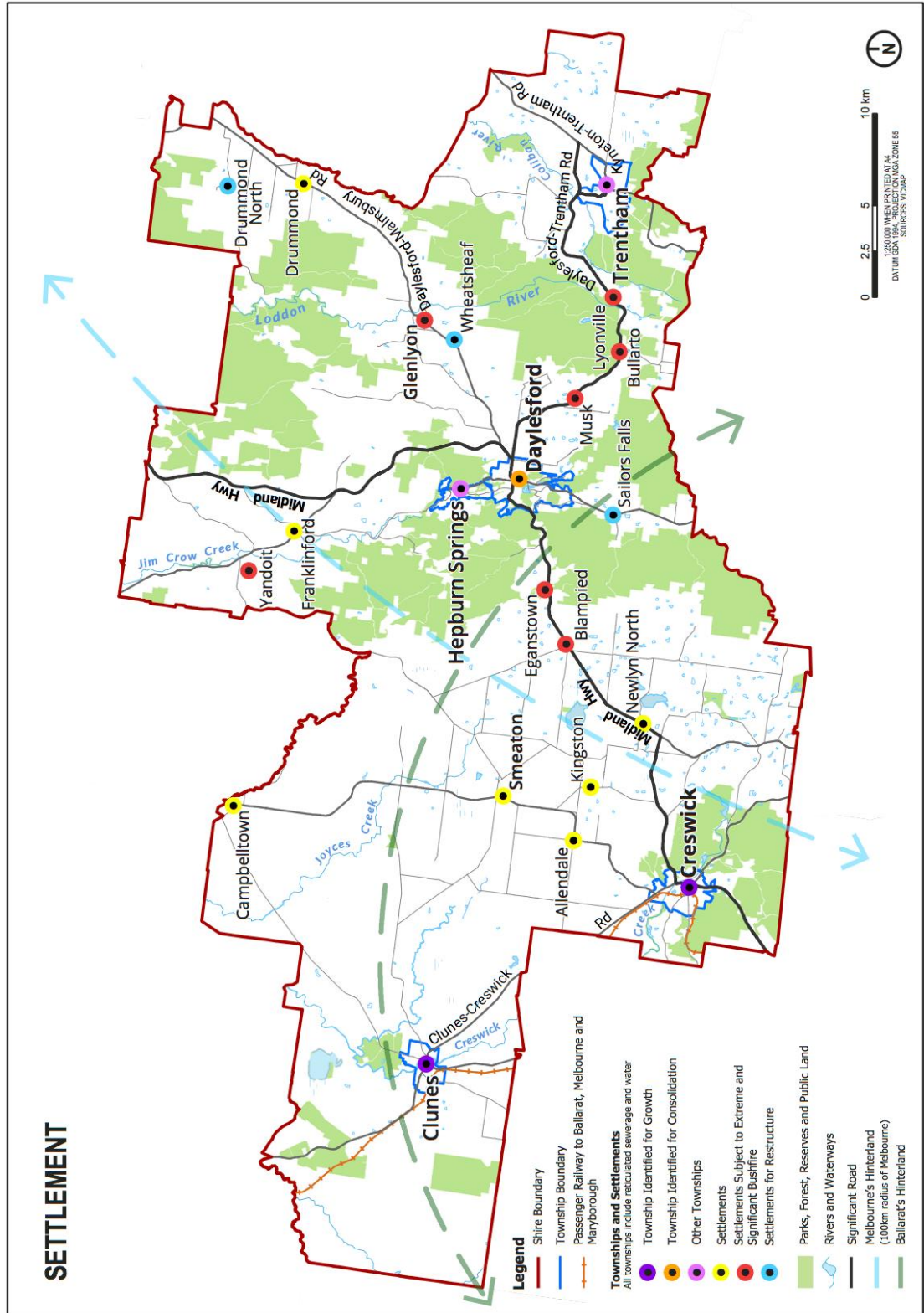
**02.04 Strategic framework plans**

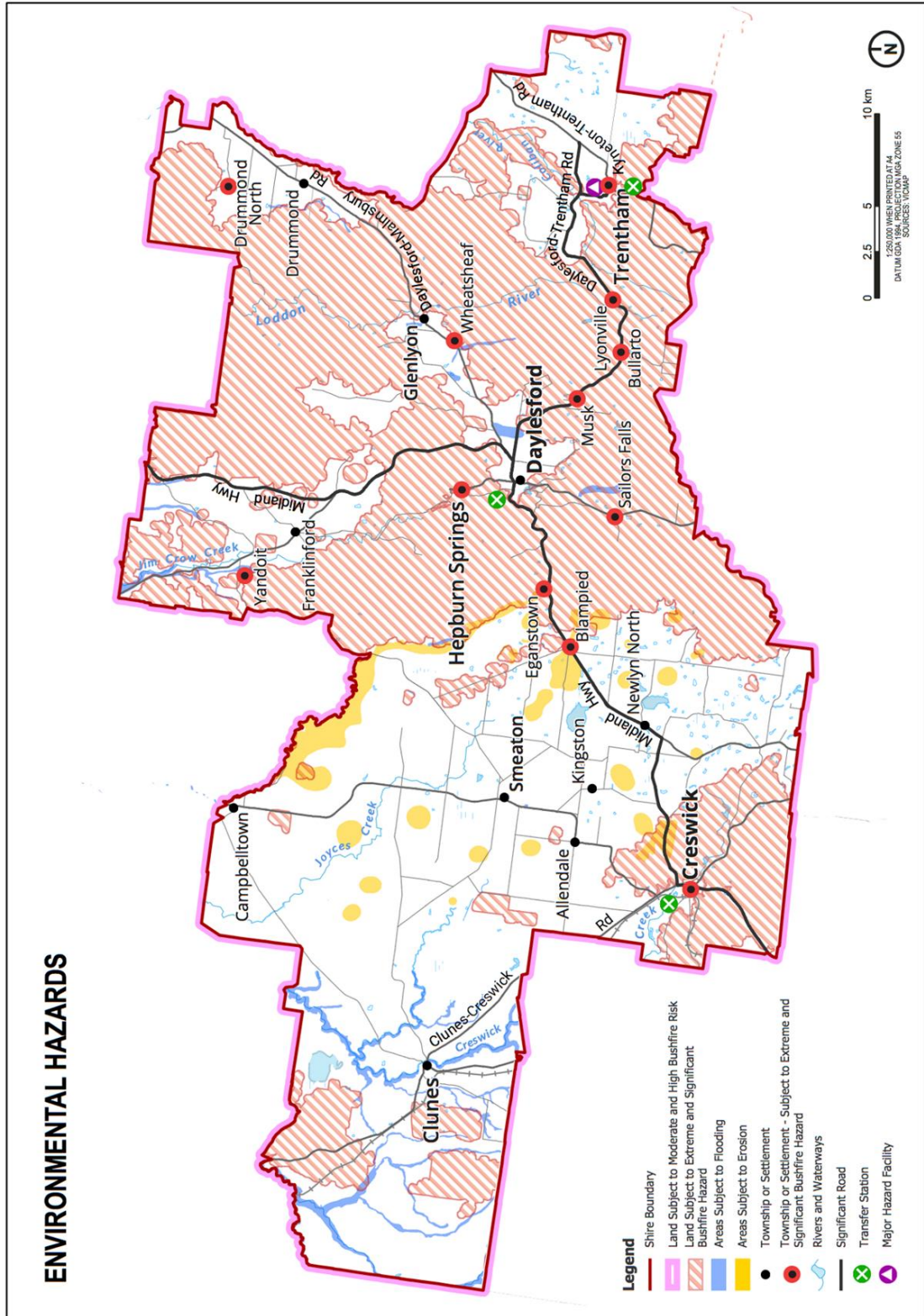
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The plans contained in Clause 02.04 are to be read in conjunction with the strategic directions in Clause 02.03.

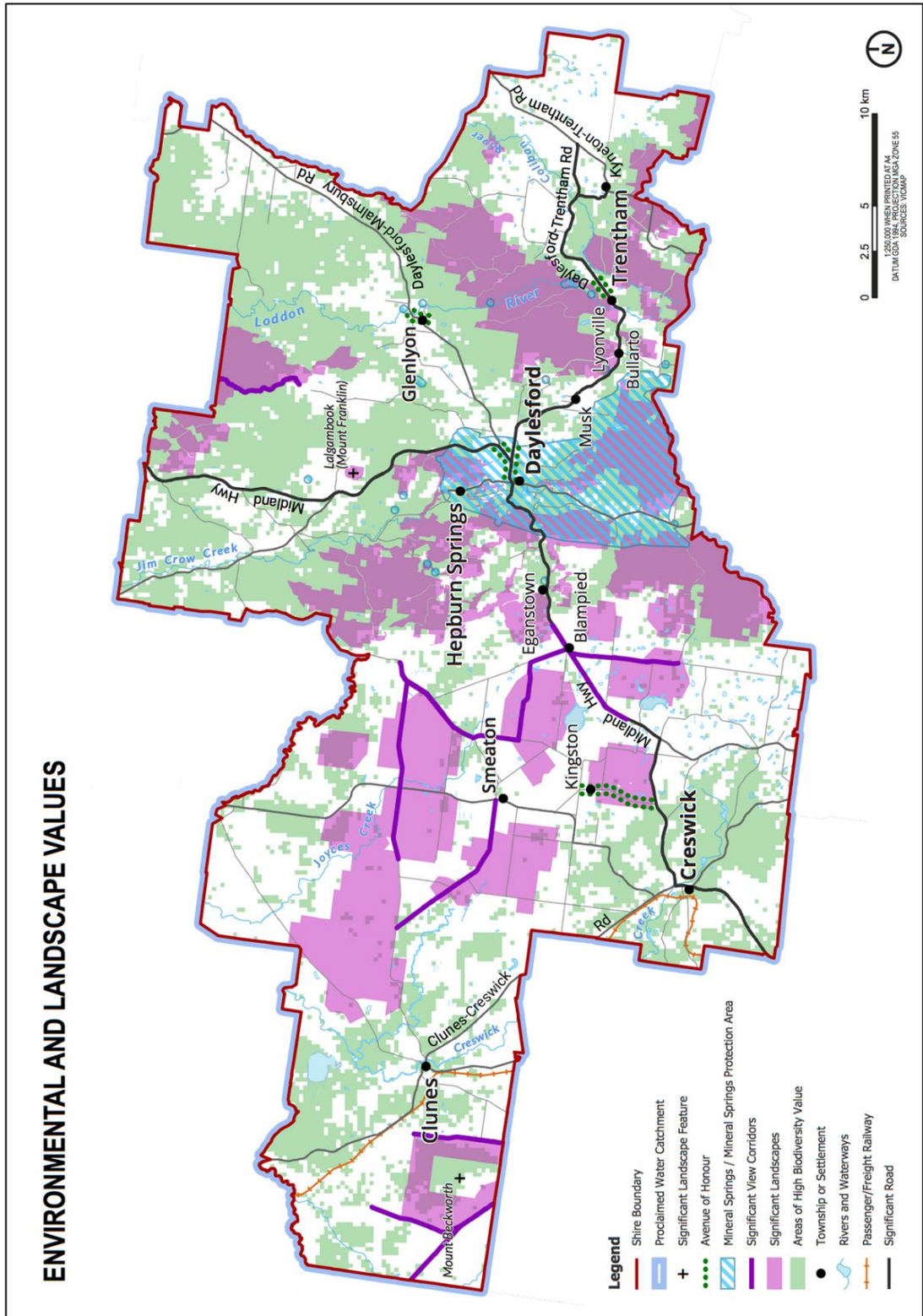




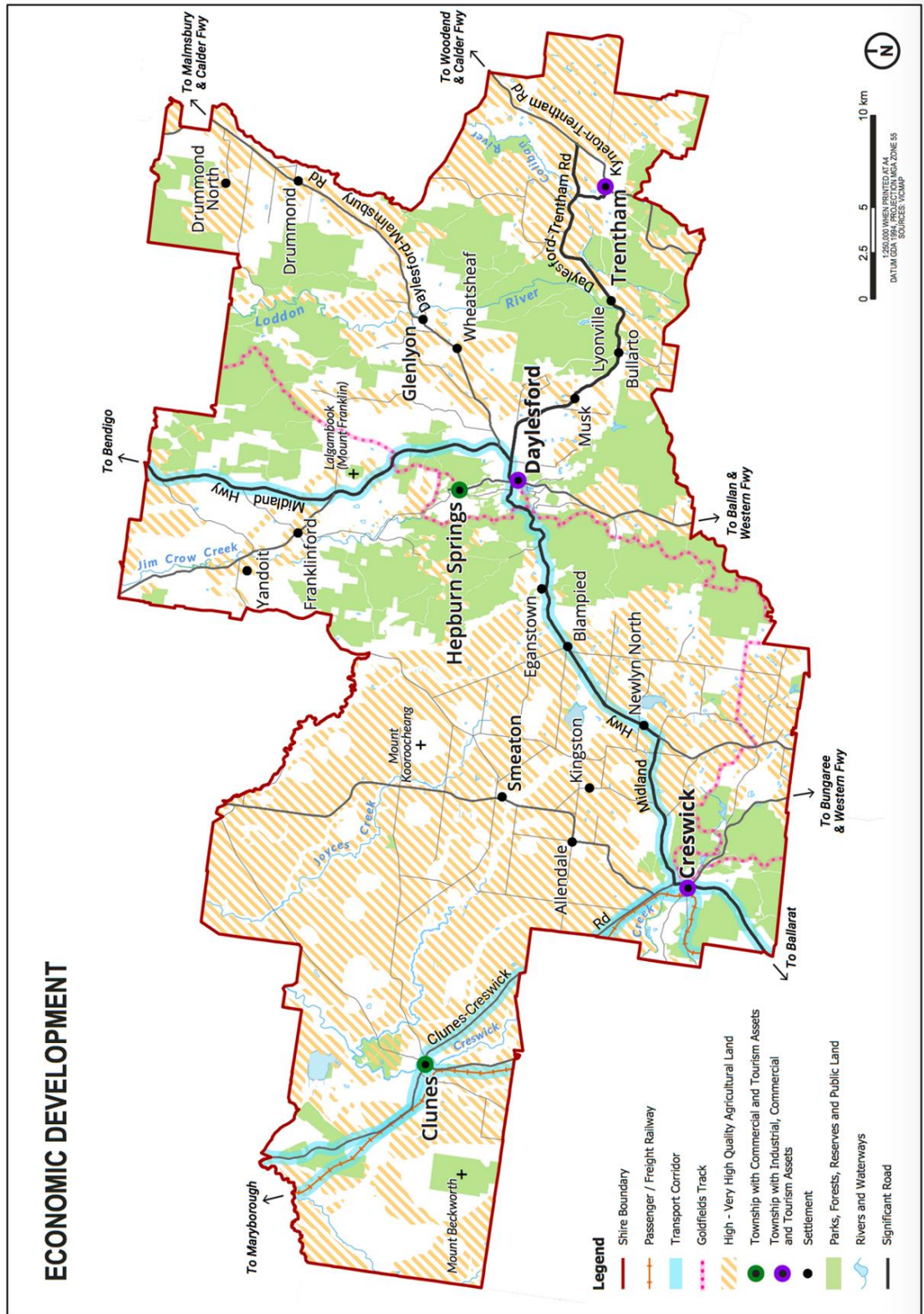












**11.01-1L Townships and settlements**

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**Policy application**

This policy applies to land within townships identified in the maps to this clause, and the municipality's settlements.

**Objective**

To achieve a sustainable urban form for townships ~~and settlements~~ by containing future development within the township boundaries shown on the township ~~and settlement~~ structure plans.

**Strategies**

Provide for urban development and economic growth in the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham based on township boundaries and structure plans.

Promote Creswick and Clunes as the focus for the municipality's population growth.

Locate new dwellings and residential subdivisions within township boundaries.

Provide for urban infill and consolidation opportunities in townships that utilise existing infrastructure.

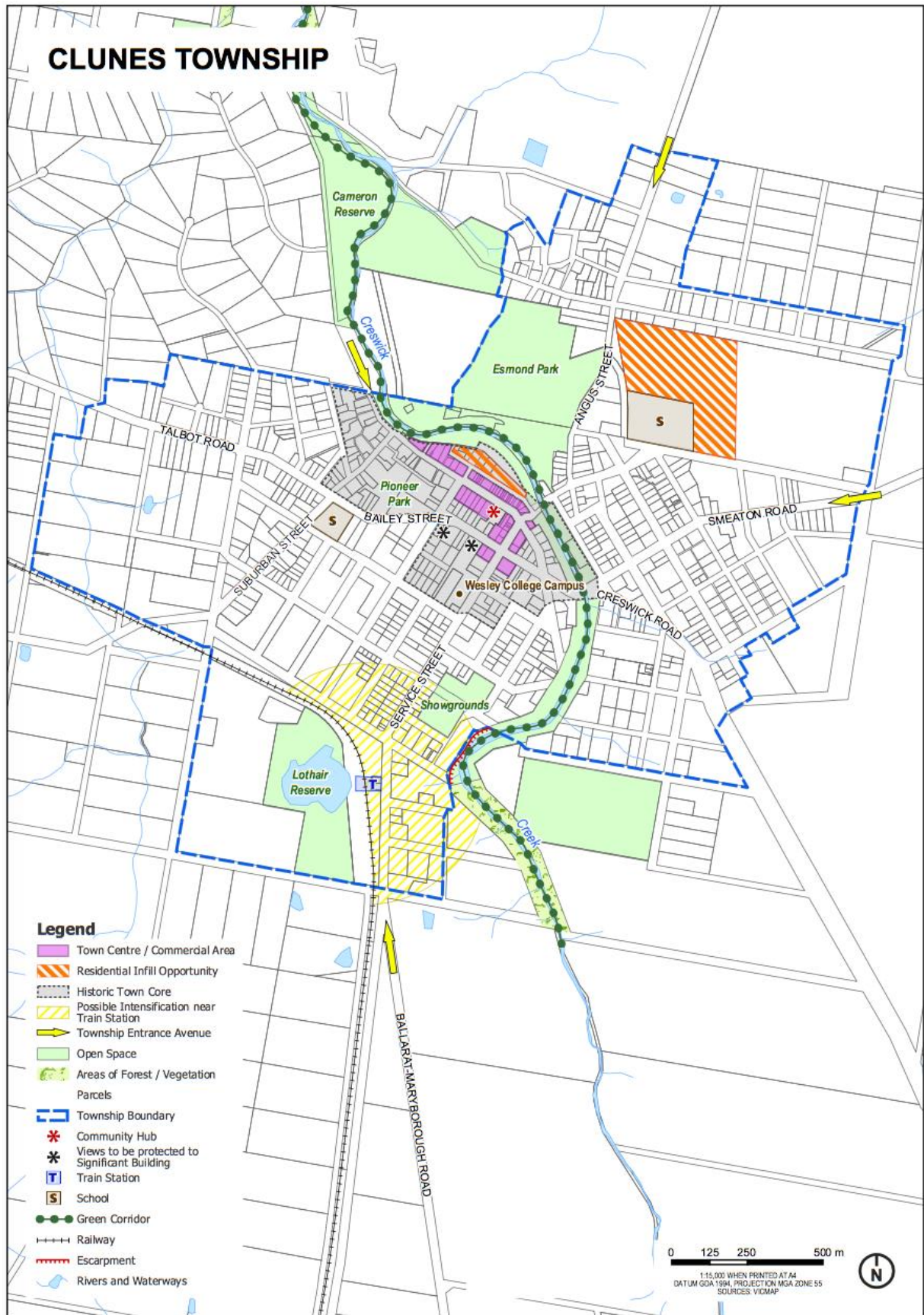
Encourage development in townships and settlements to be respectful of heritage, environmental and neighbourhood character elements.

~~Encourage limited development in settlements that are not identified for restructuring. [Panel Rec]~~

~~Discourage development in settlements unless the risk from environmental hazards can be mitigated to an acceptable level. [Panel Rec]~~

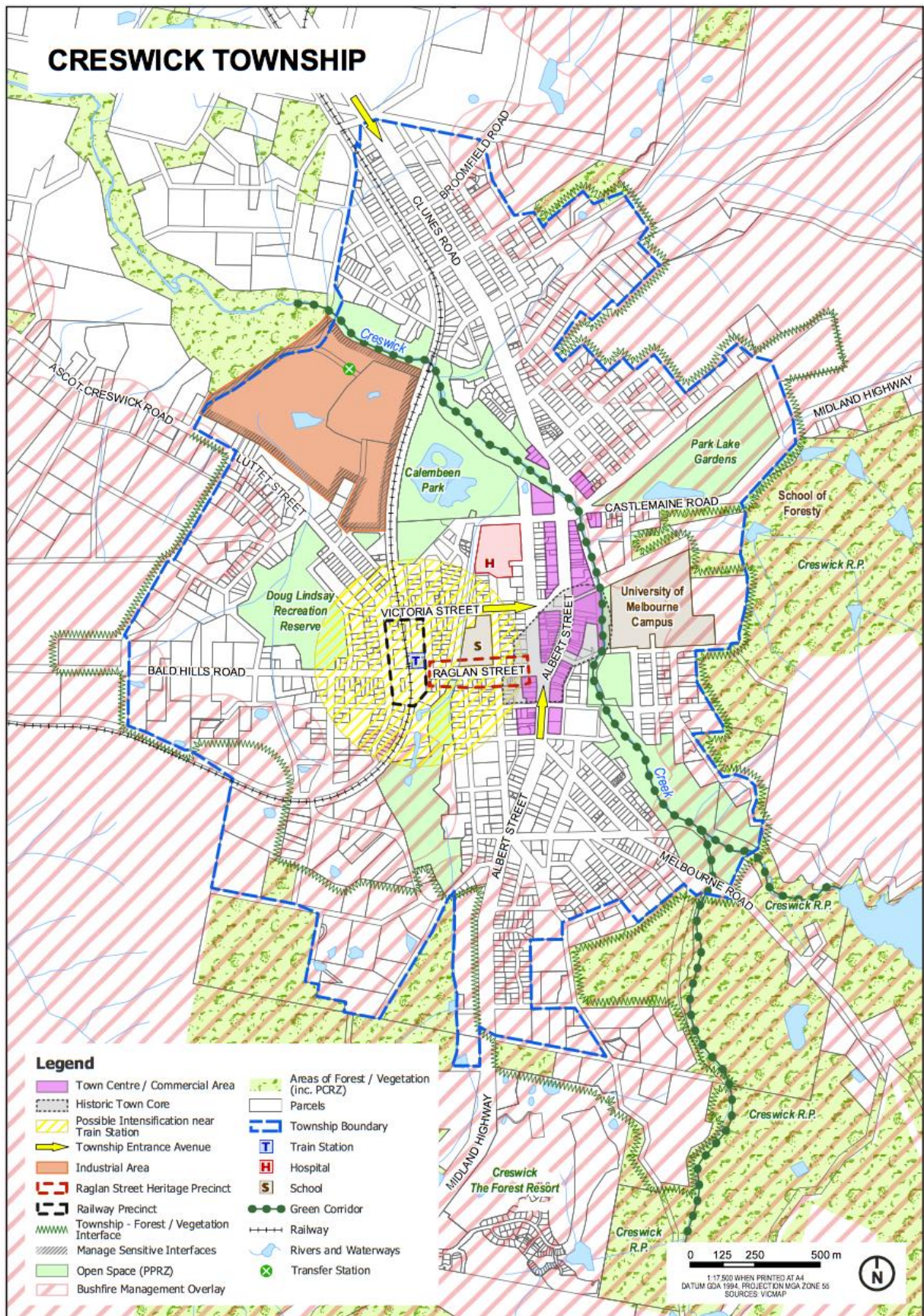
Restructure settlement and subdivision patterns in areas such as Wheatsheaf, Sailors Falls and parts of Drummond [North](#) where increased rates of residential development are inappropriate due to the high bushfire risk and insufficient infrastructure services.

Clunes Township map



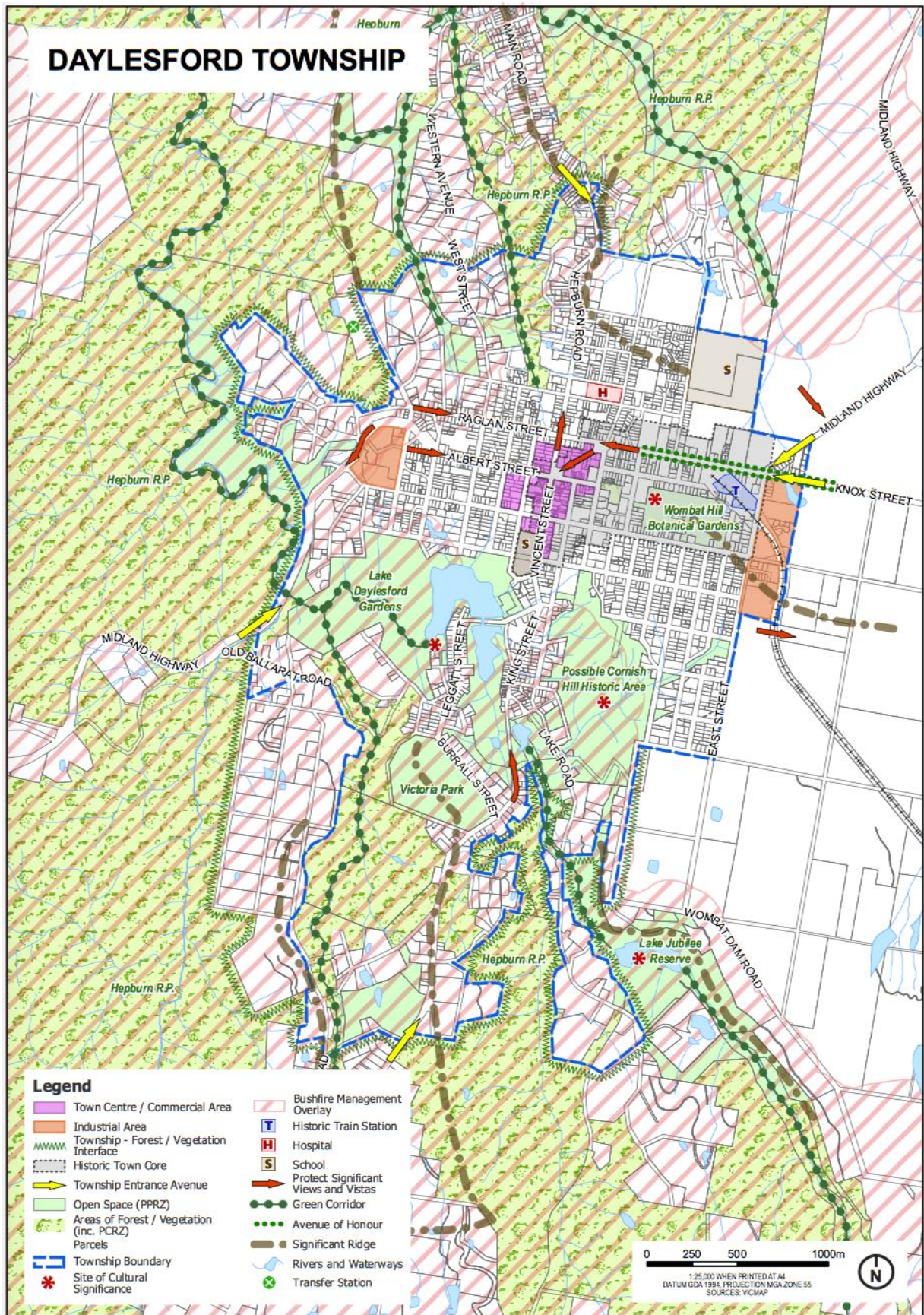


Creswick Township map



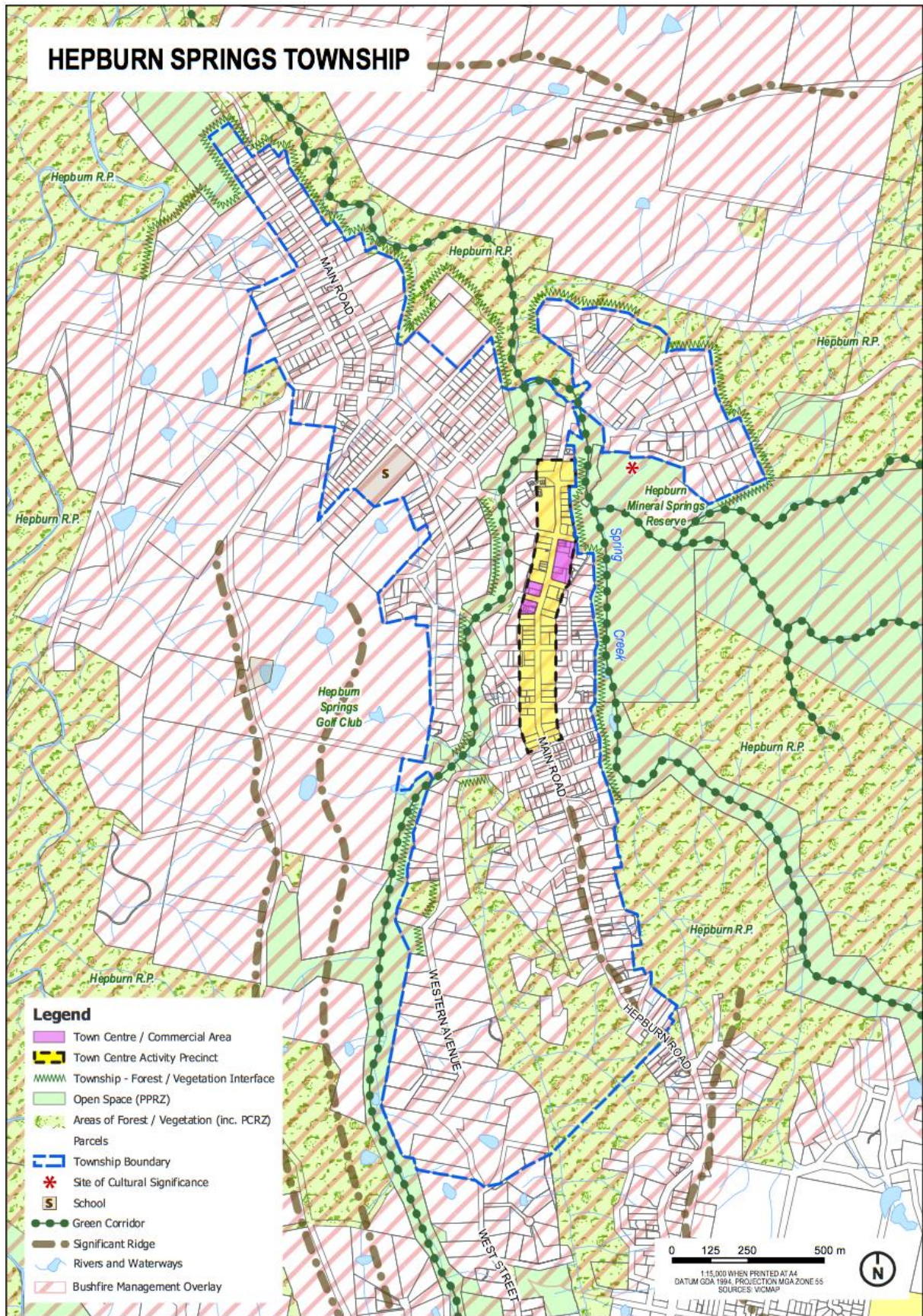


Daylesford Township map



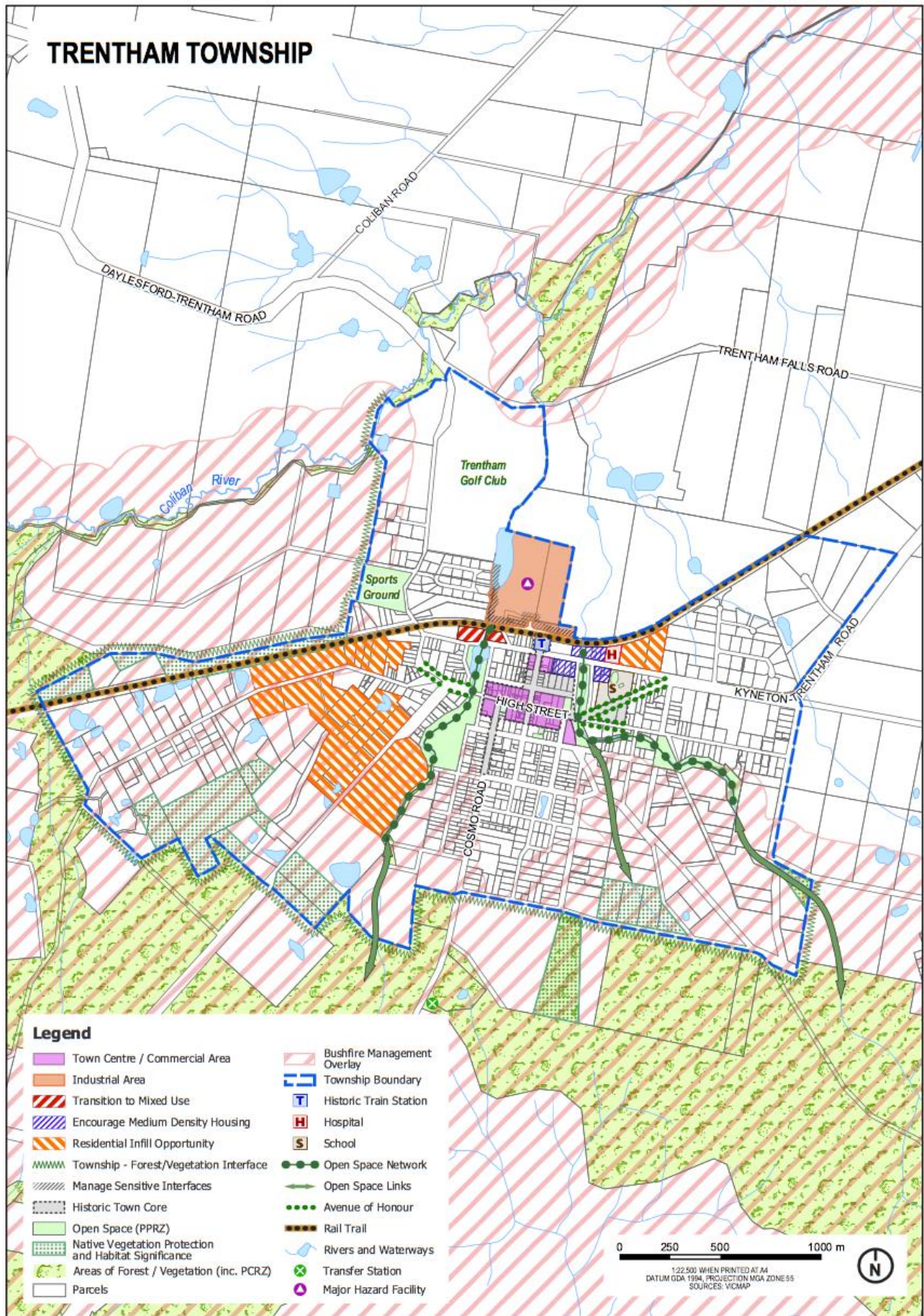


Hepburn Springs Township map





Trentham Township map \



**12.01-1L Native vegetation and habitat protection**

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**Objective**

To protect and enhance the Shire's native vegetation and habitats.

**Strategies**

Protect identified remnant vegetation and habitat across the Shire as shown on the *Native vegetation and habitat protection* map.

Enhance linkages between habitat on private land, roadsides, waterways and public land for wildlife and plant dispersal.

Encourage revegetation and restoration in areas of significant remnant areas.

Protect large old native trees on private and public land.

Protect native vegetation and habitat significant to the survival of the listed threatened species including the following:

- *Forests of the Central Victorian Uplands*
  - Basalt Peppercreess.
- *Plains Woodlands or Forests*
  - Spiny Rice flower.
  - Button Wrinklewort.
  - Matted Flax-lily

Retain native vegetation and habitat significant to the survival of the threatened fauna and locally significant species including the following: [#12]

- *Forest and woodlands predominantly of the Goldfields*
  - Swift Parrot.
  - Painted Honeyeater.
  - Brush-tailed Phascogale.
  - Hooded Robin.
  - Diamond Firetail.
  - Speckled Warbler.
  - Barking Owl.
  - Square-tailed Kite.
  - Crested bellbird.
- Diamond Firetail. [#12]
  - Koala
    - *Forests of the Central Victorian Uplands*
    - Greater Glider.
    - Powerful Owl.
    - Koala.
- *Plains Woodlands or Forests*
  - Striped Legless Lizard.
  - Golden Sun moth.
- *Wetlands*
  - Blue-billed Duck.
  - Freckled Duck.
  - Lewin's Rail.
  - Eastern Great Egret.



- Brolga.
- Plumed Egret.
- Growling Grass Frog.
- Painted Snipe.
- Latham’s Snipe.
- *Waterways*
  - Platypus.
  - River Blackfish.

Retain *Environment Protection and Biodiversity Conservation Act* (EPBC) listed ecological communities as a significant environmental and landscape asset as follows:

- *Forest and woodlands, predominantly of the Goldfields*
  - Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands [and Derived Native Grasslands of South-Eastern Australia. \[#12\]](#)
  - ~~Derived Native Grasslands of South-Eastern Australia.~~
- *Wetlands*
  - Seasonally Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains.
- *Plains ~~Woodlands-Grasslands or Forests and Woodlands~~ [#12]*
  - ~~Grassy Eucalypt Woodland of the Victorian Volcanic Plain between Clunes, Creswick and Campbelltown.~~
  - [Natural Temperate Grassland. \[#12\]](#)

Encourage the planting of indigenous vegetation that responds to the bioregion it is located within as listed in Table 1.

**Table 1: Bioregion indigenous vegetation**

| Species  | Goldfields | Central Victorian Uplands | Victorian Volcanic Plain |
|--|------------|---------------------------|--------------------------|
| <b>Climbers</b>  |            |                           |                          |
| <i>Billardiera scandens</i> (Common apple-berry)           |            | x                         |                          |
| <i>Clematis aristata</i> (Mountain clematis)               |            | x                         |                          |
| <i>Hardenbergia violacea</i> (Purple coral pea)            | x          | x                         |                          |
| <b>Groundcovers and small plants</b>                       |            |                           |                          |
| <i>Ajuga australis</i> (Austral bugle)                     | x          | x                         |                          |
| <i>Arthropodium strictum</i> (Chocolate lily)              | x          | x                         | x                        |
| <i>Brachyscome multifida</i> (Cut-leaf daisy)              | x          | x                         |                          |
| <i>Bulbine bulbosa</i> (Yellow bulbine lily)               | x          | x                         | x                        |
| <i>Burchardia umbellata</i> (Milkmaids)                    | x          |                           | x                        |
| <i>Chrysocephalum apiculatum</i> (Common everlasting)      | x          | x                         | x                        |
| <i>Chrysocephalum semipapposum</i> (Clustered everlasting) | x          | x                         | x                        |
| <i>Coronidium scorpioides</i> (Button everlasting)         | x          | x                         |                          |
| <i>Dichondra repens</i> (Kidney-weed)                      | x          | x                         | x                        |
| <i>Epacris impressa</i> (Common heath)                     |            | x                         |                          |
| <i>Kennedia prostrata</i> (Running postman)                | x          | x                         | x                        |

| Species   | Goldfields | Central Victorian Uplands | Victorian Volcanic Plain |
|---|------------|---------------------------|--------------------------|
| <i>Pelargonium australe</i> (Austral stork's-bill)              | x          | x                         | x                        |
| <i>Pelargonium rodneyanum</i> (Magenta stork's-bill)            | x          | x                         |                          |
| <i>Pultenaea pedunculata</i> (Matted bush-pea)                  | x          | x                         | x                        |
| <i>Tetraloche ciliata</i> (Black-eyed Susan; Pink bells)        | x          | x                         |                          |
| <i>Viola hederacea</i> (Native violet)                          | x          | x                         |                          |
| <i>Wahlenbergia communis</i> (Tufted bluebell)                  | x          | x                         | x                        |
| <i>Xerochrysum viscosum</i> (Sticky everlasting)                |            |                           |                          |
| <b>Grasses</b>  |            |                           |                          |
| <i>Austrostipa mollis</i> (Spear grass)                         | x          | x                         | x                        |
| <i>Dichelachne crinita</i> (Plume grass)                        | x          |                           | x                        |
| <i>Microlaena stipoides</i> (Weeping grass)                     | x          | x                         | x                        |
| <i>Poa labillardierei</i> (Common tussock grass)                | x          | x                         | x                        |
| <i>Poa morrisii</i> (Velvet tussock grass)                      | x          | x                         | x                        |
| <i>Poa sieberiana</i> (Fine-leaf tussock grass)                 | x          | x                         | x                        |
| <i>Rytidosperma</i> spp. (Wallaby grass)                        | x          | x                         | x                        |
| <i>Rytidosperma pallidum</i> (Silver-top wallaby grass)         | x          | x                         |                          |
| <i>Themeda triandra</i> (Kangaroo grass)                        | x          | x                         | x                        |
| <b>Rushes, sedges and wetland plants</b>                        |            |                           |                          |
| <i>Carex appressa</i> (Tall sedge)                              | x          | x                         | x                        |
| <i>Cyrtocarpus procerum</i> (Water ribbons)                     | x          | x                         | x                        |
| <i>Dianella revoluta</i> (Black anther flax lily)               | x          | x                         | x                        |
| <i>Dianella tasmanica</i> (Tasman flax lily)                    |            | x                         |                          |
| <i>Gahnia sieberiana</i> (Red-fruited saw-sedge)                |            | x                         |                          |
| <i>Isotoma fluviatilis</i> (Swamp isotome)                      | x          | x                         | x                        |
| <i>Lomandra longifolia</i> (Spiny-headed mat rush)              | x          | x                         | x                        |
| <i>Lythrum salicaria</i> (Purple loosestrife)                   | x          | x                         | x                        |
| <b>Small to medium shrubs</b>                                   |            |                           |                          |
| <i>Acacia acinacea</i> (Gold dust wattle)                       | x          |                           | x                        |
| <i>Acacia mitchellii</i> (Mitchell's wattle)                    | x          | x                         |                          |
| <i>Acacia paradoxa</i> (Paradoxa wattle; Hedge wattle)          | x          | x                         | x                        |
| <i>Cassinia aculeata</i> (Common cassinia)                      | x          | x                         | x                        |
| <i>Correa glabra</i> (Rock correa)                              |            |                           | x                        |
| <i>Correa reflexa</i> (Common correa)                           | x          | x                         |                          |
| <i>Daviesia latifolia</i> (Hop bitter-pea)                      | x          |                           |                          |
| <i>Dodonaea viscosa</i> (Sticky hop bush)                       | x          |                           | x                        |
| <i>Grevillea alpina</i> (Cat's claw grevillea; Downy grevillea) | x          | x                         |                          |

| Species  | Goldfields | Central Victorian Uplands | Victorian Volcanic Plain |
|--|------------|---------------------------|--------------------------|
| <i>Indigofera australis</i> (Austral indigo)         | x          | x                         | x                        |
| <i>Leptospermum continentale</i> (Prickly tea-tree)  | x          | x                         |                          |
| <i>Leptospermum obovatum</i> (River tea-tree)        |            | x                         |                          |
| <i>Olearia myrsinoides</i> (Silky daisy-bush)        |            | x                         |                          |
| <i>Prostanthera denticulata</i> (Rough mint bush)    | x          |                           |                          |
| <i>Prostanthera lasianthos</i> (Christmas bush)      |            | x                         |                          |
| <i>Solanum laciniatum</i> (Kangaroo apple)           | x          | x                         | x                        |
| <b>Medium to large shrubs</b>                        |            |                           |                          |
| <i>Acacia verticillata</i> (Prickly Moses)           |            | x                         |                          |
| <i>Bursaria spinosa</i> (Sweet bursaria)             | x          | x                         | x                        |
| <i>Callistemon sieberi</i> (River bottlebrush)       | x          | x                         | x                        |
| <i>Hakea decurrens</i> (Bushy needlewood)            | x          |                           |                          |
| <i>Meliccytus dentatus</i> (Tree violet)             | x          | x                         | x                        |
| <b>Small to medium trees</b>                         |            |                           |                          |
| <i>Acacia mearnsii</i> (Late black wattle)           | x          |                           | x                        |
| <i>Acacia nanodealbata</i> (Dwarf silver wattle)     |            | x                         |                          |
| <i>Allocasuarina littoralis</i> (Black sheoak)       |            | x                         |                          |
| <i>Allocasuarina verticillata</i> (Drooping sheoak)  | x          |                           | x                        |
| <i>Banksia marginata</i> (Silver banksia)            | x          | x                         | x                        |
| <b>Large trees</b>                                   |            |                           |                          |
| <i>Acacia dealbata</i> (Silver wattle)               | x          | x                         | x                        |
| <i>Acacia melanoxylon</i> (Blackwood wattle)         | x          | x                         | x                        |
| <i>Eucalyptus dives</i> (Broad-leafed peppermint)    | x          | x                         |                          |
| <i>Eucalyptus leucoxylon</i> (Yellow gum)            | x          |                           |                          |
| <i>Eucalyptus melliodora</i> (Yellow box)            | x          | x                         | x                        |
| <i>Eucalyptus obliqua</i> (Messmate)                 |            | x                         |                          |
| <i>Eucalyptus ovata</i> (Swamp gum)                  | x          | x                         | x                        |
| <i>Eucalyptus radiata</i> (Narrow-leafed peppermint) |            | x                         |                          |
| <i>Eucalyptus rubida</i> (Candlebark)                | x          | x                         | x                        |
| <i>Eucalyptus viminalis</i> (Manna gum)              | x          | x                         | x                        |

Encourage land owners to protect and enhance local biodiversity through the removal of weeds listed in the *Catchment and Land Protection Act 1994* and the very high threat list in the *Advisory List of Environmental Weeds in Victoria*.

Locate development to minimise loss of significant remnant vegetation and identified habitat areas.

Encourage the maintenance and enhancement of habitat corridors in new and existing residential areas and along township watercourses and open space corridors.

Encourage proposals to retain and establish vegetation that links regional biodiversity assets and significant wetlands outlined in the *North Central CMA Regional Catchment Strategy 2013-2019*.

Minimise the number of vehicle crossovers and additional access points to vegetated roadsides.

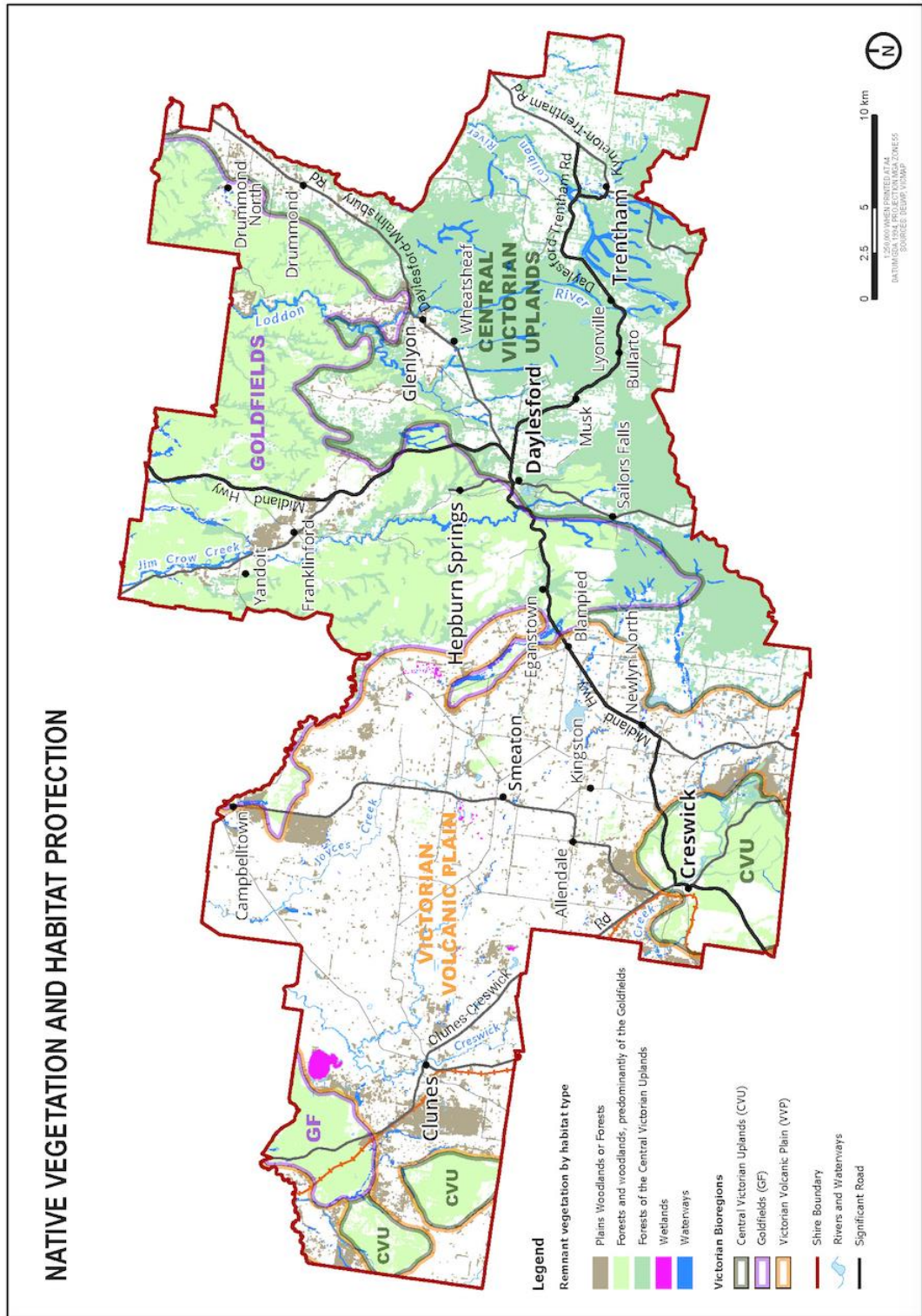
Complement the three step approach to the removal of native vegetation outlined in the *Guidelines for the removal, destruction or lopping of native vegetation* by seeking to improve biodiversity outcomes prior to considering any offsets.

**Policy documents**

Consider as relevant:

- *North Central Regional Catchment Strategy 2013-2019* (North Central Catchment Management Authority, 2013)

Native vegetation and habitat protection map



**12.05-2L Landscape management**

--/--  
Proposed  
C80hepb

**Policy application**

This policy applies to land shown on the Landscapes character areas and significance map.

**Objective**

To protect and enhance the unique features of the landscape character areas of the municipality identified as the Goldfields, The Uplands and Western Volcanic Plain.

**Municipal-wide Strategies**

Ensure development responds to the landscape character area identified in attached landscape character types and significance map

Manage land use, development and infrastructure to:

- Conserve and enhance significant landscapes, views and vantage points.
- Maintain sequences of views from key transport corridors.

Encourage retention of native vegetation and revegetation that contributes to the significant landscapes particularly on escarpments, ridgelines and at vantage points.

Maintain significant landscapes and views for the important contribution they make to the local and regional tourism economy.

Design development to complement the character of the surrounding landscape with consideration of form, construction materials, colours and finishes, and design detailing.

Site and design development in the foreground of identified significant views to minimise visual intrusion through low building heights, minimal building footprints, recessive colours and materials to the setting, and integration with vegetation.

Site large scale development to avoid impacting on significant landscapes and views, with particular consideration given to the foreground of identified significant views, that are particularly sensitive to visual intrusion.

**Goldfields strategies**

Maintain the rural landscape character of the Goldfields area.

Maintain and strengthen the mosaic of native vegetation among the agricultural landscapes of the area.

Locate development within the topography of the site and screen with vegetation to minimise visual impact.

Retain views to landscape features such as ridge rises and notable exposed bedrock features, particularly from identified significant viewing locations and road corridors.

**Uplands strategies**

Maintain the productive agricultural landscape character of the area and the dominance of topography and vegetation.

Preserve and enhance the landscape features of the area such as gorges and mountains.

Site development to ensure the retention of views to the Macedon Ranges, Mount Beckworth and other volcanic landscape features, particularly from identified significant viewing locations and road corridors.

**Western Volcanic Plain strategies**

Protect the volcanic cones, craters and lakes, lava flows, rocky outcrops and native vegetation remnants from destructive or dominating development.

Preserve and enhance dry stone walls.

Ensure shelter belt planting remains a feature of the area and retains views to important volcanic features.

Ensure restoration of shelterbelt planting responds to ecological challenges such as vegetation dieback and lower rainfall, and achieves both ecological and landscape character values.

Retain long range views to distant geological features such as Mount Kooroocheang and Mt Franklin (Lalgambook) and their surrounding volcanic peaks, particularly from identified significant viewing locations and road corridors.

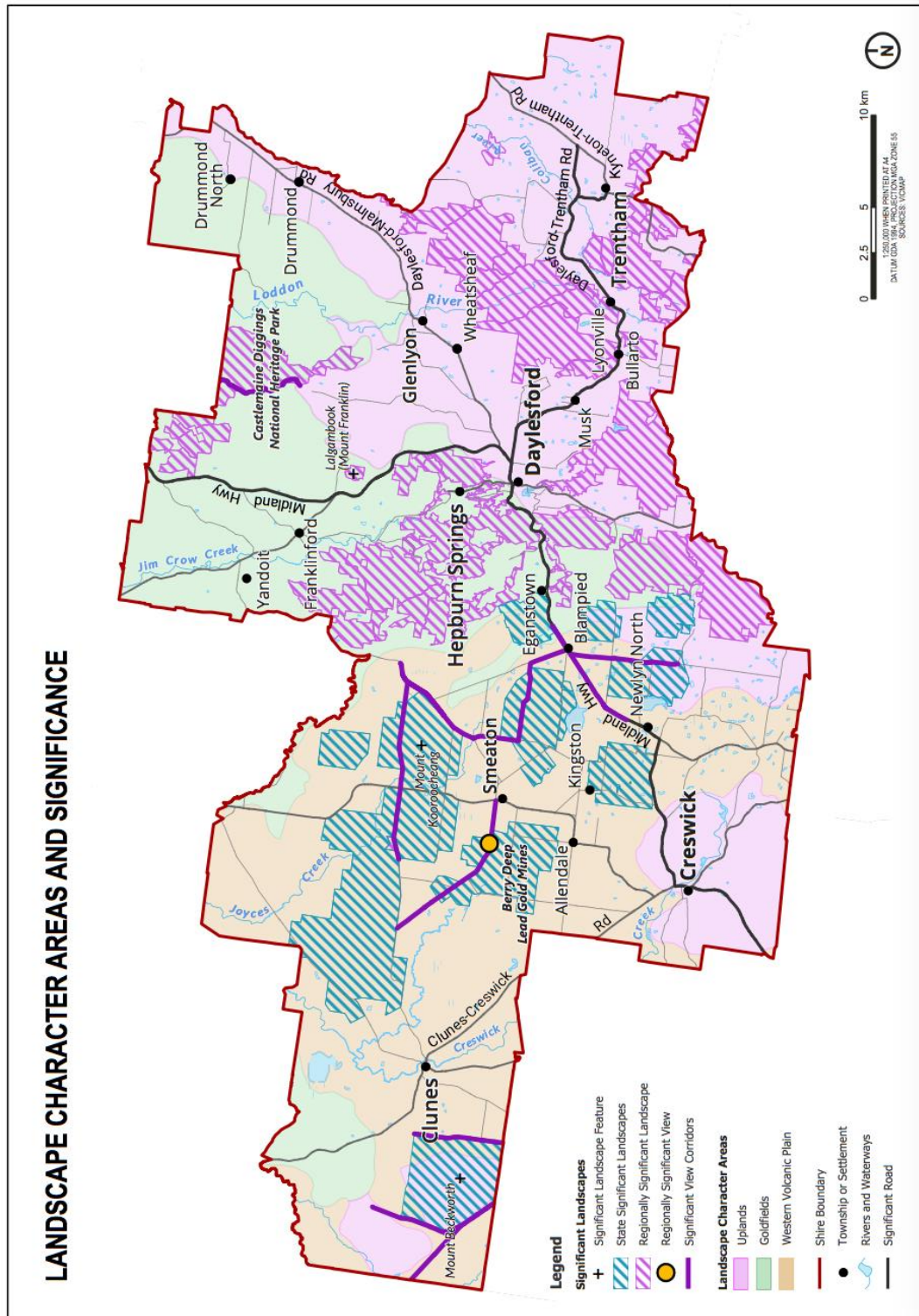
### **Policy guidelines**

Consider as relevant:

- Locate new development:
  - Within existing clusters of buildings.
  - Away from visually prominent locations such as ridge lines and hill faces.
  - Away from identified landscape features.
  - Among established vegetation and/or screened with substantial landscaping of indigenous species.
  - Following the contours and natural form of the landscape.
  - Minimising visibility from identified significant viewing locations, including major road corridors.



Landscape character areas and significance map **Updated Map [Panel Rec]**





**14.01-1L Protection of agricultural land**

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Proposed  
C80hepb

**Policy application**

This policy applies to the Farming Zone, Rural Conservation Zone and Rural Living Zone.

**Objective**

To protect the Shire's high quality productive agricultural land from the encroachment of incompatible use and development.

**Strategies**

Retain existing Farming Zone land and discourage land fragmentation from residential use and development.

Prevent the subdivision of land for a new dwelling on rural land that does not meet the minimum subdivision area of the relevant rural zone.

Prevent the subdivision of lots that will result in a concentration of lots smaller than the minimum subdivision size of the relevant rural zone.

Encourage small lot agriculture and hobby farms to locate in the Rural Living Zone [#209].

Prevent the subdivision of tenements in single ownership and encourage the consolidation of lots.

Allow a dwelling on a rural lot that either:

- Meets the minimum subdivision area of the relevant rural zone.
- Is directly associated with a rural enterprise where:
  - Agricultural production will be maximised.
  - The land has low agricultural value.
  - There will be no loss of productive agricultural land.
  - Native vegetation will be retained and managed.

Ensure if a new dwelling is approved that:

- A separation distance and landscape screening is provided around the dwelling.
- The building height, scale, setback and bulk responds positively to the landscape values, cultural heritage values and characteristics of the rural area.
- It continues to operate in a habitable condition and meet the requirements of the *Building Code of Australia*.

Minimise the adverse impacts that a new dwelling, accommodation use or subdivision may have upon water quality and quantity, native vegetation and biodiversity [#12] and the ~~associated~~ productivity and operation [#209] of agricultural land.

Restructure inappropriate subdivisions that adversely affect productive agricultural land, biodiversity or natural hazard areas.

**14.01-2L Sustainable agricultural enterprises**

--/--  
 Proposed  
 C80hepb

**Policy application**

This policy applies to the use and development of land in the Farming Zone, Rural Conservation Zone and Rural Living Zone.

**Strategies**

Ensure that areas of high to very high agricultural land are utilised or remain available for agricultural production.

Support agricultural enterprises through local value-adding and processing opportunities, investment, innovation, diversification and employment that have a limited impact on the natural landscape and its amenity.

Protect clusters of agricultural activity and other rural related enterprises which support primary and secondary processing [#194].

Ensure that rural land use, development and amenity are not adversely affected by land uses and developments that are more appropriately located within townships.

Encourage intensive agriculture uses and rural related activities with access to major transport routes.

Protect resource, natural heritage, significant historic landscapes and environmental values that support agricultural enterprises.

Discourage the use and development of rural land for accommodation, food and drink premises, place of assembly or shop, except for a dwelling in the Rural Living Zone.

Support small agricultural enterprises in the Rural Living Zone.

**14.02-1L Catchment and land protection**

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Proposed  
C80hepb

**Objective**

To ensure that use and development in a special water supply catchment protects, [restores](#) and enhances the quality and quantity of the natural resources and environmental systems for the long term supply of quality water for future generations.

**Strategies**

Ensure that use and development incorporates measures to protect, [restore](#) and enhance the natural resources and environmental systems, including waterways in special water supply catchments. [\[Panel Rec\]](#)

Provide for the effective control of stormwater drainage and wastewater disposal in a manner that prevents any detrimental impacts to the natural resources and environmental systems.

Manage the cumulative effects of unsewered development by ensuring land can accommodate effective on-site treatment of all wastewater generated from the land.

Encourage best practice approaches for all effluent disposal systems, effluent fields, ~~and~~ irrigation fields [and stormwater disposal](#). [\[Panel Rec\]](#)

Minimise [and reduce](#) the impact of use and development on the ~~existing condition~~, health and capacity of natural resources and environment systems including waterways, soil types, soil structure, soil condition, vegetation and aquatic and terrestrial habitats. [\[Panel Rec\]](#)

Maximise, maintain and enhance riparian edges and vegetation cover all year round.

**Policy guidelines**

Consider as relevant:

- The ‘precautionary principle’ when assessing the likelihood of impact of an application on natural resources and environmental systems.
- The ability and suitability of the land capability to accommodate the impacts of the use or development.
- Avoid locating use and development that includes a wastewater treatment and disposal system:
  - On any overland flow path or in any land depression.
  - Upstream of any dam used for domestic or stock supply.
  - Within 100 metres of the edge of a waterway, dam or reservoir.
  - Within 200 metres of any wastewater treatment and disposal system on any neighbouring or adjoining land.
- The availability and suitability of alternative effluent and waste water disposal systems.

## 15.01-3L Subdivision in Hepburn Shire

--/--  
Proposed  
C80hepb

### Policy application

This policy applies to subdivision of land within the boundaries of townships shown on the Strategic Framework Plan including Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon.

### Strategies

Ensure new street and subdivision layouts reflect and integrate with surrounding grid-based or gold rush subdivision patterns within townships where enabled by topography.

Encourage diverse lot sizes to facilitate residential infill in locations within walking distance of town centres that complement the neighborhood character of the area.

Ensure new subdivision adjacent to township boundaries does not cause an adverse impact on the visual amenity of the rural hinterland.

Ensure new subdivisions are designed to protect and maintain habitat corridors, natural landscape features, large trees and visual amenity values of adjacent forests, and connect to walking trails.

Create appropriate separation distances between new subdivisions and areas of high bushfire hazard to better manage bushfire risk and vegetation clearance requirements.

[Manage the risks to water quality from effluent disposal and the provision of adequate water supply associated with subdivision in the Glenlyon settlement \[#189\].](#)

**15.03-2L Aboriginal cultural heritage**

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Proposed  
C80hepb

**Strategies**

Protect ~~and~~, conserve and enhance identified pre and post contact indigenous ~~cultural~~-heritage places ~~and values of cultural and spiritual value to the Dja Dja Wurrung Clans Aboriginal Corporation as decided by in partnership with traditional owners in caring for Country-Aboriginal people.~~ [#194]

Ensure pre and post contact tangible and intangible Aboriginal cultural heritage values are considered in land use and development and the management of use and development of land environment and water resources [#194].

Ensure that new uses, development and works do not adversely impact on sites, vegetation, wetlands and features of the Aboriginal peoples' cultural and archaeological significance.

**Policy guidelines**

Consider as relevant:

- The ~~indigenous Dja Dja Wurrung Clans Aboriginal Corporation~~ [#194] traditional knowledge of the Aboriginal people in providing for the conservation and enhancement of places, sites, vegetation and objects of cultural value.
- Any Aboriginal cultural heritage study documents from the Dja Dja Wurrung ~~people~~-Clans Aboriginal Corporation and other relevant organisations when considering a planning scheme amendment or an application for use, buildings or works or subdivision of land. [#194]
- A land use activity agreement prepared for an application on existing or unalienated Crown land.

**16.01-42L Affordable housing [AmVC169]**

--/--  
Proposed  
C80hepb

**Policy application**

This policy applies to land in the General Residential Zone and Neighbourhood Residential Zone in the townships of Clunes, Creswick, Daylesford, Hepburn and Trentham.

**Strategies**

Support a range of social housing choices in areas that can that meet the needs of the Hepburn community.

Support proposals by registered affordable housing providers to deliver affordable housing.

Encourage a range of affordable housing types in new development where there is access to public transport and community services.

Encourage the supply of a range of affordable, permanent housing types.

Ensure dwelling layouts provide for a range of household types such as families, couples without children, single persons, retirement and supported accommodation for older persons or a person with a disability.

**Policy guidelines**

Consider as relevant:

- The identification of preferred areas for social housing working with community housing associations.
- The local demand for specific housing types.

## 19.02-6L Open space

--/--  
Proposed  
C80hepb

### Policy application

This policy applies to all development of land within the boundaries of townships shown on the Strategic Framework Plan at Clause 2.04 including Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon.

### Strategies

Develop open space networks in towns, based on creeks, drainage lines, existing [native vegetation](#), [\[#12\]](#) parks and recreation areas.

Maintain, enhance and preserve the Shire's significant nineteenth century gardens and street plantings.

Maintain and enhance indigenous and significant exotic vegetation within public reserves and township movement and open space networks.

Develop safe and accessible walking pathways/trails within public open space networks with links to key community facilities and icons in towns.

--/20--  
Proposed  
C80hepb

## SCHEDULE 2 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ2**.

### CRESWICK GOLF COURSE

#### Purpose

To provide for the use and development of the Creswick golf course and associated uses.

#### 1.0

#### Table of uses

--/20--  
C--

#### Section 1 - Permit not required

| Use   | Condition                                  |
|---|--|
| Informal outdoor recreation<br>Outdoor sports ground<br>Outdoor recreation facility (excluding<br>Paintball games facility) |  |
| Any use listed in Clause 62.01  | Must meet the requirements of Clause 62.01 |

#### Section 2 - Permit required

| Use   | Condition  |
|---|--|
| Car park<br>Dwelling<br>Food and drink premises<br>Function centre<br>Gambling premises<br>Hairdresser<br>Leisure and recreation (other than<br>Informal outdoor recreation, Outdoor<br>sports ground and Outdoor recreation<br>facility)<br>Residential hotel<br>Residential village<br>Restaurant<br>Restricted place of assembly |  |
| Shop (other than Hairdresser)   | Must be for the sale of golfing equipment, apparel or<br>associated goods. |
| Transfer station<br>Utility installation (other than Minor<br>utility installation)   |  |
| Any other use not in Section 1 or 3   |  |

#### Section 3 - Prohibited

| Use  |
|--|
| Accommodation (other than Dwelling, Residential hotel and Residential village)<br>Brothel<br>Industry (other than Transfer station)<br>Office<br>Place of assembly (other than Function centre and Restricted place of assembly) |



## Retail premises (other than Food and drink premises, Gambling premises, Market and Shop) Warehouse

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### 2.0

#### Use of land

~~20~~  
C

~~The use of land must be generally in accordance with the Creswick Golf Course Development Plan and any associated Section 173 Agreement. None specified. [Panel Rec]~~

#### Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A description of the proposed use and the types of activities which will be carried out and any proposed staging of use and activities on the land.
- Plans drawn to scale and dimensioned which show:
  - The siting and use of buildings.
  - Areas not required for immediate use.
  - Adjacent buildings and uses.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, and emissions to land and water.

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- ~~The requirements of the Creswick Golf Course Development Plan and any associated Section 173 Agreement. [Panel Rec]~~
- Whether the use is compatible with adjoining and nearby land uses.
- Movements systems through and around the site including the movement of pedestrians and cyclists, and vehicles providing for supplies and waste removal.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.
- The interim use of those parts of the land not required for the proposed use.

### 3.0

#### Subdivision

~~20~~  
C

~~The subdivision of land must be generally in accordance with the Creswick Golf Course Development Plan and any associated Section 173 Agreement. None specified. [Panel Rec]~~

#### Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The pattern of subdivision of the surrounding area.
  - Easements.
  - Location of drainage and other utilities.
  - Street frontage features such as poles, street trees and kerb crossings.

- Access points.
- Any natural features.

### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- ~~The requirements of the Creswick Golf Course Development Plan and any associated Section 173 Agreement. [Panel Rec]~~
- The pattern of subdivision and its effect on the spacing of buildings.
- The effect of the subdivision on vegetation located on the land and on adjacent land.

## 4.0

~~C--~~

### Buildings and works

~~Buildings and works on the land must be generally in accordance with the Creswick Golf Course Development Plan and any associated Section 173 Agreement. None specified. [Panel Rec]~~

### Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and buildings and works on adjoining land.
  - Levels of the site and the difference in levels between the site and surrounding properties to a defined point at the site boundaries or to Australian Height Datum (AHD).
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking, loading, access and pedestrian areas.
  - Existing vegetation and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easements and services.
- Elevation plans drawn to scale and dimensioned which show:
  - The building form and scale.
  - Setbacks to property boundaries.
  - Finished floor levels and building heights to a defined point at the site boundaries or to Australian Height Datum (AHD).
- A schedule of finishes, materials and colours for the proposed development.
- An assessment of the characteristics of the area including:
  - Any environmental features such as vegetation, topography and significant views.
  - Streetscape, landscape and the public realm.
  - The pattern of development including building form, scale and rhythm.
  - Any significant noise, odour, fume and vibration sources from the development.
- A landscape plan which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

- Construction details of drainage works, driveways, vehicle parking and loading areas.

### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- ~~The requirements of the Creswick Golf Course Development Plan and any associated Section 173 Agreement. [Panel Rec]~~

- The design, scale, height, setback, appearance and material of the proposed buildings and works.
- The relationship between the proposed building and the public realm, including the streetscape and areas of landscaping and vegetation.
- The treatment of the fronts and backs of buildings and their appurtenances and the illumination of buildings or their immediate spaces.
- The interface with land in adjoining zones.
- The storage of rubbish and materials for recycling.

## 5.0

### Signs

--/20--  
C--

None specified.

--/20--  
Proposed  
C80hepb

## SCHEDULE 4-3 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as [NRZ4NRZ3](#).

### TRENTHAM NEIGHBOURHOOD RESIDENTIAL AREAS

#### 1.0 Neighbourhood character objectives

--/20--  
Proposed  
C80hepb

To ensure development is in keeping with the predominantly low rise rural township character.

To maintain a streetscape rhythm of detached dwellings set behind landscaped front gardens with spacious front and side setbacks.

To encourage the use of light weight materials and open style front fencing that integrates with the rural and landscape setting.

To encourage landscaping in development with a focus on indigenous planting at the forested edges of the township.

#### 2.0 Minimum subdivision area

--/20--  
C--

None specified.

#### 3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

--/20--  
C--

| Requirement   |                |
|---|----------------|
| Permit requirement for the construction or extension of one dwelling on a lot   | None specified |
| Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot | None specified |

#### 4.0 Requirements of Clause 54 and Clause 55

--/20--  
C--

|                        | Standard    | Requirement    |
|------------------------|-------------|----------------|
| Minimum street setback | A3 and B6   | None specified |
| Site coverage          | A5 and B8   | None specified |
| Permeability           | A6 and B9   | None specified |
| Landscaping            | B13         | None specified |
| Side and rear setbacks | A10 and B17 | None specified |
| Walls on boundaries    | A11 and B18 | None specified |
| Private open space     | A17         | None specified |
|                        | B28         | None specified |
| Front fence height     | A20 and B32 | None specified |

## 5.0 Maximum building height requirement for a dwelling or residential building

--/20--  
C--

None specified.

## 6.0 Application requirements

--/20--  
C--

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
  - The boundaries of the site.
  - Relevant ground levels.
  - Adjacent roads.
  - Proposed landscape areas.
  - All driveway, car parking and loading areas.
  - All external storage and waste treatment areas.
  - The relationship of buildings and works to any heritage place on the land or adjacent land.
  - The buildings and works within the streetscape context.
- A schedule of construction materials, external finishes and colours.
- A landscape plan showing a survey of all existing vegetation to be retained and/or removed (including botanical names), buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary, details of surface finishes of pathways and driveways, a planting layout, a planting schedule of all proposed trees, shrubs and ground covers (including botanical names), common names, pot sizes, sizes at maturity, and quantities of each plant, landscaping and planting within all open areas of the site.

## 7.0 Decision guidelines

--/20--  
C--

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the design, height, setback, appearance and interface of the proposed buildings and works is appropriate within the streetscape and to any heritage place on the land or adjacent land.
- Whether the proposed landscaping enhances the existing landscape character and vegetation in the area.
- Whether the significant elements of the area are retained including those elements that contribute to its setting.
- Whether subdivision retains the important elements and features which form part of the significance and character of the area, the visual setting and the important view-lines between these elements.
- Whether the proposed subdivision will complement or adversely affect the cultural significance of any heritage place within the area.
- Whether subdivision will complement or adversely affect the ~~the~~ key characteristics of the area such as streetscape, lot sizes, lot pattern, lot layout or existing building forms in the area or would result in development that would adversely affect the rhythm, scale and pattern of buildings in the area.



--/20--  
Proposed  
C80hepb

## SCHEDULE 3-4 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as [NRZ3NRZ4](#).

### HEPBURN SPRINGS NEIGHBOURHOOD RESIDENTIAL AREAS

#### 1.0 Neighbourhood character objectives

--/20--  
C--

To ensure development is sited below the tree canopy and maintains the highly vegetated character of the area.

To encourage the use of materials and colours in new development sympathetic with the surrounding township and bushland setting.

To ensure development is sensitively designed and located to emphasise ridgelines and retain views of the adjoining rural hinterland and forested areas.

To ensure new development provides adequate space for significant landscaping with open, low, transparent or no fencing integrated with the forest and bushland setting.

#### 2.0 Minimum subdivision area

--/20--  
C--

None specified.

#### 3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

--/20--  
C--

| Requirement   |                |
|---|----------------|
| Permit requirement for the construction or extension of one dwelling on a lot   | None specified |
| Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot | None specified |

#### 4.0 Requirements of Clause 54 and Clause 55

--/20--  
C--

|                        | Standard    | Requirement    |
|------------------------|-------------|----------------|
| Minimum street setback | A3 and B6   | None specified |
| Site coverage          | A5 and B8   | None specified |
| Permeability           | A6 and B9   | None specified |
| Landscaping            | B13         | None specified |
| Side and rear setbacks | A10 and B17 | None specified |
| Walls on boundaries    | A11 and B18 | None specified |
| Private open space     | A17         | None specified |
|                        | B28         | None specified |
| Front fence height     | A20 and B32 | None specified |

## 5.0 Maximum building height requirement for a dwelling or residential building

--/20--  
C--

None specified.

## 6.0 Application requirements

--/20--  
C--

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
  - The boundaries of the site.
  - Relevant ground levels.
  - Adjacent roads.
  - Proposed landscape areas.
  - All driveway, car parking and loading areas.
  - All external storage and waste treatment areas.
  - The relationship of buildings and works to any heritage place on the land or adjacent land.
  - The buildings and works within the streetscape context.
- A schedule of construction materials, external finishes and colours.
- A landscape plan showing a survey of all existing vegetation to be retained and/or removed (including botanical names), buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary, details of surface finishes of pathways and driveways, a planting layout, a planting schedule of all proposed trees, shrubs and ground covers (including botanical names), common names, pot sizes, sizes at maturity, and quantities of each plant, landscaping and planting within all open areas of the site.

## 7.0 Decision guidelines

--/20--  
C--

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the design, height, setback, appearance and interface of the proposed buildings and works is appropriate within the streetscape and to any heritage place on the land or adjacent land.
- Whether the proposed landscaping enhances the existing landscape character and vegetation in the area.
- Whether the significant elements of the area are retained including those elements that contribute to its setting.
- Whether subdivision retains the important elements and features which form part of the significance and character of the area, the visual setting and the important view-lines between these elements.
- Whether the proposed subdivision will complement or adversely affect the cultural significance of any heritage place within the area.
- Whether subdivision will complement or adversely affect the ~~the~~ key characteristics of the area such as streetscape, lot sizes, lot pattern, lot layout or existing building forms in the area or would result in development that would adversely affect the rhythm, scale and pattern of buildings in the area.

--/20--  
Proposed  
C80hepb

## SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO1**.

### SPECIAL WATER SUPPLY CATCHMENT PROTECTION

#### 1.0 Statement of environmental significance

--/20--  
C--

Hepburn Shire is situated in the Central Highlands at the source of a number of catchments that flow to Port Phillip Bay or the Murray River. Most of these catchments are also declared as special water supply catchments under Schedule 5 of the *Catchment and Land Protection Act 1994*.

The cumulative impacts of development within the catchment has the potential to gradually diminish the quality and quantity of water in the special water supply catchments. Diminished water quality also increases the risk to human health and the health of all communities that rely on water from the catchment.

The protection, ~~preservation~~ restoration and enhancement of all waterways (as defined by section 3 of the *Water Act 1989*) within the catchment is an essential component in ensuring the continued availability of~~enhancing the~~ water quantity and quality while also protecting the health of the natural resources and environmental systems within the catchment. [Panel Rec]

The management of land within the catchment must:

- Focus on the long term protection of the natural resources and environmental systems.
- Encourage the implementation of appropriate measures to eliminate detrimental impacts on the quality and quantity water.

#### 2.0 Environmental objective to be achieved

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C--

To ensure all development is undertaken in a manner that protects, restores and enhances natural resources and environmental systems and seeks to eliminate detrimental impacts on the quality and quantity of water in the catchments, to ensure the long term plentiful supply of quality water ~~within the special water supply catchments~~. [Panel Rec]

#### 3.0 Permit requirement

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C--

A permit is not required to:

- Construct a building or construct or carry out works that is connected to a reticulated sewerage system and located more than 30 metres from a waterway for:
  - A dwelling.
  - An extension to an existing dwelling.
- Construct a building or construct or carry out works for an extension to an existing dwelling that:
  - ~~Does not generate additional domestic waste-water.~~
  - ~~and is~~ located more than 30 metres from a waterway.
  - Does not encroach on the capacity of the existing effluent disposal field. [Panel Rec]
- Construct a building or construct or carry out works that are located more than 30 metres away from a waterway, if all of the following are met: [Panel Rec]
  - The building and works do not generate any additional wastewater unless it is connected to a reticulated sewerage system ~~and located more than 30 metres from a waterway~~. [Panel Rec]
  - Any site cut required is less than one metre in depth.
  - Any site cut required is less than 300 square metres in area.
  - No stormwater is discharged within 100 metres from a waterway unless it is discharged into the street drainage system or a legal point of discharge. [Panel Rec]

- ~~Construct or carry out works for a sign. [Panel Rec]~~
- Construct or carry out works for a fence that is either:
  - Greater than 10 metres away from the nearest edge of a waterway.
  - A temporary fence of post and wire construction being used to protect any vegetation, work site or waterway where it will not remain in place for longer than 12 months.
- ~~Remove, destroy, or lop vegetation including dead vegetation unless the removal, destruction or lopping involves any native vegetation on land within 30 metres of a waterway. [Panel Rec]~~
- ~~Remove, destroy, or lop vegetation including dead vegetation that is:~~
  - ~~Less than 1 hectare in area.~~
  - ~~More than 30 metres from a waterway.~~
- ~~Construct or carry out works or remove, destroy or lop vegetation for timber production that is more than 100 metres from a waterway. [Panel Rec]~~
- Subdivide land for either:
  - An existing building or into two lots connected to a reticulated water and reticulated sewerage system ~~located more than 30 metres from a waterway. [Panel Rec]~~
  - A lot of 40 hectares or greater.
- Construct a building, construct or carry out works, construct a fence or sign, remove, destroy or lop of any vegetation, or subdivide land which is undertaken by, or on behalf of, a Minister, government department, public authority or municipal council.
- Construct a building or construct or carry out of works associated with activities conducted on public land by or on behalf of the public land manager under the relevant provisions of the *Crown Land (Reserves) Act 1978*, *Fisheries Act 1995*, *Forests Act 1958*, *Land Act 1958*, *Local Government Act 1989*, *National Parks Act 1975*, *Reference Areas Act 1978*, *Water Act 1989* or *Wildlife Act 1975*.

~~A permit must meet the following requirements:~~

- ~~All on-site wastewater treated and disposed of in accordance with the *Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management* (Publication 891.4, Environment Protection Authority, 2016), the *Planning Permit Applications in Open, Potable Water Supply Catchment Areas* (Department of Sustainability and Environment, 2012) and the *Domestic Wastewater Management Plan* (Hepburn Shire Council, June 2014).~~
- ~~Development undertaken in accordance with the *Construction Techniques for Sediment Pollution Control* (Environment Protection Authority, May 1991).~~
- ~~All stormwater managed and disposed of consistent with the *Urban Stormwater – Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).~~

~~An application under these provisions is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. [Panel Rec]~~

#### 4.0 Application requirements

~~4.0~~  
C--

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A scaled and dimensioned site context plan showing the site and surrounding land including the location of all waterways, drainage lines, water bodies, bores, water supply channels or springs and vegetation.
- A scaled and dimensioned plan showing the location and use of existing and proposed buildings and works, including proposed or existing waste water disposal areas and vehicle access.

- A geotechnical report and land capability assessment prepared by a suitably qualified person(s) demonstrating:
  - Details of degree and direction of slope, soil type, vegetation and drainage systems on the site;
  - That the land is capable of absorbing effluent generated on the lot; and
  - The likely impact of any on-site wastewater treatment system on surface and ground water resources and how such impact is to be mitigated.
- A land management or environmental management plan to be implemented as part of the proposal, outlining the restoration and enhancements of land or waterways.
- An onsite wastewater and stormwater treatment and management plan.
- Details of degree and direction of slope, soil type, vegetation and drainage systems.
- A geotechnical report and land capability assessment prepared by a suitably qualified person(s) demonstrating that the land is capable of absorbing effluent generated on the lot, the likely impact of any on-site wastewater treatment system on surface and ground water resources and how such impact is to be mitigated.
- Any environmental management plan to be implemented as part of the proposal outlining natural enhancements of land or waterways. [Panel Rec]

## 5.0

### Decision guidelines

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C--

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development will maintain water quality at a local and regional level.
- The means of treatment and disposal of all sewage, sillage, stormwater and other wastes consistent with a geotechnical report.
- The possible effect of the development on the quality and quantity of water in local watercourses, storages, creeks and springs, including impacts on nutrient levels, and whether this is consistent with any environmental management plan for the proposal.
- The slope, soil type and other environmental factors including the potential for pollution of waterways and ground water.
- Whether the development limits the amount of soil disturbance and minimises the impact on soil health and erosion.
- The need to prevent or reduce the concentration or diversion of stormwater into nearby waterways.
- Whether the removal of vegetation will have an adverse effect on ground water recharge. The proximity of the development to waterways, drainage lines and water supply reservoirs in the catchment.
- The possible impact and effect of the development on the quantity and quality of water in waterways, drainage lines, water supply reservoirs and springs.
- The need, and measures, to:
  - Provide buffers for or separation from waterways, drainage lines, gullies, property boundaries and any existing disposal areas or systems.
  - Minimise and reduce nutrient loads, turbidity and siltation in waterways, drainage lines and water supply reservoirs.
  - Decrease or reduce the velocity of stormwater into waterways, drainage lines and water supply reservoirs.
  - Prevent erosion of natural features, including banks, streambeds and adjoining land.
  - Improve filtration and infiltration of water.
  - Retain and increase native vegetation to prevent or limit adverse effects on waterways, drainage lines and water supply reservoirs.



- The means of treatment and disposal of all sewage, sullage, stormwater and other wastes on site which is consistent with a geotechnical report or land capability report having regard to the slope, soil type and other environmental factors including the potential for pollution of waterways and ground water. [\[Panel Rec\]](#)

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Proposed  
C80hepb

## SCHEDULE 2 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO2**.

### MINERAL SPRINGS AND GROUNDWATER PROTECTION

#### 1.0 Statement of environmental significance

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C--

The mineral springs that occur within the Hepburn Shire have natural, cultural and economic significance. The protection of the springs, their aquifers and their environs from the impacts of waste disposal and drainage is a fundamental component of the future management of this asset.

#### 2.0 Environmental objective to be achieved

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C--

To protect the mineral springs, their aquifers and their environs, [private domestic bores and water bores that provide town water supply](#) from the impacts of effluent and drainage, ~~water bores that provide town water supply and private domestic bores.~~

#### 3.0 Permit requirement

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C--

A permit is not required to

- Construct or carry out minor works.
- Construct or carry out works that will not result in changes to surface or groundwater runoff or contribute to a decline in spring water quality.
- Construct a building or construct or carry out works associated with informal outdoor recreation.
- Activities conducted on public land by or on behalf of the public land manager under the relevant provisions of the *Crown Land (Reserves) Act 1978*, *Fisheries Act 1995*, *Forests Act 1958*, *Land Act 1958*, *Local Government Act 1989*, *National Parks Act 1975*, *Reference Areas Act 1978*, *Water Act 1989* or *Wildlife Act 1975*.

~~A permit must meet the following requirements:~~

- ~~▪ All on-site wastewater treated and disposed of in accordance with the *Guidelines for Environmental Management: Code of Practice—Onsite Wastewater Management* (Publication 891.4, Environment Protection Authority, 2016) and the *Planning Permit Applications in Open, Potable Water Supply Catchment Areas* (Department of Sustainability and Environment, 2012).~~
- ~~▪ Development undertaken in accordance with the *Construction Techniques for Sediment Pollution Control* (Environment Protection Authority, May 1991).~~
- ~~▪ All stormwater managed and disposed of consistent with the *Urban Stormwater—Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999). [Panel Rec]~~

#### 4.0 Application requirements

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The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A scaled site context plan showing the site and surrounding land including the location of all water ways, drainage lines, water bodies, water supply channels or springs and vegetation.
- The location and use of existing and proposed buildings and works, including proposed or existing waste water disposal areas and vehicle access.

- Details of degree and direction of slope, soil type, vegetation and drainage systems.
- A geotechnical report prepared by a suitably qualified person(s) demonstrating that the land is capable of absorbing effluent generated on the lot, the likely impact of any on-site wastewater treatment system on the mineral spring and freshwater resource and how such impact is to be mitigated.
- Any environmental management plan to be implemented as part of the proposal.

## 5.0

### Decision guidelines

~~1/20~~  
C--

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The means of treatment and disposal of all sewage, sullage, stormwater and other wastes where connection to a reticulated sewage system is not available consistent with a geotechnical report.
- The possible effect of the development on the quality and quantity of the mineral spring or freshwater resource, including impacts on nutrient levels, and whether this is consistent with any environmental management plan for the proposal.
- The impact of development on drainage and stormwater run-off, waste water disposal, stream bed erosion, solid waste disposal, commercial waste disposal, storage of fuel, pesticide and fertiliser and hazardous materials.
- The slope, soil type and other environmental factors including the potential for pollution of the mineral spring and freshwater and the impact this may have on the quality and yield of water from the spring.
- The preservation of and impact on soils and the need to prevent erosion.
- The need to prevent or reduce the concentration of wastewater or stormwater.
- Whether development for chemical or liquid fuel storage is located within 200 metres of the eye of a mineral or freshwater spring.
- The protection of the area for its recreational value.
- Potential threats to mineral springs water quality.
- The need to retain vegetation to prevent or limit adverse effects on the mineral spring or freshwater.

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Proposed  
C80hepb

## SCHEDULE 1 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO1**.

### VOLCANIC PEAKS LANDSCAPE AREA, RIDGES AND ESCARPMENTS AREA HEPBURN GOLD MINES AND VOLCANIC DISTRICT AND SITES OF GEOLOGICAL SIGNIFICANCE

#### 1.0 Statement of nature and key elements of landscape

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Proposed  
C80hepb

~~The volcanic peaks have significance for their prominence in the rural landscapes of the grasslands and woodlands in the Shire. The peaks and ridgelines of these features are important visual elements of the local rural landscapes and form a part of the significant grassy plains of western Victoria.~~

~~Ridge lines and escarpments form an important visual element in Victoria's Central Highlands and Macedon Ranges.~~

The Hepburn Gold Mines and Volcanic District is a State significant landscape located north of Creswick. It features a dense collection of rounded volcanic rises that are complemented by numerous mullock heaps left over from the era of deep lead gold mining. The mounds tower out of the paddocks and remain largely intact despite having been exposed to weathering for over a century. Several ruins of historic mine buildings are highly picturesque and evocative reminders of the rich gold mining heritage that has shaped the landscape of the region. In contrast to the human intervention of the mullock heaps, the landscape contains a dense collection of low volcanic rises including Kelly Hill, Powlett Hill, Clover Hill, Woodhouse Hill, Mount Kooroocheang, Birch Hill and Forest Hill. The setting of these is typical of the volcanic region and features open paddocks scattered with occasional trees and lined with shelterbelts and vegetation.

There are two locations that allow views across to the Berry Deep Lead Mine sites. These views are significant for their visual and historic value, providing a glimpse of the landscape of the Victorian gold mining era. The roadside view of the Berry Deep Lead No1 Mine on the Daylesford-Clunes Road, just west of Smeaton, is a short range view of mullock heaps and the remains of the pump house. Further east along the Daylesford-Clunes Road the landscape opens up to reveal pastoral land punctuated with volcanic cones and remnant mullock heaps.

This area is the traditional country of the Wathaurung and Dja Dja Wurrung and people to whom it holds social, cultural and spiritual significance. The waterbodies, distinctive natural features and places of ecological value within this area are likely to have high significance for Aboriginal people. [Panel Rec]

Sites ~~There are also sites~~ of geological significance ~~that~~ have been exposed either naturally or due to past extraction work. These sites ~~have been~~are protected as they are examples of significant geological processes, phenomena or stratigraphy and include the following:

- Volcanic shaft, Smeaton Hill vent.
- Tuff ring and crater, Hepburn Lagoon.
- Quartz veined Ordovician sediments typical of Creswick area, Creswick-Dean Road.
- Tertiary gravel cliffs, Portuguese flat dredge hole.
- Pink Ordovician sediment anticline, syncline, fault and quartz veining. Springmount Road cuttings.
- Weathered folded Ordovician sediment. Clay quarry, Creswick.

#### 2.0 Landscape character objectives to be achieved

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Proposed  
C80hepb

To minimise the visual impact of development on the landscape where visible from the major viewing points on the Daylesford-Clunes Road and from the viewing corridors including the Midland Highway and Ullina-Kooroocheang, Werona-Kingston, Blampied-Mollinghip and Kangaroo Hill Roads.

To maintain the volcanic cones, (including their base, ridgelines and prominent hill faces) and mullock heaps free from development, including quarrying.

To ensure that development is sited to retain clear and unobstructed views to significant landscape features within the view sheds of the Berry Deep Lead Mine sites.

To ensure that development demonstrates a high standard of design and responds to the identified landscape character and significance of the surrounding environment.

To increase indigenous planting in the heavily cleared areas of the landscape to further emphasise natural features such as ridges and watercourses and maintain and enhance linked corridors of indigenous vegetation throughout the landscape. [Panel Rec]

~~To maintain the visual significance of the woodlands and grasslands of the peaks and hilltop features of these areas.~~

~~To maintain the visual significance of the ridges and escarpments.~~

~~To protect these areas from intrusive and dominant development.~~

~~To protect significant geological sites from development.~~

### 3.0 Permit requirement

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Proposed  
C80hepb~~

A permit is required to:

- ~~Remove, destroy or lop any vegetation.~~
- Construct a fence.

A permit is not required ~~for:~~

- ~~Emergency works.~~
- Works associated with minor works, repairs and routine maintenance to existing buildings and works. To remove, destroy or lop dead vegetation if it is a standing dead shrub or tree with a trunk diameter of 40 centimetres or less at a height of 1.4 metres above ground level.
- To remove, destroy or lop vegetation to the minimum extent of vegetation removal necessary for the maintenance of existing fences to a combined maximum width of clearing for either side of the fence of 4 metres.
- To construct a fence that is a timber or metal post and wire, timber or metal post and railing, wire mesh, chainmesh or similar open rural style fence up to 1.8 metres in height.
- To construct a farm access track.
- For minor construction to existing buildings and works.
- For the construction of a building or the construction or the carrying out of works less than 6 metres in height above natural ground level and not more than 100 square metres in additional floor area that are of muted, natural and non-reflective colours and materials.
- For works undertaken by or on behalf of a public authority relating to watercourse management and environmental improvements. [Panel Rec]

### 4.0 Application requirements

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Proposed  
C80hepb~~

~~None specified.~~

The following application requirements apply to an application for a permit under Clause 42.03, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A detailed site evaluation which considers the existing landscape context including topography, existing vegetation (species, location and character), and views to the site from roads, settlements, publicly accessible waterways and recreation and tourism locations.
- A landscape plan that proposes the use of locally appropriate species (e.g. indigenous or non invasive native / exotic plants that are a feature of the character of the area) and how the affected area will be remediated after the development.
- A visual impact assessment of the proposal from major viewing corridors and identified significant viewing locations. [Panel Rec]



## 5.0 Decision guidelines

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Proposed  
C80hepb

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- ~~The effect of the proposed siting of buildings on the landscape, skyline profile, scenic views and amenity of the area.~~
- ~~Whether the height, bulk and general appearance of the proposed buildings and works will affect the amenity of the area.~~
- ~~Whether the development will detract from the geological characteristics of the site.~~
- ~~Whether there is an alternative site for the proposed development.~~
- The visible impact of building or works from:
  - Viewing corridors including the Midland Highway and Ullina-Kooroocheang, Werona-Kingston, Blampied-Mollinghip, Kangaroo Hill and Daylesford-Clunes Roads.
  - Two viewing points at the Berry Deep Lead Mine sites on the Daylesford-Clunes Road.
- Whether the building or works are sited:
  - To maximise clustering of new buildings with existing buildings where possible.
  - Among established vegetation and/or screened with substantial landscaping of locally appropriate species.
  - To be set back sufficient distances from roads to minimise visual intrusion.
  - Away from visually prominent locations such as volcanic cones, including their base, ridgelines, prominent hill faces and mullock heaps, and landscape features.
- The scale of a building and its impact on its surroundings, including its relationship to the existing or future tree canopy height.
- The effect of removing vegetation on the landscape character and significance values and whether the loss of vegetation can be managed onsite through rehabilitation or replaced with native vegetation that will grow to a similar size.
- Whether the vegetation is isolated or part of a grouping. [Panel Rec]

19/01/2006  
VC37  
XX/XX/20XX  
Proposed  
C80hepb

## SCHEDULE 31 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO31**.

### CRESWICK GOLF COURSE DEVELOPMENT PLAN

#### 1.0 Objectives

19/01/2006  
VC37  
XX/XX/20XX  
Proposed

None specified. [Panel Rec]

#### 2.0 Requirement before a permit is granted

19/01/2006  
VC37  
XX/XX/20XX  
Proposed

None specified. [Panel Rec]

#### 43.0 Conditions and requirements for permits

19/01/2006  
VC37  
XX/XX/20XX  
Proposed  
C80hepb

~~A permit should include conditions which address, as appropriate, the following matters:~~

The following conditions and/or requirements apply to permits, **as appropriate**: [Panel Rec]

- The rate of stormwater flow from the site which should not be unreasonably increased as a result of any development on the land.
- Prevention of contaminated stormwater flowing from the site.
- Advertising signs.
- Methods of protecting occupants of the site in the event of a wildfire in the area.
- The provision of reticulated water, sewerage and power to the development at the site or other approved alternative means of servicing the site.
- A site responsive building design sympathetic to the local semi-rural environment and of not more than three storeys in height, except that any residential hotel building may include, in addition, a basement carpark storey and an attic storey incorporating up to three apartments.
- Access to the proposed development from the Midland Highway ~~be~~ subject to the satisfaction of the Roads Corporation.

Permit conditions may address matters in addition to the matters listed above.

#### 24.0 Requirements for development plan

19/01/2006  
VC37  
XX/XX/20XX  
Proposed  
C80hepb

The ~~D~~development ~~P~~plan must be advertised and publicly displayed at the municipal office for at least two weeks before it is considered by the responsible authority.

A ~~D~~development ~~P~~plan must ~~address the following~~include the following requirements: [Panel Rec]

- General access principles and approximate location of internal roads.
- Designation of areas proposed for development and a general description of the development.
- Overall plan showing changes to the layout of the golf course.
- Estimated timeframes for the development.
- General location of waterways.
- Emergency exits.
- Delineation of residential areas, golf course, other major land uses and open space.
- Description of how the impact of vegetation removal will be minimised.
- Description, including appropriate plans of the proposed landscaping treatment of the site.
- Description of fire management for the residential areas, golf course, other major land uses and open space.

Prior to adoption of the Development Plan a Section 173 agreement, or other agreement for leased crown land, must be entered into between the owner and the responsible authority addressing the following issues:

- Expected timing for the development.
- Long term use of the site as a golf club and course.
- Registration of the agreement on the free hold title to the site.
- Description of how the golf course will remain operable when on site works are taking place.
- Infrastructure provision.

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## SCHEDULE TO CLAUSE 66.04 REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

### 1.0

#### Referral of permit applications under local provisions

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C--

| Clause                          | Kind of application  | Referral authority            | Referral authority type                                 |
|---------------------------------|--|-------------------------------|---|
| 42.01<br>Schedule 1             | – <del>Construct a building or construct or carry out works, including removal of vegetation within 30m of a waterway or greater than 1 hectare in area</del> All applications that are not exempt under clause 3.0 of Clause 42.01 - Schedule 1 [Panel Rec] | Relevant authority            | water<br>Determining authority<br>referral              |
| <del>42.01<br/>Schedule 1</del> | <del>Subdivide land</del>  | <del>Relevant authority</del> | <del>water<br/>Determining authority<br/>referral</del> |
| 44.06<br>Schedule 1             | – An application for a single dwelling on a lot that does not meet all of the required bushfire protection measures under Clause 44.06 – Schedule 1  | Relevant fire authority       | Determining authority<br>referral                       |
| 44.06<br>Schedule 2             | – An application for a single dwelling on a lot that does not meet all of the required bushfire protection measures under Clause 44.06 – Schedule 2  | Relevant fire authority       | Determining authority<br>referral                       |

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## **SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME**

### **1.0 Responsible authority for administering and enforcing this planning scheme:**

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C--

The Hepburn Shire Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

### **2.0 Responsible authority for administering and enforcing a provision of this planning scheme:**

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C--

None specified.

### **3.0 Person or responsible authority for issuing planning certificates:**

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C--

Minister for Planning.

### **4.0 Responsible authority for VicSmart applications:**

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C--

The Chief Executive Officer of the Hepburn Shire Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

[The Chief Executive Officer of the Hepburn Shire Council is the responsible authority for considering and determining any application that the notice and review exemption in Clause 52.10-2 applies to, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act. \[Am VC179\]](#)



31/7/2018  
VC448  
Proposed  
C80hepb

## SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

### 1.0

#### Maps comprising part of this planning scheme:

31/7/2018  
VC448  
Proposed  
C80hepb

- 1, ~~1ESO, 1LSIO, 1BMO~~ 1BMO, 1ESO, 1LSIO.
- 2, 2BMO, 2ESO, 2LSIO, 2VPO, 2BMO ~~2SLO, 2VPO~~.
- 3, 3EMO, 3ESO, 3HO, 3LSIO, 3SLO.
- 4, 4BMO, 4EMO, 4ESO, 4HO, 4SLO, 4VPO, 4BMO.
- 5, 5BMO, 5ESO, 5HO, 5LSIO, 5VPO, 5BMO.
- 6, 6BMO, 6ESO, 6HO, 6LSIO, 6BMO.
- 7, 7BMO, 7ESO, 7HO, 7LSIO, 7VPO, 7BMO.
- 8, 8BMO, 8ESO, 8HO, 8BMO.
- 9, 9BMO, 9ESO, 9HO, 9LSIO, 9SLO, 9BMO.
- 10, 10BMO, 10ESO, 10HO, 10LSIO, 10SLO, 10VPO, 10BMO.
- 11, 11BMO, 11EAO, 11ESO, 11HO, 11LSIO, 11VPO, 11BMO.
- 12, 12ESO, 12HO, 12LSIO.
- 13, 13BMO, 13EMO, 13ESO, 13HO, 13LSIO, 13SLO, 13BMO.
- 14, ~~14DPO~~ 14BMO, 14EMO, 14ESO, 14HO, 14LSIO, 14SLO, 14BMO.
- 15, 15BMO, 15EMO, 15ESO, 15HO, 15LSIO, 15VPO, 15BMO ~~15SLO, 15VPO~~.
- 16, 16BMO, 16ESO, 16HO, 16VPO, 16BMO.
- 17, 17BMO, 17ESO, 17HO, 17LSIO, 17VPO, 17BMO.
- 18, 18BMO, 18ESO, 18HO, 18LSIO, 18RO, 18VPO, 18BMO.
- 19, 19BMO, 19EMO, 19ESO, 19HO, 19VPO, 19BMO, 19SLO, 19VPO.
- 20, 20BMO, 20ESO, 20HO, 20VPO, 20BMO.
- 21, 21BMO, 21EMO, 21ESO, 21HO, 21BMO.
- 22, 22BMO, 22ESO, 22HO, 22BMO.
- 23, 23DPO, 23BMO, 23ESO, 23HO, 23SLO, 23VPO, 23BMO.
- 24, 24BMO, 24EMO, 24ESO, 24HO, 24SLO, 24VPO, 24BMO.
- 25, 25EMO, 25ESO, 25HO, ~~25SLO~~.
- 26, 26BMO, 26EMO, 26ESO, 26HO, 26LSIO, 26SLO, 26VPO, 26BMO.
- 27, 27BMO, 27EMO, 27ESO, 27HO, 27BMO ~~27SLO~~.
- 28, 28BMO, 28DDO, 28ESO, 28HO, 28BMO.
- 29, 29BMO, 29DDO, 29ESO, 29HO, 29BMO.
- 30, 30BMO, 30DDO, 30ESO, 30HO, 30NCO, 30BMO.
- 31, 31BMO, 31DDO, 31ESO, 31HO, 31NCO, 31VPO, 31BMO.
- 32, 32BMO, 32DDO, 32ESO, 32HO, 32NCO, 32BMO.
- 33, 33BMO, 33DDO, 33ESO, 33HO, 33NCO, 33RXO, 33VPO, 33BMO.
- 34, 34BMO, 34ESO, 34HO, 34LSIO, 34BMO.
- 35, 35BMO, 35DDO, 35ESO, 35HO, 35LSIO, 35BMO.
- 36, ~~36DPO~~ 36BMO, 36ESO, 36HO, 36LSIO, 36RO, 36VPO, 36BMO.
- 37, ~~37DPO~~ 37BMO, 37ESO, 37HO, 37LSIO, 37BMO.
- 38, 38BMO, 38ESO, 38HO, 38VPO, 38BMO.
- 39, 39BMO, 39ESO, 39HO, 39VPO, 39BMO.

- 40, [40BMO](#), 40ESO, 40HO, 40VPO, ~~40BMO~~.
- 41, 41DPO, [41BMO](#), 41ESO, 41HO, ~~41BMO~~.
- 42, [42BMO](#), 42ESO, 42HO, 42VPO, ~~42BMO~~, [42SLO](#).
- 43, [43BMO](#), 43EMO, 43ESO, 43HO, 43SLO, 43VPO, ~~43BMO~~.
- 44, [44BMO](#), 44ESO, 44HO, ~~44BMO~~.
- 45, [45BMO](#), 45ESO, 45VPO, ~~45BMO~~.
- 46, [46BMO](#), 46ESO, 46HO, 46VPO, ~~46BMO~~.
- 47, ~~47ESO~~, ~~47BMO~~ [47BMO](#), [47ESO](#).

**SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS****1.0 Background documents**--/20--  
Proposed  
C80hepb

| <b>Name of background document</b>   | <b>Amendment number - clause reference</b>                    |
|--|---|
| <i>Advisory List of Environmental Weeds in Victoria</i> (Arthur Rylah Institute for Environmental Research, 2018)  | C80hepb – 02.03-2, 12.01-1L, 42.02 – Schedules 1 – 2          |
| <i>Central Springs Master Plan, Final</i> (Land Design Partnership for Hepburn Shire Council, 2012)  | C80hepb – 02.03-4, 14.02-2L, 42.01 – Schedule 2               |
| <i>Central Victorian Mineral Springs Groundwater Management Area – Local Management Plan</i> (Goulburn-Murray Rural Water Corporation, 2013)   | C80hepb – 02.03-4, 14.02-2L, 42.01 – Schedule 2               |
| <i>Code of Practice – Onsite Wastewater Management Publication 891 4</i> (Environment Protection Authority, 2016)  | C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1               |
| <i>Construction Techniques for Sediment Pollution Control Publication 275</i> (Environment Protection Authority, 1991)   | C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1               |
| <i>Corangamite Regional Catchment Strategy 2013-2019</i> (Corangamite Catchment Management Authority, 2013)  | C80hepb – 02.03-4, 42.01 – Schedule 1                         |
| <i>Creswick Shire Heritage Study: A Study of the Built and Environmental Heritage of Creswick Shire</i> (Lester Tropman & Associates, Wendy Jacob, Chris McConville, Richard Aitken, 1990)   | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Creswick Shire Heritage Study: A Study of the Built and Environmental Heritage of Creswick Shire: Building Citations Index Appendix A - Volume 1</i> (Lester Tropman & Associates, Wendy Jacob, Chris McConville, Richard Aitken, 1991) | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Creswick Shire Heritage Study: A Study of the Built and Environmental Heritage of Creswick Shire: Building Citations Index Appendix A - Volume 2</i> (Lester Tropman & Associates, Wendy Jacob, Chris McConville, Richard Aitken, 1991) | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Cultural Landscapes Study of Creswick Goldfields Area</i> (Chris McConville & Associates, 1989)   | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Daylesford and Glenlyon Conservation Study, Part 2, Volume 1, Environmental History</i> , (Wendy Jacobs, 1995)  | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Daylesford and Glenlyon Conservation Study, Part 2, Volume 2, Planning Recommendations</i> (Wendy Jacobs, 2000)   | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Daylesford and Glenlyon Conservation Study, Part 2, Volume 3, Individual Citation Sheets For Significant Places</i> (Wendy Jacobs, 2000)  | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Daylesford and Hepburn Springs Conservation Study</i> (Perrott Lyon Mathieson, 1985)  | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Daylesford Neighbourhood Character Study</i> (Planisphere for Hepburn Shire Council, October 2002)  | C80hepb – 02.03-5, 02.03-6, 15.01-5L, 43.05 – Schedules 1 – 6 |
| <i>Daylesford Neighbourhood Character Study – Daylesford Explanatory Brochure; Daylesford Township Vision Brochure</i>   | C80hepb – 02.03-5, 02.03-6, 15.01-5L,                         |

| Name of background document   | Amendment number - clause reference  |
|---|--|
| <i>and Precinct Brochures One to Twenty-Two</i> (Planisphere for Hepburn Shire Council, October 2002)   | 43.05 – Schedules 1 – 6  |
| <i>Daylesford Streetscape Study</i> (Chris Dance Land Design Pty Ltd, 1996)   | C80hepb – 02.03-5, 15.01-1L, 15.01-5L<br>43.02 – Schedules 1 – 5                                 |
| <i>Daylesford Streetscape Study – Updated Recommendations</i> (Chris Dance Land Design Pty Ltd and Essential Economics, 1998)   | C80hepb – 02.03-5, 15.01-1L, 15.01-5L<br>43.02 – Schedules 1 – 5                                 |
| <i>Domestic Wastewater Management Plan</i> (Hepburn Shire Council, June 2014)   | C80hepb – 02.03-4, 42.01 – Schedule 1  |
| <i>Fertile Ground, Hepburn Economic Development Strategy</i> (Hepburn Shire Council, 2016)  | C80hepb – 02.03-7, 14.01-2L, 14.02-1L, 17.01-1   |
| <i>Grampians Central West Waste and Resource Recovery Implementation Plan 2017</i> (Grampians Central West Waste and Resource Recovery Group, 2017)   | C80hepb – 02.03-7, 43.02 – Schedule 6  |
| <i>Guidelines: Noise from Industry in Regional Victoria</i> (Publication 1411, Environmental Protection Authority, 2011)  | C80hepb – 02.03-7, 14.01-2L, 14.02-1L, 17.01-1   |
| <i>Hepburn Biodiversity Strategy 2018 – 2021</i> (Hepburn Shire Council, 2018)  | C80hepb – 02.03-2, 12.01-1L, 42.02 – Schedules 1 – 2   |
| <i>Hepburn Biodiversity Strategy and Action Plan 2016 Background Report</i> (Cunningham, Hemayet and Harmen, 2016)  | C80hepb – 02.03-2, 12.01-1L, 42.02 – Schedules 1 – 2   |
| <i>Hepburn Heritage Strategy 2020 – 2030</i> (Hepburn Shire Council, 2020)  | C80hepb – 02.03-5, 15.03-1L, 43.01   |
| <i>Hepburn Mineral Springs Reserve Management Plan</i> (CPG Australia for Hepburn Shire Council, 2009)  | C80hepb – 02.03-5, 14.02-2L, 42.01 – Schedule 2  |
| <a href="#">Hepburn Planning Scheme Review, Data and Evidence Report (Plan2Place Consulting for Hepburn Shire Council, 2020) [Panel Rec]</a>  | <a href="#">C80hepb – 02.03, 02.04</a>   |
| <a href="#">Hepburn Planning Scheme Review, Stakeholder and Community Engagement Report (Plan2Place Consulting for Hepburn Shire Council, 2020) [Panel Rec]</a>                               | <a href="#">C80hepb – 02.03, 02.04</a>   |
| <i>Hepburn Planning Scheme Audit and Review Report</i> (Plan2Place Consulting for Hepburn Shire Council, 2020)  | C80hepb – 02.03, 02.04, 11.01-1L   |
| <i>Hepburn Shire Restructure Plan Project Report</i> (Meinhertz, December 2012)   | C80hepb – 02.03-3, 45.05 – Schedules 1 – 2   |
| <i>Hepburn Significant Tree Register Nominations 2011 - Statements of Significance Report with Planning Scheme Amendment</i> (Planit and TreEcology for Hepburn Shire Council, November 2015) | C80hepb – 02.03-5, 12.01-1L, 15.03-1L, 42.02 – Schedules 1 – 2                                   |
| <i>Hepburn Structure Plan Review</i> (Planit and Hepburn Shire Council, September 2006)   | C80hepb – 02.03-1, 02.03-5, 02.03-6, 11.01-1L, 15.01-1L, 15.01-3L, 15.01-5L, 32.08 – Schedule 1, |

| Name of background document  | Amendment number - clause reference                              |
|--|--|
|  | 32.09 – Schedules 1 – 4  |
| <i>Infrastructure Design Manual</i> (Local Government Infrastructure Design Association, 2019)   | GC112 – 02.03-9, 19.03-2L  |
| <i>Jubilee Lake Reserve Management Plan</i> (CPG Australia for Hepburn Shire Council, 2009)  | C80hepb – 02.03-5, 14.02-2L, 42.01 – Schedule 2                  |
| <i>Lake Daylesford Reserve Management Plan</i> (CPG Australia for Hepburn Shire Council, 2009)   | C80hepb – 02.03-5, 14.02-2L, 42.01 – Schedule 2                  |
| <i>Land Capability Assessment of the Creswick Water Supply Catchments</i> (Soil Conservation Authority, 1979)  | C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1                  |
| <i>Mineral Springs Risk Assessment for the Central and Hepburn Springs Region, Daylesford, Central Victoria</i> (Sinclair Knight Merz for the Department of Natural Resources and Environment, 1996) | C80hepb – 02.03-4, 14.02-2L, 42.01 – Schedule 2                  |
| <i>North Central CMA Region Loddon River System Environment Water Management Plan</i> (North Central Catchment Management Authority, 2015)   | C80hepb – 02.03-4, 14.02-1L, 14.02-2L, 42.01 – Schedules 1 and 2 |
| <i>North Central Regional Catchment Strategy 2013-2019</i> (North Central Catchment Management Authority, 2013)  | C80hepb – 02.03-4, 14.02-1L, 12.01-1L, 42.01 – Schedule 1        |
| <i>Planning Permit Applications in Open, Potable Water Supply Catchment Areas</i> (Department of Sustainability and Environment, 2012)   | C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1                  |
| <i>Recommended Separation Distances for Industrial Residual Air Emissions</i> (Publication 1518, Environmental Protection Authority, 2013)   | C80hepb – 02.03-7, 11.01-1L, 14.01-2L, 14.02-1L, 17.01-1         |
| <i>Reflect, Hepburn Reconciliation Action Plan</i> (Hepburn Shire Council, 2019)   | C80hepb – 02.03-5, 15.03-2L, 43.01                               |
| <i>Shire of Kyneton Conservation Study – Trentham Conservation Area – Pages 117 To 1066</i> (David Bick, Phyllis Murphy and John Patrick, and Susan Priestley for Shire of Kyneton, 1990)            | C80hepb – 02.03-5, 15.03-1L, 43.01                               |
| <i>South West Victoria Landscape Assessment Study Regional Overview Report: Executive Summary</i> (Department of Planning and Community Development, June 2013)                                      | C80hepb – 02.03-2, 12.05-5L, 42.03 – Schedules 1 – 2             |
| <i>South West Victoria Landscape Assessment Study Character Papers</i> (Department of Planning and Community Development, June 2013)   | C80hepb – 02.03-2, 12.05-5L, 42.03 – Schedules 1 – 2             |
| <i>South West Victoria Landscape Assessment Study Significance Papers</i> (Department of Planning and Community Development, June 2013)  | C80hepb – 02.03-2, 12.05-5L, 42.03 – Schedules 1 – 2             |
| <i>South West Victoria Landscape Assessment Study, Municipal Toolkit – Hepburn Shire Council</i> , (Department of Planning and Community Development, June 2013)                                     | C80hepb – 02.03-2, 12.05-5L, 42.03 – Schedules 1 – 2             |
| <i>Talbot and Clunes Conservation Study, Part A Study Report</i> (Richard Aitkens, 1988)   | C80hepb – 02.03-5, 15.03-1L, 43.01                               |
| <i>Talbot and Clunes Conservation Study, Part B Background Information</i> (Richard Aitkens, 1988)   | C80hepb – 02.03-5, 15.03-1L, 43.01                               |



| Name of background document   | Amendment number - clause reference             |
|---|---|
| <i>The Heritage Overlay - Guidelines for Assessing Planning Permit Applications in Heritage Overlays</i> , (Heritage Victoria and Heritage Council, Draft, February 2007).                            | C80hepb – 02.03-5, 15.03-1L, 43.01              |
| <i>Upper Coliban Integrated Catchment Management Plan</i> (North Central Catchment Management Authority and Coliban Water, 2018)  | C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1 |
| <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999)  | C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1 |
| <i>Victorian Mineral Springs Strategic Master Plan 2015-2024</i> (Victorian Mineral Water Committee, December 2015)   | C80hepb – 02.03-4, 14.02-2L, 42.01 – Schedule 2 |
| <i>Waste Management and Resource Recovery Strategy</i> (Hepburn Shire Council, January-2014)  | C80hepb – 02.03-7, 43.02 – Schedule 6           |
| <i>Wombat Hill Botanic Gardens, Conservation Management Plan</i> (Lee Andrews and Associates Heritage Consulting, 2007)   | C80hepb – 02.03-5, 15.03-1L, 43.01              |
| <i>Wombat Hill Botanic Gardens Master Plan</i> , ( <del>Carl Mahoney and Associates, 1999</del> )( <a href="#">Laidlaw &amp; Laidlaw Design for Hepburn Shire Council, February 2017</a> )[Panel Rec] | C80hepb – 02.03-5, 15.03-1L, 43.01              |

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## SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

### 1.0

#### Further strategic work

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C--

The preparation of a Municipal Settlement Strategy by [Panel Rec]:

- ~~Undertake~~ Undertaking a municipality wide Industrial, Commercial and Residential Land Demand Study to inform structure planning for the townships and ensure an adequate supply of zoned land.
- Undertaking flora and fauna assessments across the municipality to update biodiversity controls commencing with the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon.
- ~~Undertake~~ Undertaking structure planning for the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon.
- Undertaking an agricultural land study to determine the future agricultural needs and requirements in the municipality and ensure agricultural land is adequately protected.
- Preparing a rural settlement strategy to better understand the risks and challenges posed in the Shire's settlements to guide development consistent with the municipality's inherent rural character and other attributes.
- Preparing restructure plans for Drummond North and Sailors Falls to underpin the application of Restructure Overlays in the scheme.

~~Prepare~~ Preparing a waste management plan to guide the future land use and management of the municipality's waste management facilities and land use and development on and around ~~the Daylesford waste transfer stations at Creswick, Daylesford and Trentham~~ Material Recovery Facility.

~~Undertake~~ Undertaking ongoing heritage studies across the Shire based on ~~Council's~~ comprehensive thematic environmental history commencing with the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon and highlighting the importance of the Dja Dja Wurrung Clans Aboriginal Corporation.

~~Update~~ Updating the Schedule to the Heritage Overlay and other planning scheme provisions with study findings as appropriate, including incorporating statements of significance for identified heritage places.

~~Undertake~~ Undertaking a landscape assessment study linked to the recognition and protection of sites of significance to the Dja Dja Wurrung Clans Aboriginal Corporation such as Lalgambook (Mt Franklin), Mt Kooroocheang and their surrounds and other areas throughout the Shire.

~~Undertake~~ Undertaking flora and fauna assessments across the municipality to update biodiversity controls commencing with the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon.

~~Prepare~~ Preparing restructure plans for Drummond North and Sailors Falls to underpin the application of Restructure Overlays in the scheme.

~~Undertake~~ Undertaking an agricultural land study to determine the future agricultural needs and requirements in the municipality and ensure agricultural land is adequately protected.

~~Prepare~~ Preparing a rural settlement strategy to better understand the risks and challenges posed in the Shire's settlements to guide development consistent with the municipality's inherent rural character and other attributes. ~~Undertake~~ Undertaking an assessment of the Shire's transfer stations and former landfill sites in Creswick, Daylesford, and Trentham that identifies existing and potential environmental risks so that the environment and community are protected through improved environmental management and planning approaches.

~~Undertake~~ Undertaking an assessment of the Shire's wastewater treatment plants and any necessary odour studies that are consistent with relevant guidelines, detailing future planning scheme approaches.

*Planning and Environment Act 1987*  
**HEPBURN PLANNING SCHEME**  
**AMENDMENT C80HEPB**  
**EXPLANATORY REPORT**

**Who is the Planning Authority?**

This amendment has been prepared by the Hepburn Shire Council, who is the planning authority for this amendment.

**Land affected by the Amendment**

The amendment applies to all land within the Hepburn Shire.

**What the amendment does**

The amendment will translate the Local Planning Policy Framework (MSS and LPPF) to the Planning Policy Framework, implement the *Hepburn Planning Scheme Review, February 2020* (HPSR) by strengthening the strategic framework, policies, zone and overlay schedules and particular provisions for the municipality, and implementing recent reforms to the *Victoria Planning Provisions* (VPP) and the *Ministerial Direction on Form and Content of Planning Schemes* into the Hepburn Planning Scheme.

The amendment changes the Hepburn Planning Scheme (*HPS*) by:

- Deleting Clause 20.
- Deleting Clause 21 and replacing it with a new Municipal Planning Strategy (MPS) at Clauses 02, 02.01, 02.02, 02.03 and 02.04.
- Deleting Clause 22.
- Deleting Clause 23.
- Introducing new or revised local policy content into the Planning Policy Framework (PPF) at:
  - Clause 11.01-1L - Townships and settlements.
  - Clause 12.01-1L - Native vegetation and habitat protection.
  - Clause 12.05-2L - Landscape management.
  - Clause 14.01-1L - Protection of agricultural land.
  - Clause 14.01-2L - Sustainable agricultural enterprises.
  - Clause 14.02-1L - Catchment and land protection.
  - Clause 14.02-2L - Mineral springs and fresh water springs protection.
  - Clause 15.01-1L - Urban design.
  - Clause 15.01-3L - Subdivision.
  - Clause 15.01-5L - Neighbourhood character in Daylesford.
  - Clause 15.01-5L - Neighbourhood character in townships and settlements.
  - Clause 15.01-6L - Central Springs and Lake Daylesford, Hepburn Springs Reserve and Jubilee Lake Reserve Environs.
  - Clause 15.02-1L - Environmentally sustainable development.
  - Clause 15.03-1L - Heritage.
  - Clause 15.03-2L - Aboriginal cultural heritage.
  - Clause 16.01-2L - Affordable housing.
  - Clause 17.01-1L - Diversified economy.
  - Clause 19.02-6L - Open space.
  - Clause 19.03-2L - Infrastructure design and provision.

(An overview of where policy content has been derived from can be found in Attachment 1.)

- Amending Clause 32.05, Schedule 1 (Township Zone) with a new schedule 1 that includes clear application requirements and decision guidelines applied to the municipality's settlements based on the *Hepburn Structure Plan Review, 2006*.
- Amending Clause 32.08, Schedule 1 (General Residential Zone) with a new schedule 1 that includes clear application requirements and decision guidelines to the Creswick township based on the *Hepburn Structure Plan Review, 2006*.
- Applying Clause 32.09 (Neighbourhood Residential Zone) and new Schedules 1, 2, 3 and 4 respectively to existing General Residential Zone areas in the townships of Daylesford, Clunes, Trentham and Hepburn Springs based on the *Hepburn Structure Plan Review, 2006*.
- Replacing the Schedule to Clause 35.03 (Rural Living Zone) and the Schedule with a new Schedule 1 that applies to all land where the zone applies other than at 145 Trentham-Kyneton Road, Trentham and a new Schedule 2 that applies to land at 145 Trentham-Kyneton Road, Trentham and the three lots which resulted from Amendment C36.
- Replacing the Schedule to Clause 35.06 (Rural Conservation Zone) with a new Schedule 1 that applies to Areas 1 and 2 in the map to the existing Schedule and a new Schedule 2 that applies to Area 3 in the map to the existing Schedule.
- Replacing the Schedule to Clause 35.07 (Farming Zone) with a new Schedule 1 that applies to Areas 1 and 2 in the map to the existing Schedule and a new Schedule 2 that applies to Area 3 in the map to the existing Schedule.
- Rezoning the Lost Childrens Cairn Memorial Reserve at 4360 Midland Highway, Daylesford from General Residential Zone Schedule 1 to Public Park and Recreation Zone.
- Rezoning land zoned as Special Use Zone Schedule1 at the Hepburn Mineral Springs Reserve to Public Park and Recreation Zone.
- Applying the correct mapping of Road Zones in and around Trentham based on designations from the *Road Management Act 2004*.
- Amending Schedules 1 and 2 to Clause 42.01 (Environmental Significance Overlay) to be consistent with the style and format of the *Ministerial Direction on the Form and Content of Planning Schemes* and update content informed by catchment management authorities, the relevant water authority and the Department of Environment, Land, Water and Planning (DELWP).
- Replacing Clause 42.03 (Significant Landscape Overlay), Schedule 1 with a new schedule and additional mapping that identifies existing geological sites.
- Amending the Schedule to Clause 43.01 (Heritage Overlay) to include clear application requirements and a new listing of HO988 for identified 'Potato Huts' in Little Hampton and Trentham.
- Replacing Schedules 1, 2, 3, 4 and 5 to Clause 43.02 (Design and Development Overlay) with new Schedules 1, 2, 3, 4 and 5.
- Deleting mapped areas for Clause 43.02 (Design and Development Overlay), Schedules 1, 2, 3 and 4 that overlap areas where the Neighbourhood Character Overlay is applied.
- Replacing Clause 43.04 (Development Plan Overlay) Schedule 1 with content from Schedule 3 and applying Schedule 1 to the Creswick Golf Course Resort.
- Deleting Clause 43.04 (Development Plan Overlay) Schedules 2 and 3.
- Replacing Clause 43.05 (Neighbourhood Character Overlay), Schedules 1 and 2 with Schedules 1, 2, 3, 4, 5 and 6 to apply respectively to existing Precincts 1, 2, 5, 9, 14 and 13 as detailed in the *Daylesford Neighbourhood Character Study, 2002*.
- Replacing the Schedule to Clause 52.28 (Gaming) with a new schedule that includes clearer and more legible content.
- Amending the Schedule to Clause 52.33 (Post Boxes and Dry Stone Walls) to apply to all land in the municipality.
- Amending the Schedule to Clause 66.04 (Referral of Permit Applications under Local Provisions) by removing the Department of Environment, Land, Water and Planning (DELWP) as a referral authority for applications under Clause 42.01 (Environment Significance Overlay), Schedule 2 and include the Country Fire Authority (CFA) as a referral authority under Clause 44.06 (Bushfire Management Overlay), Schedules 1 and 2.
- Amending the Schedule to Clause 72.03 (What does this Scheme consist of?) to include new planning scheme maps introduced by the amendment and as detailed in the *Amendment C80Hepb Instruction Sheet*.
- Amending the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the Statement of Significance for HO988.

- Amending the Schedule to Clause 72.08 (Background Documents) to include all background documents from Clause 21 of the Local Planning Policy Framework and includes new documents based on the *HPSR*.
- Amending the Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to provide an explanation of the relationship between the municipal objectives, strategies and controls on the use and development of land.
- Replacing the Schedule to Clause 74.02 (Further Strategic Work) with a new schedule that consolidates all further strategic work actions from the *HPSR*.
- Removing references throughout the planning scheme (Clauses 42.01 – Schedule 1, 42.02 – Schedule 1, 42.03 – Schedule 1, 44.01 – Schedule 1, 51.01, 52.17 and 72.04) to projects which are either completed or no longer required, including: the Goldfields Superpipe Project; Mildura – Geelong Rail Freight Upgrade Project September 2007; Regional Fast Rail Project, Integrated Approval Requirements, December 2002; and Unigrain Project: Incorporated document pursuant to section 6(2)(j) of the Planning and Environment Act 1987, September 2010.
- Updating all above clauses so that they are consistent with the style and format of the *Ministerial Direction on the Form and Content of Planning Schemes*.
- Amending Clauses 32.03, Schedule 1; 33.01, Schedule; 34.01, Schedule; 36.01, Schedule; 36.02, Schedule; 36.03, Schedule; 37.01, Schedules 1, 2 and 3; 42.01, Schedules 1 and 2; 42.02, Schedules 1 and 2; 43.04, Schedule 1; 44.01, Schedule 1; 44.04, Schedule 1; 44.06, Schedules 1 and 2; 45.05, Schedule 1; 51.01, Schedule; 52.02, Schedule; 52.05, Schedule; 52.16, Schedule; 52.17, Schedule; 52.27, Schedule; 52.28, Schedule; 53.15, Schedule; 59.15, Schedule; 59.16, Schedule; 66.06, Schedule; 72.01, Schedule; 72.04, Schedule; and 72.05, Schedule so that they are consistent with the style and format of the *Ministerial Direction on the Form and Content of Planning Schemes*.

### Strategic assessment of the Amendment

#### Why is the Amendment required?

Amendment C80hepb implements the *HPSR* approved by Hepburn Shire Council (Council) in February 2020 into the *HPS* in conjunction with Smart Planning Program reforms.

Section 12B of the *Planning and Environment Act 1987 (P&E Act)* requires that a planning authority review the provisions of its planning scheme in achieving:

- The objectives of planning in Victoria.
- Its capacity to deliver the Council Plan.
- The objectives and strategies of the planning scheme including the PPF.

In undertaking the *HPSR*, the following issues were comprehensively considered:

- The effectiveness of local planning policies and strategies, zones, overlays, particular provisions and schedules.
- The effectiveness of development controls.
- Consistency in the form and content with any directions or guidelines issued by the Minister for Planning under Section 7(5) of the *P&E Act*.
- Establishing effective policy objectives for use and development of land.
- The effective use of State and local provisions to give effect to State, regional and local planning policy objectives.

In parallel with the *HPSR*, in 2018 Amendment VC148 introduced widespread changes to the *VPP* as part of Stage 2 of the Smart Planning Program. More specifically, Amendment VC148:

- Introduced a new PPF.
- Enabled the future introduction of an MPS.
- Introduced a new state, regional and local integrated policy structure.
- Modified the schedules to some existing zones, overlays and provisions to accommodate additional local content.



- Created new operational provisions.

The *HPSR* analysed the existing Municipal Strategic Statement (MSS), 19 local planning policies, 13 zones with 14 zone schedules, 13 overlays with 21 overlay schedules, with particular provisions and schedules and general and operational provisions. In addition, 86 State planning policies and 4 regional planning policies were reviewed. The *HPSR* proposed a new MPS, 19 new/revised local planning policies integrated with state and regional policies, 14 zones with 15 zone schedules, 13 overlays with 21 overlay schedules and particular, general and operational provisions.

As well as responding to the *HPSR*, the amendment responds to Stage 2, and forms part of Stage 3, of the Smart Planning Program to make planning schemes more efficient, accessible and transparent. The amendment will ensure alignment of local planning policy with state and regional policy by integrating local policy content into the new MPS and PPF as well as being drafted in accordance with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes (Version 1.4)* to ensure that the planning scheme is:

- Within the scope of the *P&E Act* and strategically justified.
- Clear in its application, proportional to the intended planning outcome and consistent with relevant *VPP* parent provisions, planning practice notes, advisory notes and Ministerial Directions issued by the Minister for Planning.
- Drafted to be clear and unambiguous, incorporating administrative, style and formatting changes based on the *Ministerial Direction on the Form and Content of Planning Schemes*.

The amendment also seeks to add new, or remove existing, planning controls which implement additional strategic directions identified by the *HPSR* such as:

- The recommendations of the *South-West Victoria Landscape Assessment Study, 2013* to the municipality through the application of the Landscape management policy at Clause 12.05-2L.
- Removing the Design and Development Overlay (DDO) from land in the Daylesford township where it overlaps with a Neighbourhood Character Overlay to reduce the duplication of planning requirements.
- Adding application requirements into the Schedule to Heritage Overlay by placing and updating requirements currently included in the MSS into a more logical area of the *HPS*.
- Recognising the important local heritage significance of the identified potato huts in Little Hampton and Trentham as heritage places by applying the Heritage Overlay.
- Deleting the Development Plan Overlay Schedules 1 and 2 and their application respectively to the former Daylesford Abattoir at 57 Leitches Creek Road, Daylesford and WD Seeds at Creswick-Newstead Road, Smeaton which are now no longer required as they have been either developed based on approved development plans or the plans are now obsolete.
- Renumbering the Development Plan Overlay Schedule 3 to Schedule 1 and applying Schedule 1 to the Creswick Golf Course Resort at 1500 Midland Highway, Creswick.
- Replacing the Schedule relating to post boxes and dry stone walls with a new schedule that applies to all land in the municipality consistent with the *Hepburn Heritage Strategy, 2020 - 2030*.
- Applying the Neighbourhood Residential Zone and new Schedules 1, 2, 3 and 4 respectively to existing General Residential Zone areas in the townships of Daylesford, Clunes, Trentham and Hepburn Springs to give better effect to the *Hepburn Structure Plan Review, 2006*.
- Applying the appropriate Public Park and Recreation Zone to Council owned land known as the Lost Childrens Cairn Memorial Reserve at 4360 Midland Highway, Daylesford and to land at the Hepburn Mineral Springs Reserve to reflect the public ownership and purpose of the land for public purposes.
- Correctly mapping Road Zones in and around Trentham based on the applicable designations from the *Road Management Act 2004*.

**How does the Amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives in section 4 of the *P&E Act*. In particular, it supports the objectives to:

- Provide for the fair, orderly, economic and sustainable use, and development of land.
- Provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- Conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- Protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- Facilitate the provision of affordable housing in Victoria.
- Balance the present and future interests of all Victorians.

The amendment implements these objectives through a new MPS, local planning policies, zones, overlays and particular provisions by:

- Restructuring local policy content into the MPS, PPF and local schedules through clarifying, condensing and modernising the *HPS* into a contemporary and relevant set of strategic directions, policies and provisions that reflects community aspirations identified through the *HPSR*.
- Ensuring sound, strategic planning and coordinated action at the municipal level by improving the quality, accuracy, consistency and operation of existing planning policy and provisions.
- Providing certainty to users of the *HPS* with clear strategic directions that will inform decision making regarding use and development in the municipality consistent with the *P&E Act*'s objectives.
- Supporting a settlement strategy that provides for growth within existing urban growth boundaries of townships with minimal residential, commercial or industrial growth outside of these townships.
- Retaining and supporting agricultural and farming activities with policy and minimum subdivision areas to reduce amenity and operational conflicts.
- Protecting existing areas of public land for conservation, biodiversity and tourism and minimising areas of native vegetation removal.
- Protecting areas of identified heritage significance throughout the municipality and better recognising newly identified heritage places of local significance such as potato huts.
- Better protecting and managing landscape character throughout western parts of the municipality by recognising the Hepburn Goldmines and Volcanic District and Island Uplands areas along with the existing sites of geological significance.
- Improving policy around environmentally sustainable development, neighbourhood character and urban design to steer better environmental outcomes and retain and complement the character of townships and other unique areas.
- Supporting affordable housing throughout residential areas in the municipality's townships.
- Reflecting appropriate road designations as determined by the *Road Management Act 2004*.

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

The amendment will address environmental, social and economic effects for the Hepburn community by ensuring that land use and development policies and provisions are consistent with the environmental, social and economic land use objectives of planning in Hepburn Shire and Victoria. Specifically, this will be achieved through:

- Retaining an adequate supply of land within townships for the community which results in positive economic and social effects by providing land that is zoned for residential, commercial, industrial and public purposes, implementing the strategic directions and objectives of the *Hepburn Structure Plan Review, 2006*.

- Improved heritage policy to identified heritage places and the inclusion of the heritage places of potato huts supporting the protection of the municipality and region's social, cultural, environmental and industrial heritage.
- New Aboriginal cultural heritage policy to reflect the strategic directions of the *Hepburn Heritage Strategy 2020-2030, 2020* and the *Hepburn Reconciliation Action Plan, 2019* supporting the protection of social, cultural and environmental heritage.
- Retention of existing rural zones and enhanced policies that support agricultural and farming activities by discouraging incompatible uses and protecting agricultural land to ensure this major source of employment in the municipality is retained.
- Retention of existing Neighbourhood Character Overlay controls to existing neighbourhood character precincts and Design and Development Overlay controls to main roads in Daylesford to enhance valued local amenity and support tourism.
- Retention of existing vegetation protection controls and enhanced policy guidance by giving effect to the *Hepburn Biodiversity Strategy, 2018* to improve native vegetation and habitat protection outcomes.
- Landscape management policy which will help protect vegetation and significant view lines and view sheds, protecting the environmental, social and economic effects these landscapes provide to the region.
- New planning strategies and policies which emphasise the important economic, tourism, heritage and agricultural roles of the municipality and wider region.
- Improving the clarity of local policy content in the MPS, PPF and proposed local schedules which results in greater certainty for users of the system.
- Reducing unnecessary costs to applicants and Council as a result of clearer planning requirements.
- Improving planning outcomes by removing errors, inconsistencies and incompatibility in local policy content and provisions in the MPS, PPF and local schedules and through correct mapping of road designations as determined by the *Road Management Act 2004* and to public reserves.
- Improving the quality, accuracy, and operation of existing planning provisions through consistency with the *Ministerial Direction on The Form and Content of Planning Schemes*.
- Sound, strategic planning and coordinated action at the municipal level by improving the nexus, integration and relationship of the *HPS* with state and regional planning policy.

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

The amendment is not expected to result in any increase to the risk to life, property, community infrastructure and the natural environment from bushfire with life as the priority. Rather, it proposes to meet the objective and give effect to the strategies to address bushfire risk in the PPF by:

- Addressing bushfire risk in the MPS as a key land use theme for the municipality and providing a brief overview and stronger strategic directions than the current *HPS* at Clause 21.
- Retaining a settlement strategy that promotes development within existing urban growth boundaries in the townships of Creswick, Clunes, Daylesford, Hepburn Springs and Trentham where bushfire risks are already identified.
- Discouraging development in settlements unless the risk from environmental hazards can be mitigated to an acceptable level.
- Reinforcing the restructuring settlements that are subject to the greatest risk from environmental hazards such as bushfire.
- Retaining existing township urban growth boundaries as currently identified in Clause 21.05 and retaining identified environmental hazard controls and their application to land such as through Clause 44.06 (Bushfire Management Overlay).
- Including in the Schedule to Clause 66.04 (Referral of Permit Applications under Local Provisions) referral to the CFA where matters are not adequately addressed to respond to the requirements of the schedules to Clause 44.06.

#### **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* and has been prepared in accordance with the strategic considerations set out in *Ministerial Direction No. 11 Strategic Assessment of Amendments* and *Ministerial Direction No. 15 The Planning Scheme Amendment Process* issued under section 7(5) of the *P&E Act*.

The *Ministerial Direction No. 19, Ministerial Direction on the Preparation and Content of Amendments that May Significantly Impact the Environment, Amenity and Human Health* was responded to by seeking and incorporating the views of the Environment Protection Authority (EPA) about the ‘agent of change’ principle and including a strategic direction in the MPS about reducing the impacts from the encroachment of sensitive uses on industrial uses and EPA licensed facilities.

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

The amendment supports and implements the PPF into the *HPS* by introducing a new Municipal Planning Strategy at Clause 02 and local planning policies at Clauses 11, 12, 14, 15, 16, 17 and 19 of the PPF to complement state and regional planning policies. The new structure is summarised as follows:

| PPF Clauses  | Proposed Local Planning Policies and Relationship to State Policy  |
|--|--|
| Settlement<br>(Clause 11)                          | <p>Clause 11.01-1L - Townships and settlements provides a settlement strategy for the Shire that supports development within township urban growth boundaries detailed in townships plans for Creswick, Clunes, Daylesford, Hepburn Springs and Trentham. Development is discouraged in settlements unless the risk from environmental hazards can be mitigated to an acceptable level. The policy also identifies settlements for restructuring due to environmental hazards which cannot be appropriately mitigated.</p> <p>The policy also supports the directions of the <i>Central Highlands Regional Growth Plan</i> with Creswick identified as a township for medium growth while some level of growth is anticipated in Clunes within a sustainable change scenario. Daylesford is identified for growth to be contained with other townships such as Hepburn Springs and Trentham not anticipated for large amounts of change. Management of landscapes, retention of non-urban breaks between townships and maintaining productive agricultural and farming land are other key themes of how the settlement strategy links to rural land use.</p> |
| Environmental and Landscape Values<br>(Clause 12). | <p>Clause 12.01-1L - Vegetation and habitat protection supports the retention of areas of significant vegetation throughout the municipality and the relationship to the protection of habitat for fauna.</p> <p>Clause 12.05-2L - Landscape management identifies state and regionally significant landscapes on private land, view lines and view sheds throughout the municipality which require improved management for their continuity.</p>  |
| Environmental Risks<br>(Clause 13)                 | Nil.   |
| Natural Resource Management<br>(Clause 14)         | <p>Clause 14.01-1L - Protection of agricultural land and Clause 14.01-2L - Sustainable agricultural enterprises provide a local response to complement State policy that seeks to protect productive agricultural land.</p> <p>Clause 14.02-1L - Catchment and land protection applies to all land within the municipality for the protection of soil and water quality within the special water supply catchment based on regional catchment management strategies.</p>   |

| PPF Clauses                                   | Proposed Local Planning Policies and Relationship to State Policy  |
|---|--|
|   | Clause 14.02-2L - Mineral springs protection provides protection of water quality and quantity of mineral springs, fresh water springs and their aquifers in identified areas.   |
| Built Environment and Heritage<br>(Clause 15) | <p>There are a range of built environment and heritage local planning policies. These provide improved local guidance on urban design, subdivision, neighbourhood character, significant places of tourism and recreation, environmentally sustainable development, heritage and Aboriginal cultural heritage matters. Local planning policies include:</p> <ul style="list-style-type: none"> <li>• Clause 15.01-1L - Urban design.</li> <li>• Clause 15.01-3L - Subdivision.</li> <li>• Clause 15.01-5L - Neighbourhood character in Daylesford.</li> <li>• Clause 15.01-5L - Neighbourhood character in townships and settlements.</li> <li>• Clause 15.01-6L - Central Springs and Lake Daylesford, Hepburn Springs Reserve and Jubilee Lake Reserve Environs.</li> <li>• Clause 15.02-1L - Environmentally sustainable development.</li> <li>• Clause 15.03-1L - Heritage.</li> <li>• Clause 15.03-2L - Aboriginal cultural heritage.</li> </ul> <p>Existing planning policies at Clauses 22.08 – 22.19 have been consolidated into Clause 15.01-5L - Neighbourhood character in Daylesford. All other new policy content relates to existing content in Clauses 21.05, 21.07 and 21.09 and approved Council strategies documented in Clause 72.08.</p> |
| Housing<br>(Clause 16)                        | Clause 16.01-2L - Affordable housing complements State policy to support a range of social housing choices and affordable housing types in areas that can that meet the needs of the Hepburn community, working with community housing associations.   |
| Economic Development<br>(Clause 17)           | Clause 17.01-1L - Diversified economy provides local directions and responses for industrial and commercial development and enterprises that support the rural economy of the Shire.   |
| Transport<br>(Clause 18)                      | Nil.   |
| Infrastructure<br>(Clause 19)                 | Clause 19.03-2L - Infrastructure design and provision provides additional guidance for new or replacement infrastructure throughout the Shire to complement existing State guidance, from content provided through Amendment GC112 contained in Clause 21.06.  |

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

The amendment introduces a new MPS at Clause 02 of the *HPS* and is summarised as follows:

| New Clauses     | Content and Proposed Change  |
|-----------------|--|
| 02.01 (Context) | Provides a general overview of the municipal context, key planning issues and updated population and demographic data drawn from the existing Municipal Strategic Statement and updated data outlined in the <i>HPSR</i> . |
| 02.02 (Vision)  | Provides a vision for the municipality based on Council's existing Council Plan with land use and development directions updated by in accordance with community priorities in the findings of the <i>HPSR</i> .           |



| New Clauses                       | Content and Proposed Change  |
|-----------------------------------|--|
| 02.03 (Strategic Directions)      | Provides a brief strategic overview and strategic directions on key land use themes based on the PPF themes drawn from the existing MSS and community priorities, and strategic work identified through the <i>HPSR</i> .  |
| 02.04 (Strategic Framework Plans) | Provides improved guidance and directions in the following plans: <ul style="list-style-type: none"> <li>• Strategic Framework Plan.</li> <li>• Settlement.</li> <li>• Environmental Hazards.</li> <li>• Environmental and Landscape Values.</li> <li>• Economic Development.</li> </ul> |

The policy content of the MPS outlines the strategic directions for the municipality and underpins the policy content in the PPF and the planning response through zones, overlays and particular provisions.

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

The amendment makes proper use of the VPP by utilising the appropriate VPPs to the specific local circumstances throughout the municipality and updates schedules with consistent and proper drafting. This improves the relationship of schedules to the VPPs and the overall quality and consistency of the HPS. In particular, the amendment:

- Introduces the new Planning Policy Framework to replace the Local Planning Policy Framework through the introduction of the Municipal Planning Strategy in place of the MSS, and the introduction of new local policies to replace content from the MSS and previous local policies.
- Changes the General Residential Zone and Township Zone to the Neighbourhood Residential Zone in the townships of Clunes, Daylesford, Hepburn Springs and Trentham to implement the development intent of the *Hepburn Structure Plan Review, 2006* through a zone with a more appropriate purpose.
- Creates new schedules to existing Farming Zone and Rural Living Zones to deliver one minimum lot size per schedule as required by the *Ministerial Direction on Form and Content of Planning Schemes* and *A Practitioner's Guide to Victorian Planning Schemes (Version 1.4)*.

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

The amendment was prepared in consultation with Central Highlands Water; Coliban Water; Country Fire Authority; Department of Environment, Land, Water and Planning; Department of Transport; Dja Dja Wurrung Clans Aboriginal Corporation; Environment Protection Authority; Goulburn-Murray Water; National Trust Victoria; North Central Catchment Management Authority; Parks Victoria; Regional Roads Victoria and VicTrack. Issues that were raised by government departments, agencies or non-government organisations were taken into account in the preparation of the amendment and were further considered as part of the submissions process for exhibition of the Amendment and during the Panel hearing process.

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

The amendment sets out strategic directions for road and rail based transport and the active transport network at clauses 02.03-8 of the MPS, 19.02-6L Open space and 15.01-1L Urban design.

The amendment does not have significant impacts on the transport system and addresses the objectives and decision making principles of the *Transport Integration Act 2010*.

## Resource and administrative costs

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

The amendment will result in operational improvements to the scheme that are likely to reduce planning permit requirements. Clearer identification of when a permit is required and what is required will reduce the number of applications that do not require a permit. Navigation of the scheme will also be improved by improved schedules making identification of land clearer without further interpretation being required. This will assist with advice given by Council and the community's ability to navigate the scheme, and enable more definitive information to be provided on planning property reports.

There will not be significant increases in planning applications from the implementation of the Neighbourhood Residential Zone in townships where the General Residential Zone or Township Zone currently applies or in the translation of existing overlay controls with existing requirements being retained. There will not be significant increases in planning applications as a result of the proposed heritage overlay on the six potato huts identified of local significance in Little Hampton and Trentham.

Council has funded additional planning staff who are able to assist with any increase in anticipated planning applications and to commence new strategic work as identified in the *HPSR*.

The amendment will introduce revised local policy content in the form of the MPS and PPF which will create a clearer and more legible policy framework. This will build on state and local policy enabling policy to achieve its intended outcome at the local level. After an initial familiarisation phase, there will be a reduced burden on the responsible authority in creating and administering local policy content in the Hepburn Planning Scheme with a clear set of policy, guidelines and provisions which will support the improved implementation and operation of the planning system in Victoria. Greater clarity will also be provided to applicants and the community within the municipality around the operation of planning processes, policy and provisions.

## Where you may inspect this Amendment

A copy of the amendment can be inspected, free of charge, at:

- the Hepburn Shire Council website [www.hepburn.vic.gov.au](http://www.hepburn.vic.gov.au); and
- the Department of Environment, Land, Water and Planning website [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

The Hepburn Shire Council's municipal offices and libraries and DELWP office during office opening hours.

### **Hepburn Shire Council,**

#### **Customer Service Office and Libraries:**

- Council offices. Cnr Duke and Albert Streets, Daylesford
- The Creswick Hub 68 Albert Street, Creswick
- The Warehouse, 36 Fraser Street, Clunes
- The Daylesford Library, corner Bridport and Albert Streets, Daylesford
- The Trentham Library, 13 Albert Street Trentham

### **DELWP Grampians Region**

Level 3,  
402-406 Mair Street  
BALLARAT VIC 3350

## Attachment One

| Local Policy Clause   | Policy Derivation   |
|---|---|
| Clause 11.01-1L - Townships and settlements.                          | Introduces a new local policy to the scheme building on content in the current MSS (Clauses 21.03; 21.05), implements the <i>Central Highlands Regional Growth Plan</i> and clarifies the Shire's existing settlement policy through new content which seeks to contain dwellings and residential subdivision within township boundaries. Development is discouraged in settlements unless the risk from environmental hazards can be mitigated to an acceptable level.               |
| Clause 12.01-1L - Vegetation and habitat protection.                  | Introduces a new local policy to the scheme building on content in the current MSS (Clauses 21.05; 21.09), and new content derived from the <i>Hepburn Biodiversity Strategy, 2018</i> and the <i>NCCMA Regional Catchment Strategy 2013-2019</i> . The policy provides clearer direction on the protection of remnant vegetation for threatened flora and fauna species and encourages the planting of indigenous vegetation that responds to its bioregion across the municipality. |
| Clause 12.05-2L - Landscape management.                               | Introduces a new local policy to the scheme building on content in the current MSS (Clause 21.09) and the findings of the <i>South West Victoria Landscape Assessment Study, 2013</i> . The policy provides direction on protecting and enhancing the features of the landscape character areas of the municipality.  |
| Clause 14.01-1L - Protection of agricultural land.                    | Introduces a new local policy into the scheme based on the existing policy titled "Rural Land" currently at Clause 22.04 and the current MSS (Clause 21.08) to ensure the Shire's high quality agricultural land is not encroached upon.  |
| Clause 14.01-2L - Sustainable agricultural enterprises.               | Introduces a new local policy into the scheme based on the existing policy titled "Rural Land" currently at Clause 22.04 and the current MSS (Clauses 21.03, 21.07, 21.08) to ensure agricultural land remains viable. and supports businesses. New policy content supports small agricultural enterprises in the Rural Living Zone.  |
| Clause 14.02-1L - Catchment and land protection.                      | Revises the existing policy titled "Catchment and Land Protection" currently at Clause 22.01 with updates following consultation with water and catchment management authorities, and to meet drafting requirements of the PPF / Smart Planning translation.  |
| Clause 14.02-2L - Mineral springs and fresh water springs protection. | Revises the existing policy titled 'Mineral Springs Protection' currently at Clause 22.02 with updates following consultation with DELWP Land and Environment and to meet drafting requirements of the PPF / Smart Planning translation.  |
| Clause 15.01-1L - Urban design.                                       | Introduces a new local policy to the scheme building on content from the current MSS (Clauses 21.05; 21.07; 21.09) and new policy on the location of carparking in townships and industrial areas and delineating pedestrian access, circulation and movement in development.   |

| Local Policy Clause   | Policy Derivation  |
|---|--|
| Clause 15.01-3L - Subdivision.  | Introduces a new local policy to the scheme based on content from the current MSS (Clauses 21.05; 21.09) to provide direction on subdivision of land design in townships and Glenlyon.   |
| Clause 15.01-5L - Neighbourhood character in Daylesford.  | Merges and revises the existing policies titled Daylesford Neighbourhood Policy and Precincts 4, 6, 7, 10, 11, 12, 14, 15, 17, 18 and 19 currently at Clause 22.08-22.19 to meet drafting requirements of the PPF / Smart Planning translation.  |
| Clause 15.01-5L - Neighbourhood character in townships and settlements.   | Introduces a new local policy derived from existing clauses in the MSS (Clauses 21.01; 21.05; 21.07) to guide residential development that is responsive to neighbourhood character.   |
| Clause 15.01-6L - Central Springs and Lake Daylesford, Hepburn Springs Reserve and Jubilee Lake Reserve Environs. | Introduces a new local policy derived from the existing MSS (Clause 21.05,) and existing local policy at Clauses 22.02 and 22.08, and direction provided in Management and Masterplans prepared for key reserves and lakes. The policy will guide development suitable within mineral springs, lake areas and reserves. This has been supplemented with view shed analysis to provide guidance on areas that are likely to be visible from the reserves/lakes. |
| Clause 15.02-1L - Environmentally sustainable development.  | Introduces a new local policy to the scheme building on content from the current MSS (Clause 21.09) using the required template developed by DELWP to achieve best practice environmentally sustainable development.   |
| Clause 15.03-1L - Heritage.   | Introduces a new local policy to the scheme building on content from the current MSS (Clause 21.09), the <i>Hepburn Heritage Strategy 2020-2030</i> and new content to guide signs, demolition and relocation, gardens, trees and landscape features, subdivision and prohibited uses.   |
| Clause 15.03-2L - Aboriginal cultural heritage.   | Introduces a new local policy to the scheme to specifically recognise and protect aboriginal cultural heritage, building on Council's commitments in the <i>Reconciliation Action Plan, 2018</i> .   |
| Clause 16.01-2L - Affordable housing.   | Introduces a new local policy to the scheme building on content from the current MSS (Clause 21.06) and to direct affordable housing into townships in line with established settlement policy.  |
| Clause 17.01-1L - Diversified economy.  | Introduces a new local policy derived from content in the existing MSS (Clause 21.07) to support industry within the municipality.   |
| Clause 19.02-6L - Open space.   | Introduces a new local policy derived from existing clauses in the MSS (Clauses 21.05; 21.09) to guide the development of open space in townships.   |
| Clause 19.03-2L - Infrastructure design and provision.  | Introduces a new local policy derived from existing clauses in the MSS (Clause 21.06) to guide the design and provision of infrastructure building on the recent Amendment GC112.  |

*Planning and Environment Act 1987*

## **HEPBURN PLANNING SCHEME AMENDMENT C80HEPB INSTRUCTION SHEET**

The planning authority for this amendment is the Hepburn Shire Council.

The Hepburn Planning Scheme is amended as follows:

### ***Planning Scheme Maps***

The Planning Scheme Maps are amended by a total of 68 attached map sheets.

### ***Zoning Maps***

1. Amend Planning Scheme Map Nos. 1 to 47 in the manner shown on the 47 attached maps marked “Hepburn Planning Scheme, Amendment C80Hepb”.

### ***Overlay Maps***

2. Amend Planning Scheme Map Nos. 28DDO, 30DDO, 31DDO, 32DDO, 33DDO, 23DPO, 41DPO, 38HO, 30NCO, 31NCO, 32NCO, 33NCO, 14SLO, 24SLO, and 26SLO in the manner shown on the 15 attached maps marked “Hepburn Planning Scheme, Amendment C80Hepb”.
3. Insert new Planning Scheme Map Nos. 19SLO, 23SLO and 42SLO in the manner shown on the 3 attached maps marked “Hepburn Planning Scheme, Amendment C80Hepb”.
4. Delete Planning Scheme Map Nos. 14DPO, 36DPO and 37DPO in the manner shown on the 3 attached maps marked “Hepburn Planning Scheme, Amendment C80Hepb”.

### ***Planning Scheme Ordinance***

The Planning Scheme Ordinance is amended as follows:

5. In **Purpose and Vision** – insert Clause 02 in the form of the attached document.
6. In **Purpose and Vision** – insert Clause 02.01 in the form of the attached document.
7. In **Purpose and Vision** – insert Clause 02.02 in the form of the attached document.
8. In **Purpose and Vision** – insert Clause 02.03 in the form of the attached document.
9. In **Purpose and Vision** – insert Clause 02.04 in the form of the attached document.
10. In **Planning Policy Framework** – insert new Clause 11.01-1L in the form of the attached document.
11. In **Planning Policy Framework** – insert new Clauses 12.01-1L and 12.05-2L in the form of the attached documents.
12. In **Planning Policy Framework** – insert new Clauses 14.01-1L, 14.01-2L, 14.02-1L and 14.02-2L in the form of the attached documents.
13. In **Planning Policy Framework** – insert new Clauses 15.01-1L, 15.01-3L, 15.01-5L (#1), 15.01-5L (#2), 15.01-6L, 15.02-1L, 15.03-1L and 15.03-2L in the form of the attached documents.
14. In **Planning Policy Framework** – insert new Clause 16.01-2L in the form of the attached document.
15. In **Planning Policy Framework** – insert new Clause 17.01-1L in the form of the attached document.

16. In **Planning Policy Framework** – insert new Clause 19.02-6L in the form of the attached document.
17. In **Planning Policy Framework** – insert new Clause 19.03-2L in the form of the attached document.
18. In **Local Planning Policy Framework** – delete Clauses 20, 21, 22 and 23.
19. In **Zones** – Clause 32.03, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
20. In **Zones** – Clause 32.05, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
21. In **Zones** – Clause 32.08, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
22. In **Zones** – insert Clause 32.09 in the form of the attached document.
23. In **Zones** – Clause 32.09, insert new Schedules 1, 2, 3 and 4 in the form of the attached documents.
24. In **Zones** – Clause 33.01, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
25. In **Zones** – Clause 34.01, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
26. In **Zones** – Clause 35.03, replace Schedule 1 with new Schedules 1 and 2 in the form of the attached documents.
27. In **Zones** – Clause 35.06, replace Schedule 1 with new Schedules 1 and 2 in the form of the attached documents.
28. In **Zones** – Clause 35.07, replace Schedule 1 with new Schedules 1 and 2 in the form of the attached documents.
29. In **Zones** – Clause 36.01, replace the Schedule with a new Schedule in the form of the attached document.
30. In **Zones** – Clause 36.02, replace the Schedule with a new Schedule in the form of the attached document.
31. In **Zones** – Clause 36.03, replace the Schedule with a new Schedule in the form of the attached document.
32. In **Zones** – Clause 37.01, replace Schedules 1, 2 and 3 with new Schedules 1, 2 and 3 in the form of the attached documents.
33. In **Overlays** – Clause 42.01, replace Schedules 1 and 2 with new Schedules 1 and 2 in the form of the attached documents.
34. In **Overlays** – Clause 42.02, replace Schedules 1 and 2 with new Schedules 1 and 2 in the form of the attached documents.
35. In **Overlays** – Clause 42.03, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
36. In **Overlays** – Clause 43.01, replace the Schedule with a new Schedule in the form of the attached document.



37. In **Overlays** – Clause 43.02, replace Schedules 1, 2, 3, 4 and 5 with new Schedules 1, 2, 3, 4 and 5 in the form of the attached documents.
38. In **Overlays** – Clause 43.05, replace Schedules 1 and 2 with new Schedules 1 and 2 in the form of the attached documents.
39. In **Overlays** – Clause 43.05, insert new Schedules 3, 4, 5 and 6 in the form of the attached documents.
40. In **Overlays** – Clause 43.04, replace Schedule 1 with a new Schedule in the form of the attached document.
41. In **Overlays** – Clause 43.04, delete Schedules 2 and 3.
42. In **Overlays** – Clause 44.01, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
43. In **Overlays** – Clause 44.04, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
44. In **Overlays** – Clause 44.06, replace Schedules 1 and 2 with new Schedules 1 and 2 in the form of the attached documents.
45. In **Overlays** – Clause 45.05, replace the Schedule with a new Schedule in the form of the attached document.
46. In **Particular Provisions** – Clause 51.01, replace the Schedule with a new Schedule in the form of the attached document.
47. In **Particular Provisions** – Clause 52.02, replace the Schedule with a new Schedule in the form of the attached document.
48. In **Particular Provisions** – Clause 52.05, replace the Schedule with a new Schedule in the form of the attached document.
49. In **Particular Provisions** – Clause 52.16, replace the Schedule with a new Schedule in the form of the attached document.
50. In **Particular Provisions** – Clause 52.17, replace the Schedule with a new Schedule in the form of the attached document.
51. In **Particular Provisions** – Clause 52.27, replace the Schedule with a new Schedule in the form of the attached document.
52. In **Particular Provisions** – Clause 52.28, replace the Schedule with a new Schedule in the form of the attached document.
53. In **Particular Provisions** – Clause 52.33, replace the Schedule with a new Schedule in the form of the attached document.
54. In **Particular Provisions** – Clause 53.15, replace the Schedule with a new Schedule in the form of the attached document.
55. In **Particular Provisions** – Clause 59.15, replace the Schedule with a new Schedule in the form of the attached document.
56. In **Particular Provisions** – Clause 59.16, replace the Schedule with a new Schedule in the form of the attached document.
57. In **General Provisions** – Clause 66.04, replace the Schedule with a new Schedule in the form of the attached document.

58. In **General Provisions** – Clause 66.06, replace the Schedule with a new Schedule in the form of the attached document.
59. In **Operational Provisions** – Clause 72.01, replace the Schedule with a new Schedule in the form of the attached document.
60. In **Operational Provisions** – Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.
61. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.
62. In **Operational Provisions** – Clause 72.05, replace the Schedule with a new Schedule in the form of the attached document.
63. In **Operational Provisions** – Clause 72.08, replace the Schedule with a new Schedule in the form of the attached document.
64. In **Operational Provisions** – Clause 74.01, replace the Schedule with a new Schedule in the form of the attached document.
65. In **Operational Provisions** – Clause 74.02, replace the Schedule with a new Schedule in the form of the attached document.

END OF DOCUMENT

## Attachment X

### Post-Panel and Post-Exhibition Changes to Amendment C80hepb Planning Scheme Clauses

The clauses on the following pages represent Post-Exhibition and Post-Panel Changes to Amendment C80hepb shown in tracked changes resulting from Council's response to the Panel Recommendations.

Where changes have been made as a result of a Panel Recommendation, the words [Panel Rec] have been annotated next to the proposed change.

Where changes have been made as a result of a submission, the submission number has been acknowledged next to the proposed change. [Submission #]

Other changes include:

- Removed Clause 53.06 from Amendment C80hepb changes due to Amendment GC175 which updated the clause with a new heading 3.0.
- Updated Clause 16.01-4L Affordable housing needs with a new Clause # (16.01-2L) resulting from Amendment VC169 [AmVC169].
- Retained HO987 in HO schedule between HO985 and HO988 as shown below from Amendment C79hepb:

| PS map ref  | Heritage place   | External paint controls apply? | Internal alteration controls apply? | Tree controls apply? | Outbuildings or fences not exempt under Clause 43.01-4 | Included on the Victorian Heritage Register under the Heritage Act 2017? | Prohibited uses permitted? | Aboriginal heritage place? |
|---|--|--------------------------------|-------------------------------------|----------------------|--|--|----------------------------|----------------------------|
| HO 985  | Street Tree Planting of 21 Trees <i>Quercus robur</i> (English Oak) Barkly Street, Glenlyon (between Molesworth Street and Ford Street)  | No                             | No                                  | Yes                  | No   | No   | No                         | No                         |
| HO 988  | Spud Hut 11 Property no 200765 at 40 Breheny Lane, Trentham<br>Spud Hut No 15 Property no 14641 at 98 Huttons Lane, Little Hampton<br>Spud Hut 17 Property No 14643 at 119 Huttons Lane, Little Hampton<br>Spud Hut 21 a and b Property no 14837 at 70 Rothes Rd, Little Hampton<br>Spud Hut 37, Property no 20257, 2177 Trentham Falls Rd, Trentham<br><b>Statement of significance</b><br>Serial listing of Itinerant Potato Diggers' Huts in the Trentham and Little Hampton District | No                             | No                                  | No                   | No   | No   | No                         | No                         |
| HO 987<br>Interim Control<br>Expiry Date:<br>30/04/2021 | Old Hepburn Hotel<br>236 Main Road, Hepburn  | Yes                            | No                                  | No                   | No   | No   | No                         | No                         |

- Updated Clause 72.01-1 based on the changes from Amendment VC179 [Am VC179].
- Updated Schedule to Clause 72.03 based on mapping changes Post Panel with:
  - NRZ for land at 6 Golf Links Road, Hepburn Springs (Map 28 ZN).
  - RLZ for land at 217 Ascot Road, Creswick (Map 20 ZN).
  - PUZ1 for land at 191 Lagoon Road, Blackwood North (Map 38 ZN).
  - 6 Mapped Geological Sites of Significance from the existing SLO1 schedule included in SLO maps (added to existing 14SLO, 24SLO, 26SLO; Revised SLO map 19SLO; new SLO maps 23SLO, 42SLO).
  - Reinstatement of renumbered DPO maps 23DPO and 41DPO for the Creswick Golf Course Resort (now to be DPO1).
  - Remove references to the *South West Victoria Landscape Assessment Study* mapping in all SLO maps (delete exhibited maps 2SLO, 9SLO, 15SLO, 19SLO, 25SLO, 27SLO and amend exhibited maps 3SLO, 4SLO, 10SLO, 13SLO, 14SLO, 24SLO, 26 SLO, 43SLO) to retain existing SLO1.  
*Note: DELWP Mapping Services need to update Planning Scheme Maps prior to approval.*
- Updated Explanatory Report and Instruction Sheet (subject to DELWP mapping confirmation).

## 02 MUNICIPAL PLANNING STRATEGY

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Proposed  
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## 02.01 CONTEXT

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C80hepb

Hepburn Shire is located in Victoria's Central Highlands, 110 kilometres north-west of Melbourne, in the heart of the goldfields region. The Shire encompasses a total land area of approximately 1,470 square kilometres and comprises 26% public land.

The Shire is strategically placed to take advantage of its proximity to the north and west outer areas of Melbourne and the regional centres of Ballarat, Bendigo, and Castlemaine. Many townships in the Shire are within reasonable commuter distances of Melbourne and the nearby regional centres.

In 2018, Hepburn's residential population was estimated to be 15,810 (Victoria in Future, 2019). The Shire's population is not predicted to grow significantly.

The townships of the municipality are Clunes, Creswick, Daylesford, Hepburn Springs and Trentham. Smaller settlements include Allendale, Broomfield, Coomoora, Glenlyon, Muskvale, Newlyn, and Smeaton.

The character of settlements within the Shire reflect the varied historical patterns of development including indigenous heritage, early pastoral, 19th Century gold rush, agriculture, industry and forestry. The Shire's extraordinary 19th Century history is reflected in a vast array of buildings and sites which have local, state and national significance.

The original inhabitants of the Hepburn area were the Dja Dja Wurrung Aboriginal people. Lalgambook (Mt Franklin) lies within the Hepburn Shire and is one of a number of sites of indigenous cultural significance.

Hepburn has attracted a highly diverse social mix of people that includes more traditional farming communities and long term residents in established townships, a growing commuter population, as well as a large number of part-time residents. [\[Panel Rec\]](#)

The Midland Highway bisects the Shire providing primary road access to the regional and interstate transport network for both passenger and freight vehicles.

The re-establishment of passenger rail services to Clunes and Creswick is providing improved public transport access for residents to Ballarat and Melbourne however public transport provision is limited in other areas of the Shire.

Hepburn is located within a number of water supply catchments, including the Loddon and Coliban Rivers, designated by the State Government to provide drinking water, and in some cases irrigation water for central and northern Victoria.

Hepburn is renowned for its mineral springs containing one of the largest concentrations in Australia. Since the 19<sup>th</sup> century these springs have been a major attraction and economic asset within the Shire and wider region.

The area contains significant areas of high quality agricultural land and provides opportunities in important horticultural activities including vegetables, viticulture and seed production and is known as a prime potato producing area.

The Shire has an enviable reputation as a key tourist destination, largely resulting from the attraction of the mineral springs, spectacular bushland and cultural landscapes, natural resources and environmental features.

Vegetation in the Shire is important for habitat, biodiversity and landscape values; as well as a land and water management resource. Significant areas of public and private land remain forested or are sites of remnant grasslands and vegetation.

Bushfire is a significant risk for the Shire with Creswick, Daylesford, Hepburn Springs and Trentham all identified as high bushfire risk townships. Balancing bushfire management with vegetation and landscape values, and settlement are key challenges.

## 02.02 VISION

--/--/--  
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Council's mission for the Shire is the following:

*'Hepburn Shire will maintain, promote, protect and enhance the district's unique social, cultural, environmental and heritage characteristics. This will be achieved through effective, caring management and responsible governance. We will strive to gain maximum advantage for our community by protecting and enhancing our natural and built environment.'*

The key land use and development directions to deliver this mission as derived from the *Hepburn Planning Scheme Review 2020* are to:

- Protect agricultural land as a valued resource to support jobs and opportunities into the future.
- Carefully manage the development of housing and services for residents in keeping with the heritage and rural feel of those areas.
- Preserve the heritage character and strong sense of place of the townships.
- Protect and manage the municipality's valued landscapes from unsympathetic development or major change.
- Manage the Shire's natural resources sustainably and protect them for future generations.
- Support tourism as an important industry based on the Shire's beautiful townships and countryside.
- Facilitate infrastructure across the Shire to meet the needs of the community.



**02.03**  
Proposed  
C80hepb  
**02.03-1**

## STRATEGIC DIRECTIONS

### SETTLEMENT

The Shire's settlement pattern consists of a range of distinct townships and settlements set within the landscape. The townships are Clunes, Creswick, Daylesford, Hepburn Springs and Trentham. Settlements are scattered across the municipality including Allendale, Broomfield, Bullarto, Coomoora, Glenlyon, Muskvale, Newlyn and Smeaton. Other settlements exist in rural areas, many of which are former goldfields townships.

Creswick and Daylesford are regional service hubs while the other townships are focused on meeting the needs of the local community and visitors. Rail and road improvements to the Calder regional transport corridor have increased the desirability of Trentham as a location to live. Access to Ballarat and Melbourne via the western transport corridor have also increased the attractiveness of Creswick, and to a lesser extent Clunes.

There are extensive tracts of low-density zoned land between and around the edges of Clunes and Creswick. Development capacity within these areas outside township boundaries [Panel Rec] is limited due to servicing requirements, on site effluent disposal, surface and groundwater quality and quantity, and bushfire [Panel Rec] concerns. A number of settlements and rural living areas [Panel Rec] have high risk of bushfire with some [Panel Rec] requiring restructuring and potentially abandonment to reduce the threats to life and property.

The Shire has strong economic relationships with Ballarat, Bendigo, Castlemaine, Melbourne, Woodend and Gisborne with a growing number of residents seeking employment and services from these locations. Access to rail services are increasingly positioning Creswick and Clunes as commuter townships. The municipality's high-quality landscapes, natural environment, township character and proximity to Melbourne attract weekenders and tourists.

Council's strategic directions for settlement are to:

- Concentrate development into defensible parts of existing township boundaries and settlements to mitigate bushfire risk, protect agricultural land, and limit natural and environment risks.
- Facilitate growth in Creswick and Clunes within the designated township boundaries.
- Consolidate development in Daylesford within the designated township boundary.
- Contain growth of Trentham and Hepburn Springs within the designated township boundaries.
- Discourage residential development in settlements within existing residentially zoned boundaries where bushfire risks cannot be mitigated [Panel Rec].
- Prevent residential and commercial development between settlements along major roads.
- Direct rural residential development that is not associated with rural enterprises into established townships and settlements.

**02.03-2**

### ENVIRONMENTAL AND LANDSCAPE VALUES

#### Landscape

Hepburn contains a range of spectacular landscapes of state, regional and local significance which are the traditional lands of the Dja Dja Wurrung Clans. Large panoramic views of Lalgambook (Mt. Franklin) and the whole groups of volcanic hills give heart to the country of Larnibarramal (Home of the Emu) [#194]. The peaks and plains of the Victorian Volcanic Plains bioregion, the ridges and forests of the Central Victorian Uplands and the unique mineral springs area, form landscapes that are significant for their Aboriginal and post contact cultural, visual, environmental, geological and scientific values. These landscapes are attractive to tourists, visitors and locals alike and have strong cultural obligations and connections for the Dja Dja Wurrung Clans [#194].

### **Vegetation**

Vegetation in Hepburn Shire is important for habitat, landscape and Dja Dja Wurrung Clans Aboriginal Corporation's cultural values, and as a land and water management resource. Almost half of the Shire is covered in native vegetation with just over half of this area located on private land. Significant areas of public and private land remain forested or as sites of remnant grasslands. Important habitat areas are also located on roadsides, streams and associated riparian zones. Exotic vegetation, significant for reflecting European settlement patterns, also exist particularly in townships.

### **Biodiversity**

A rich diversity of plants, animals and habitats exist across the Shire. Many species are under threat from activities such as land clearing, invasive flora and fauna, climate change and bushfire management. Reducing habitat fragmentation across the landscape for wildlife and plant dispersal, and protecting large old trees on private and Council land are among key focus areas for Council.

Council's strategic directions for environmental and landscape values are to:

- Protect and enhance significant natural, Aboriginal and post contact cultural and heritage landscapes across the Shire. [#194]
- Protect and enhance state significant landscapes such as volcanic outcrops, cones and goldfields.
- Protect sites of importance to the Dja Dja Wurrung Clans such as Lalgambook (Mt Franklin) and Mt Kooroocheang and associated landscapes [#194].
- Protect and enhance watercourses, wetlands and water bodies and their associated riparian zones.
- Protect indigenous vegetation across the Shire including on Council managed reserves and private property.
- Protect biodiversity and environmental values of local, regional and state significance.
- Retain existing habitat and create new habitat corridors, that increases the resilience of existing stands of native vegetation.
- Encourage land owners and public land managers to sustainably manage land and instream uses including removing environmental weeds.
- Minimise wholesale clearing of significant vegetation in areas of high bushfire risk.

## **02.03-3 ENVIRONMENTAL RISKS AND AMENITY**

The Shire will continue to be subject to the risks of environmental challenges such as bushfire, flooding, erosion and salinity. The impacts of climate change, together with local factors such as land management and development, risk exacerbating some of these environmental challenges even further. In addition to increasing mean temperatures, research predicts a reduction in rainfall for the Shire and increases in seasonal variability by 2050. The Shire needs to be ready to adapt to these likely impacts and plan within this uncertainty. This will involve anticipating likely risks and using a precautionary approach for making decisions.

### **Bushfire**

Bushfire poses a significant risk to life and property in Hepburn Shire. Bushfire risk is exacerbated by topography, dispersed townships, ad-hoc development and lack of infrastructure in some locations. There are some locations where residential land uses have been allowed that with current knowledge are unsuitable for settlement and suggest the need for review of boundaries through structure planning. Potential development of existing small lots dispersed across rural landscapes and on the edges of towns are at highest risk from bushfires.

### **Flooding**

Flooding impacts the Shire's settlements. Clunes and Creswick were two of the worst affected regional townships in the flood events of 2010-11. Due to more extreme weather

events, flooding impacts are expected to increase and a consistent Shire-wide approach to flood mitigation is needed.

### **Soil management**

Managing the impact of land uses on soil quality, erosion and salinity throughout the Shire is important for the preservation of high quality soils and the protection of waterways and groundwater tables in the catchment.

Council's strategic directions for environmental risks and amenity are to:

- Contain future growth within township boundaries to protect environmental values and to limit the risk to life and property from bushfire.
- Avoid development that through its location or design increases exposure to bushfires.
- Limit development outside townships by minimising future subdivision of rural land to address bushfire risk.
- Minimise risk to life and property from flooding through appropriate siting, design and management of use and development.
- Maintain the flood carrying capacity, temporary storage function and environmental significance of floodplains and waterways.
- Maintain and improve soil quality and limit erosion.

## **02.03-4 NATURAL RESOURCE MANAGEMENT**

### **Climate Change**

In order to mitigate the impacts of climate change, Hepburn Shire Council and community groups have committed to a target of 100% renewable electricity supply, zero-net energy by 2025 and zero-net emissions by 2030. This requires careful consideration of opportunities to manage and reduce greenhouse gas emissions, while also looking to carbon sequestration opportunities locally and supporting community led alternative energy infrastructure.

Considering climate change in all land use and development decisions is essential to ensuring that emission reduction goals are realised. This will include minimising: pollution to air, soil and water; the use of non-renewable resources; solid waste generation; or other activities resulting in detrimental environmental outcomes. Localised climate change action is encouraged such as best practice environmentally sustainable development, localised circular economy industries or renewable energy projects.

### **Water**

Water catchments within the Shire ultimately link to the Murray River and Port Phillip Bay. The whole of the Shire is within proclaimed water supply catchments declared under the *Catchment and Land Protection Act 1994*. Potable supply is provided to townships within and downstream of the Shire.

Hepburn Shire is known as the Spa Centre of Australia. Mineral springs are a major tourist attraction and economic asset for the Shire and wider region. Maintaining groundwater quantity, quality and management is an important issue for Council and the Catchment Management Authorities. Mitigating the impacts of stormwater from development will also assist to maintain water resources.

### **Agricultural land**

The rural areas of the municipality form part of Melbourne's hinterland. Careful planning is required to maintain rural and agricultural land uses and to prevent unrelated housing and other urban development negatively impacting upon or reducing this resource.

The Shire's high quality agricultural land is part of a region supplying important horticulture including vegetables, vines, seeds and notably potatoes. Emerging rural industries include locally sourced produce, value added food manufacturing and related products and rural tourism.

In order to maintain the economic and social value of the municipality's rural land, the productivity and versatility of agricultural land needs protection. Landscape and environmental values also form a significant part of the value and character of rural areas.

Council's strategic directions for natural resource management are to:

- Reduce the impacts of climate change, by supporting alternative energy sources, carbon farming, micro-grids, reducing greenhouse gas emissions and adopting environmentally sustainable development principles.
- Minimise landscape and water quality impacts on the catchments through careful location and design of development and wastewater systems.
- Protect streamsides, catchments, flood plains and wetlands from the impacts of development.
- Support future development that adapts to the impacts of climate change and contributes to meeting Council’s targets for reducing greenhouse gas emissions.
- Protect water resources in the Shire through integrated water and catchment management including stormwater.
- Protect mineral springs, their aquifers and environs from the impacts of waste disposal and drainage.
- Protect high quality productive agricultural land for agricultural uses over the long term.
- Protect rural land for agricultural uses and compatible rural uses.
- Support the evolution of agriculture in response to improved practices and climate change.

## 02.03-5 BUILT ENVIRONMENT AND HERITAGE

### Heritage

Hepburn Shire has a large number of significant built and cultural heritage places, as well as heritage landscapes of local, regional, state and national and potentially World Heritage significance.

Pre-contact cultural heritage sites of significance to the Dja Dja Wurrung Clans exist across the municipality. These include artefacts, scar trees, middens, sites of birthing and massacre. Many of these are inadequately identified or protected. [#194]

There are significant buildings, streetscapes, townships, Avenues of Honour and individual trees that have strong associations with, and represent the Shire’s post-contact settlement, particularly its pastoral, gold rush, world wars, manufacturing and tourism history.

The Shire’s 19th Century gold mining landscapes are of state, national and potentially international significance in demonstrating the progression of the gold rush era within Australia, including landscapes regarded as the most intact gold rush landscapes in the world.

The mineral springs led to significant interwar development. This built on their therapeutic properties and tourism, with the accompanying notable spa facilities, infrastructure and associated private accommodation in the form of numerous guest houses and other forms of tourist accommodation.

The Shire’s built, natural and cultural heritage are fundamental to its sense of identity. Preserving and protecting these assets will give residents and visitors an opportunity to learn about the past and appreciate its role in the Shire’s future.

### Built form

The Shire contains some of Australia’s most important heritage townships. Each of the Shire’s townships have a distinctive character shaped by development over various eras and their landscape setting. Residents and visitors are attracted to the individual character of each of the townships. As a collection of townships and settlements, they provide a significant illustration of Australian history particularly the goldfields story.

Natural and ‘semi’ natural features within townships and settlements are also important to their character. These include significant native and exotic vegetation, creeks, main drainage lines and man-made lakes and reserves. In these environments, the quality of the built form and view lines from, and to, these environments is especially important.

Improved urban design guidance will assist in ensuring that the character of townships is complemented and preserved and quality of development improved.

Council’s strategic directions for built environment and heritage are to:

- Protect the built, natural and cultural heritage to enhance appreciation of the Shire’s history and to maximise opportunities for tourism.
- Prevent the demolition of heritage built form and provide for its conservation and restoration.
- Support and strengthen the individual character and role of townships that contribute to the Shire’s diversity as a place to live, work, recreate and visit.
- Protect and enhance the rural areas of the Shire for their diverse agricultural, environmental and landscape values.
- Ensure development is in keeping with the historic, landscape and neighbourhood character of townships and settlements.
- Support development, including new residential areas and infill development, that responds to its setting and surrounds.
- Ensure development does not obstruct significant views to prominent hilltops, ridgelines and landmarks.
- Encourage built form that has been designed to both mitigate bush fire risks and minimise vegetation loss.

## 02.03-6 HOUSING

The Shire’s housing needs are changing due to demographic and lifestyle choices. The housing market is severely impacted by tourism as family homes are made available as weekenders for rent or private use. This affects land prices, affordability and the choice in housing supply. [\[Panel Rec\]](#)

Like many regional and rural areas, Hepburn Shire is facing a continued ageing population and a rise in lone person households. The median age of people in 2016 was 50 years compared to just 43 in 2006 and 37 in 1996. By 2036, there is projected to be an additional 2,790 persons aged above 60 years living in the Shire. There is also a significant percentage of the municipality facing housing stress. These residents require housing that suits their needs including smaller, more affordable accommodation with cheaper operating costs and the opportunity for people to age in their communities.

Infill housing, new housing formats and providers and community and aged care facilities that are sensitively located and designed within townships will assist in filling this gap. Partnerships with housing providers and developers are encouraged.

Council’s strategic directions for housing are to:

- Support infill housing development in townships that respects and complements neighbourhood character.
- Promote and facilitate residential development and housing diversity in established townships to meet community needs, including affordable housing and aged care accommodation.

## 02.03-7 ECONOMIC DEVELOPMENT

Hepburn Shire is part of a region where a broad range of development and employment opportunities continue to be created through good access to Melbourne and other provincial cities.

Hepburn Shire has an economic base built around agriculture, retail, accommodation, spa and wellness, cafes / restaurants, construction, property and businesses services, health and education and manufacturing. Tourism and agriculture contribute the most in dollar terms to the local economy.

### Rural enterprises

Hepburn Shire is a significant agricultural region and part of Melbourne’s ‘food bowl’. The region’s contribution will become of even greater importance to the State in adapting to a changing climate. High quality agricultural land is used for horticulture, grazing and other rural industries. Other rural land is important for its contribution to the Shire’s landscape and environmental setting and important for tourism attraction. The fragmentation of agricultural

land through unmanaged subdivision and housing in rural areas has the potential to undermine established rural uses and must be carefully planned to maintain the long-term productivity of rural land. Rural living development not associated with agricultural enterprises needs to be directed around established townships and settlements.

### **Tourism**

Tourism in the Shire is founded on the attractions of mineral springs, historic townships, natural resources and environmental features, and value-added products from agriculture. Tourism has positive economic benefits in other business activities and infrastructure and is a major driver of the accommodation, café, restaurant and retail sectors. To maintain this market, the attractions and features of the Shire must be protected and enhanced.

### **Manufacturing and industry**

The Shire has limited manufacturing and industrial activities located in Creswick, Daylesford, and Trentham with some industrial land uses also located in rural areas. There are opportunities to develop value added activities and industries processing local agricultural products. These include high value, niche horticulture and production, organic farming and paddock to plate initiatives.

Some industrial land uses located in rural areas of the Shire include mineral water extraction and seed processing. These uses and associated activities need to be sensitively managed in rural areas and environments. Serviced industrial land opportunities need to be available in townships for industries to process and add value to products grown locally and in the region. Materials recycling activities should be located in industrial areas to manage their amenity and environmental impacts.

It is important to protect industrial areas from encroachment by applying the ‘agent of change’ principle which requires sensitive uses to not impede the viability of existing industrial uses.

### **Retail and community services**

The Shire’s [Panel Rec] townships provide for local convenience shopping and discretionary needs and services. Creswick and Daylesford as larger townships have a greater range of retailing and offices.

The health and community services sector is an important growth industry in the region due to increased demand, particularly as the population ages and the local population grows. Upgrades to existing and additional facilities will be required in townships over the coming years.

Council’s strategic directions for economic development are to:

- Maintain and protect agricultural land by avoiding fragmentation and commercial uses that may lead to loss of, or limitations for, production.
- Support the economic sustainability of the Shire’s townships with an adequate supply of land zoned for industrial and business purposes.
- Protect industry and business from encroachment of incompatible land use and development by applying the ‘agent of change’ principle. [#244]
- Facilitate a greater range of economic activity and home based businesses in townships and settlements.
- Locate tourist facilities and development in the Shire’s [Panel Rec] townships that brings economic benefits, respects township character and enhances the distinctive tourism assets of each township.
- Ensure that the Shire’s quality mineral water resources and reserves are maintained and managed as a long-term community and economic resource.
- Enhance the Shire’s existing tourism offer through the development of a more diverse tourism product centred around the natural environment, bike trails, arts and culture, food and environmental sustainability.
- Protect the Shire’s heritage and environmental tourism assets.
- Locate materials recycling activities (other than municipal facilities) in industrial areas.



## 02.03-8 TRANSPORT

The main road network services the [Panel Rec] townships, provides for regional travel and freight movements, and links to the Western and Calder Freeways. Creswick and Clunes have improved regional connections with passenger rail services to Ballarat and Melbourne. Settlement strategies for the Shire need to take advantage of the opportunities for improved access to jobs and services in the Creswick-Clunes corridor.

Maintaining key transport linkages from within the Shire to interstate transport corridors including the Western and Calder Highways / Freeways is important. Primary producers and other industries in the Shire are dependent on road freight as a means to distribute goods.

Lack of access to transport, particularly public transport, is a key issue for many residents in the Shire along with a desire for greater infrastructure to support walking and riding (active transport) throughout the municipality.

Council's strategic directions for transport are to:

- Concentrate development into Creswick and Clunes to capitalise on transport facilities and connections.
- Facilitate sensitively designed, higher density, walkable neighbourhoods close to train stations in Creswick and Clunes.
- Support a transport network that provides freight connections to the Calder and Western Freeways / Highways.
- Facilitate an active transport network across the Shire to improve connections within and between townships and settlements.
- Ensure car parking provision in townships does not negatively impact on township character.

## 02.03-9 INFRASTRUCTURE

The provision and adaptation of infrastructure is essential to the future growth and development of the Shire to support both the community and visitor population.

### Utility infrastructure

Clunes, Creswick, Daylesford, Hepburn Springs and Trentham have sewerage and potable water infrastructure while settlements are unsewered and have no reticulated water supply. Maintaining water supply and quality will continue to be important for serviced townships and settlements.

There is a need to protect infrastructure facilities such as waste and resource recovery centres, transfer stations and sewage treatment facilities from encroachment of sensitive uses. Former landfill sites are also located across the Shire in Creswick, Daylesford, and Trentham which require careful management in terms of environmental risks so that the environment and community are protected [#244].

The Central Highlands region has been identified as a region with significant opportunities to generate renewable wind and this is supported if appropriately sited to not impact upon highly valued landscapes. Renewable energy developments and associated infrastructure should incorporate benefit sharing, including opportunities for community investment. New infrastructure must limit negative impacts to biodiversity and the significant landscape settings and provide a benefit to communities.

### Community infrastructure

Larger townships in the Shire are generally well serviced with community facilities. Facilities in the smaller settlements are more limited requiring residents to travel to the larger townships. Changing population demographics are creating demands for new or improved services and facilities in the Shire's townships.

### Infrastructure design

New infrastructure requires careful design to ensure it is in keeping with township character, heritage values, the landscape setting and minimises impact on native vegetation and biodiversity [#13]. The Infrastructure Design Manual (IDM) has been adopted by Council. It provides the foundation for improved and sensitive design for the Shire that will be enhanced

through structure planning. Infrastructure is ageing or no longer fit for purpose. Opportunities for green or more sustainable infrastructure should be considered to provide for future needs.

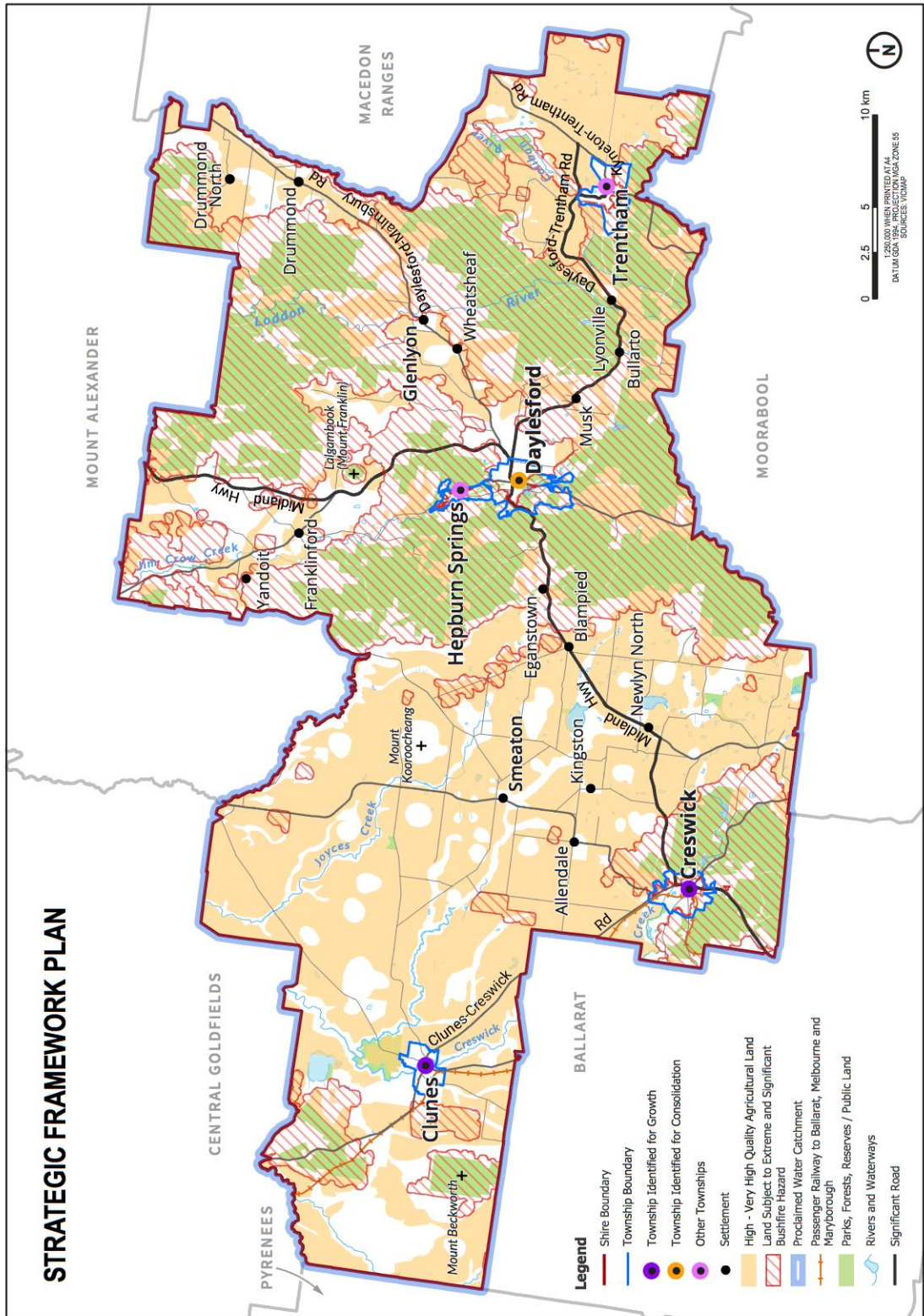
Council's strategic directions for infrastructure are to:

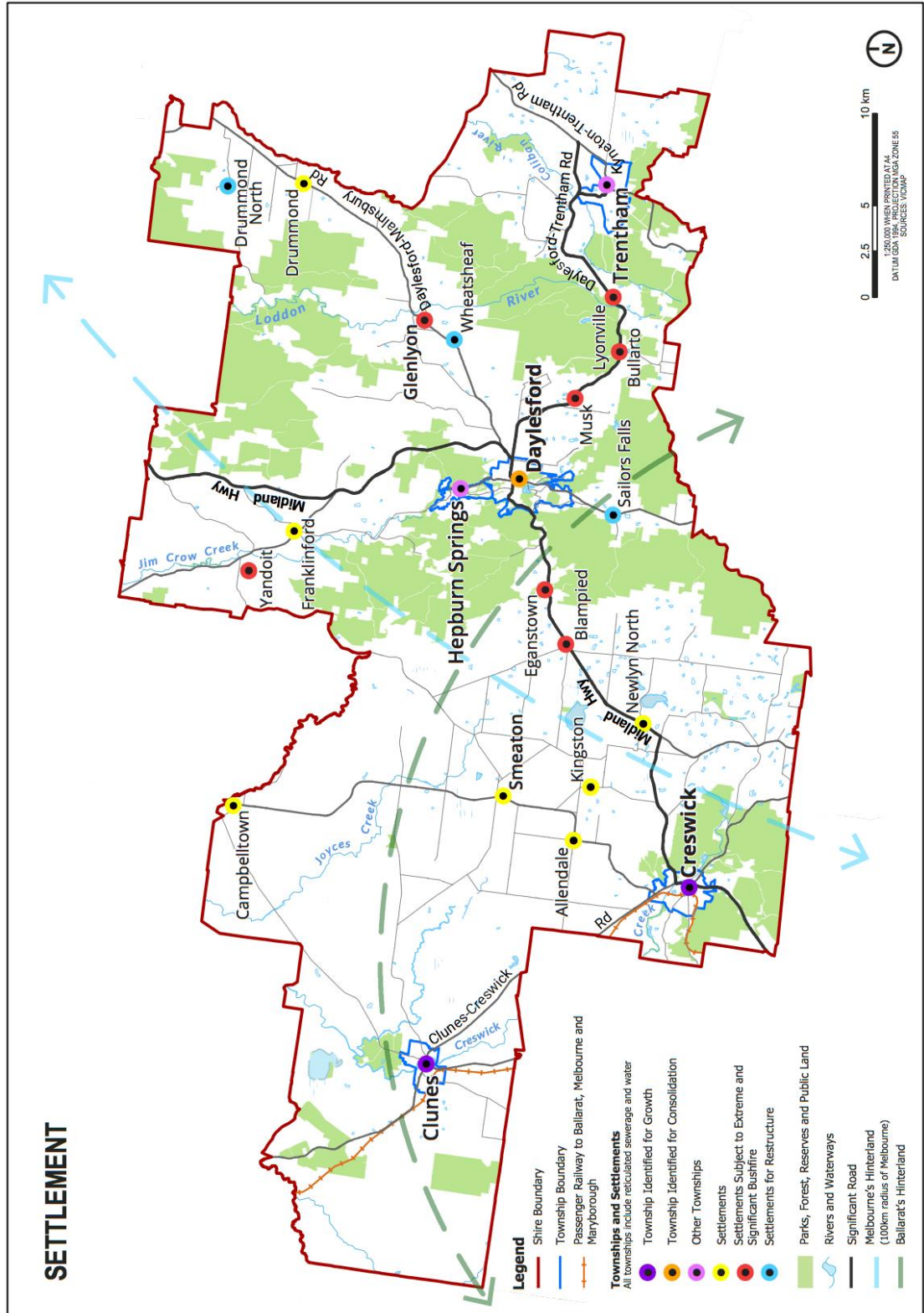
- Ensure development is directed into townships with reticulated water, or capacity for alternative potable water sources, and reticulated sewerage.
- Support community infrastructure including open space, health, education and cultural facilities into townships to support community needs.
- Protect infrastructure facilities such as waste and resource recovery centres, transfer stations, and water and sewage treatment facilities from encroachment of sensitive uses [#244].
- Manage landfill sites in Creswick, Daylesford, and Trentham and their environmental risks so that the environment and community are protected [#244].
- Upgrade existing and ageing infrastructure resulting from the demands of new development and servicing needs, and utilise infrastructure contributions.
- Support green infrastructure provision to minimise environmental and climate impacts on elements such as soil, water, amenity, air quality, native vegetation and biodiversity [#12].
- Support the sensitive location of transmission infrastructure to support decarbonisation within the municipality that provides a net community benefit.
- Support infrastructure to facilitate the growth of electric vehicle use.

**02.04 Strategic framework plans**

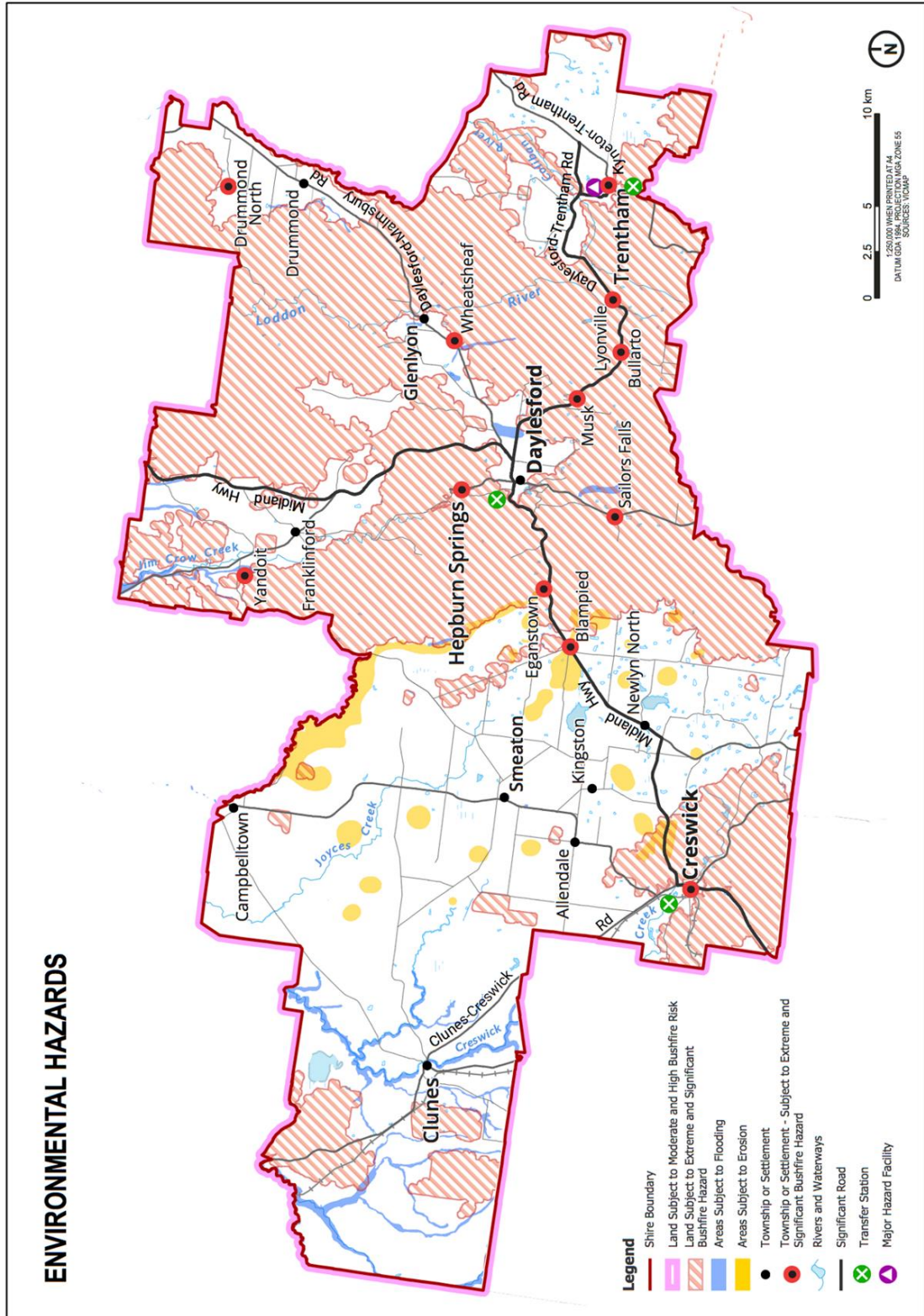
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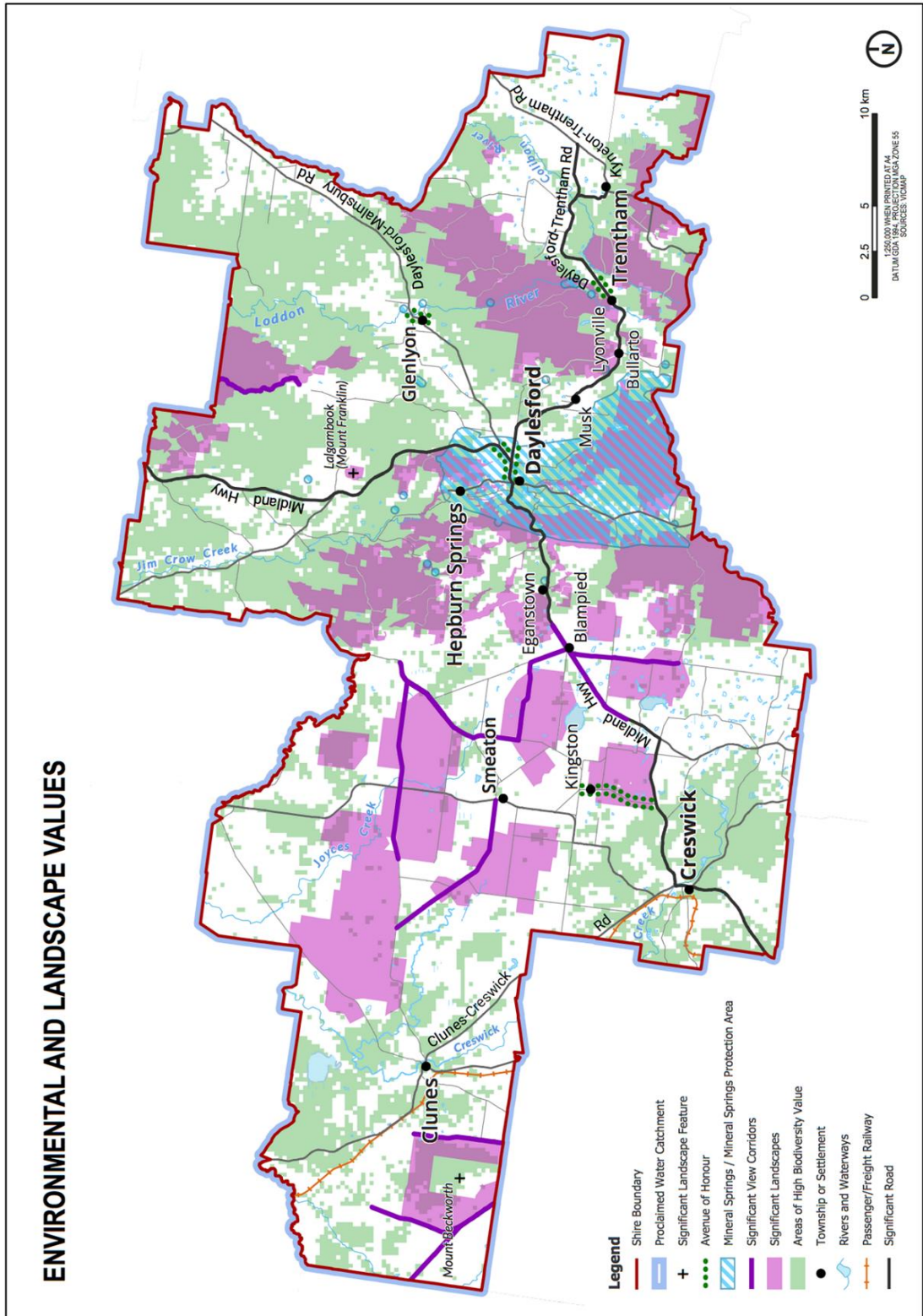
The plans contained in Clause 02.04 are to be read in conjunction with the strategic directions in Clause 02.03.



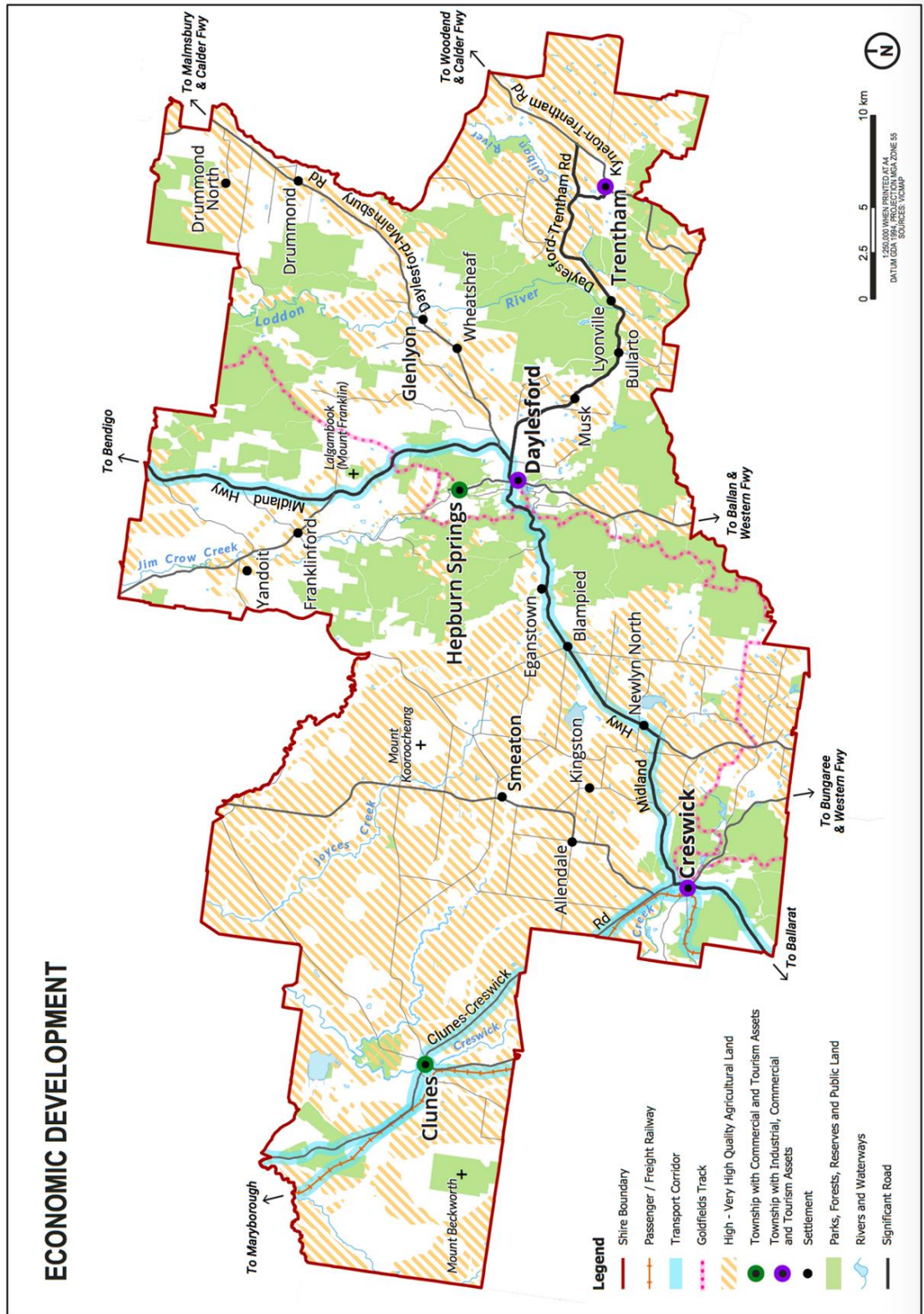












**11.01-1L Townships and settlements**

--/--  
Proposed  
C80hepb

**Policy application**

This policy applies to land within townships identified in the maps to this clause, and the municipality's settlements.

**Objective**

To achieve a sustainable urban form for townships by containing future development within the township boundaries shown on the township structure plans.

**Strategies**

Provide for urban development and economic growth in the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham based on township boundaries and structure plans.

Promote Creswick and Clunes as the focus for the municipality's population growth.

Locate new dwellings and residential subdivisions within township boundaries.

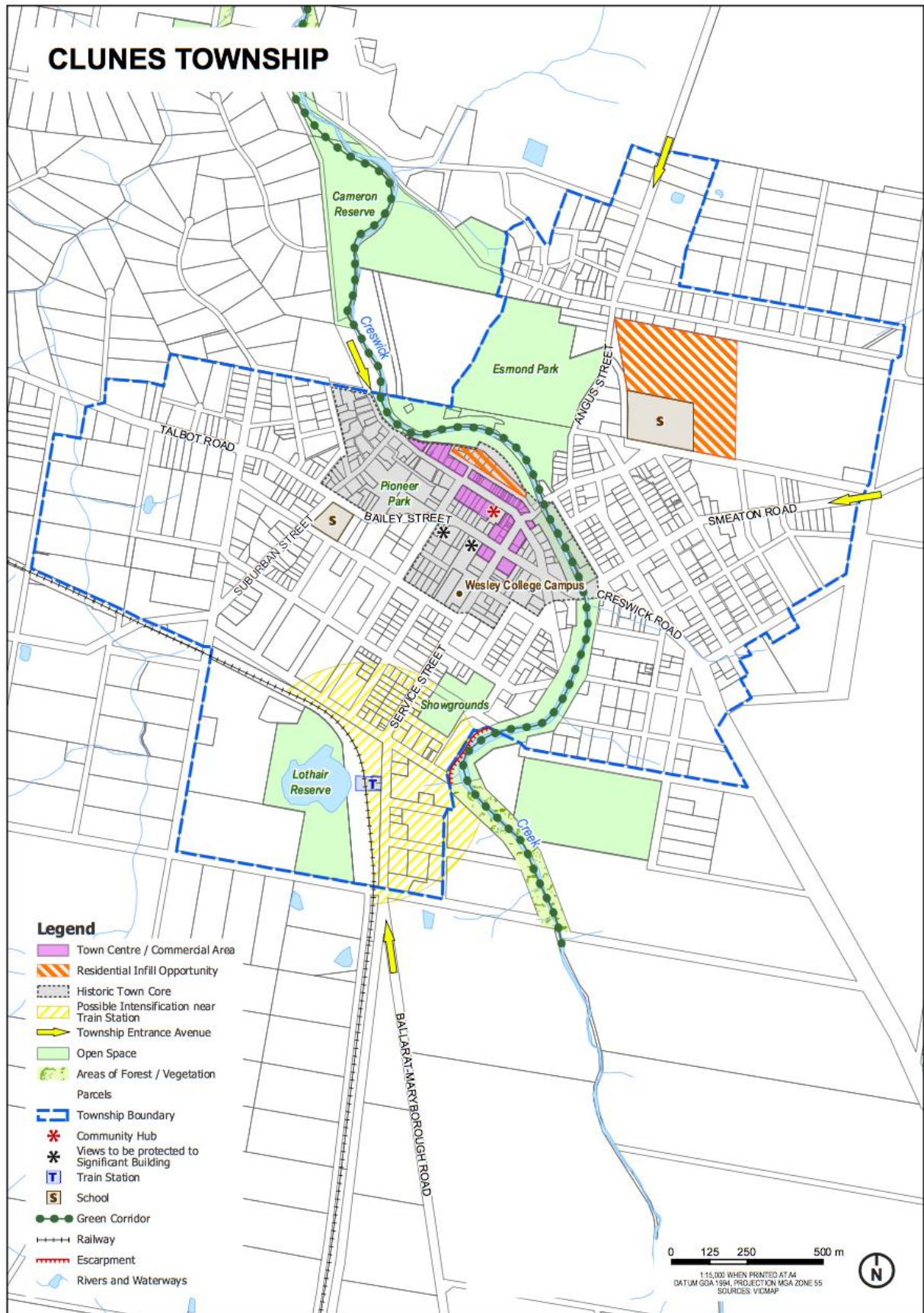
Provide for urban infill and consolidation opportunities in townships that utilise existing infrastructure.

Encourage development in townships and settlements to be respectful of heritage, environmental and neighbourhood character elements.

[\[Panel Rec\]](#) Discourage development in settlements unless the risk from environmental hazards can be mitigated to an acceptable level. [\[Panel Rec\]](#)

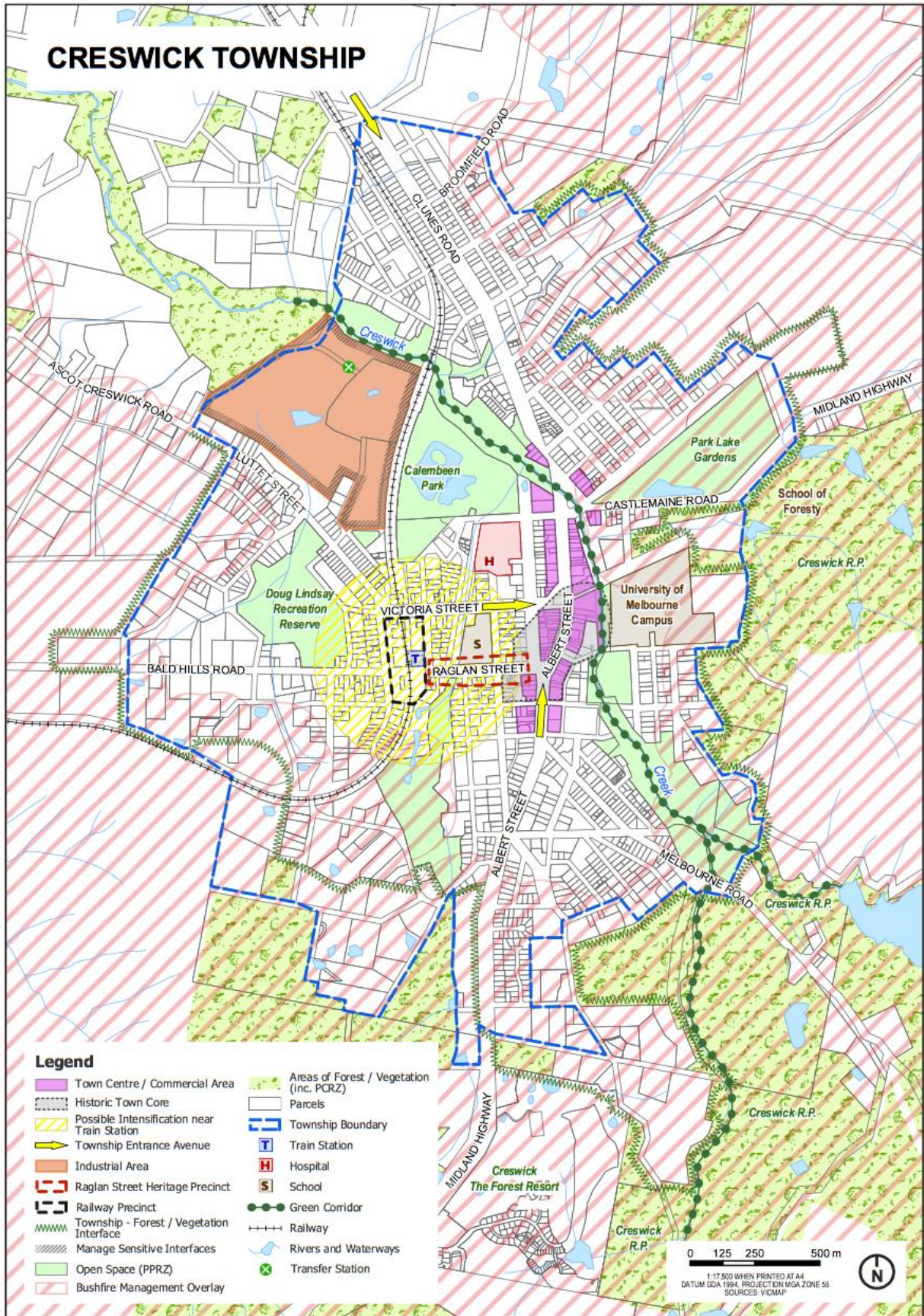
Restructure settlement and subdivision patterns in areas such as Wheatsheaf, Sailors Falls and parts of Drummond North where increased rates of residential development are inappropriate due to the high bushfire risk and insufficient infrastructure services.

Clunes Township map



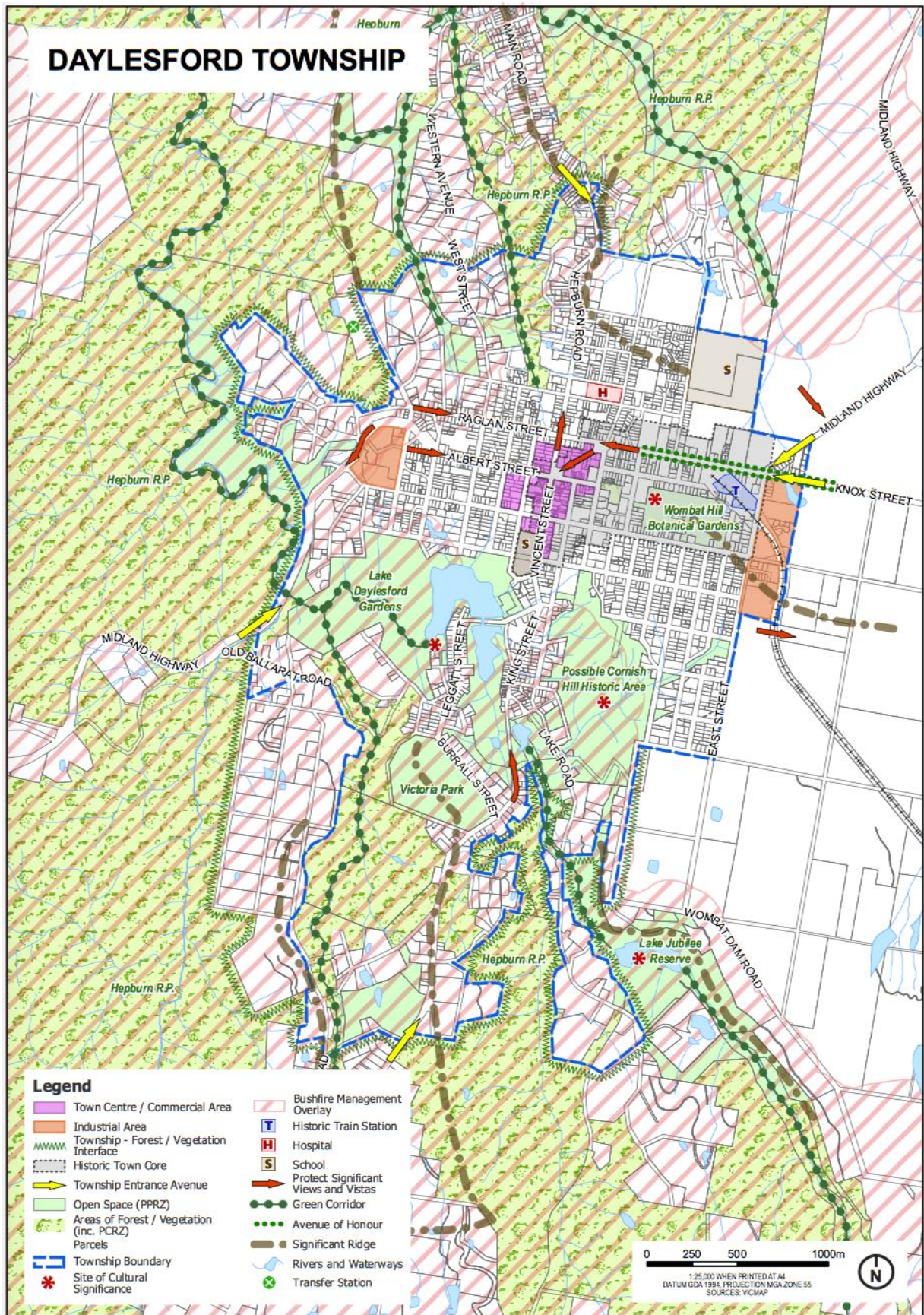


Creswick Township map



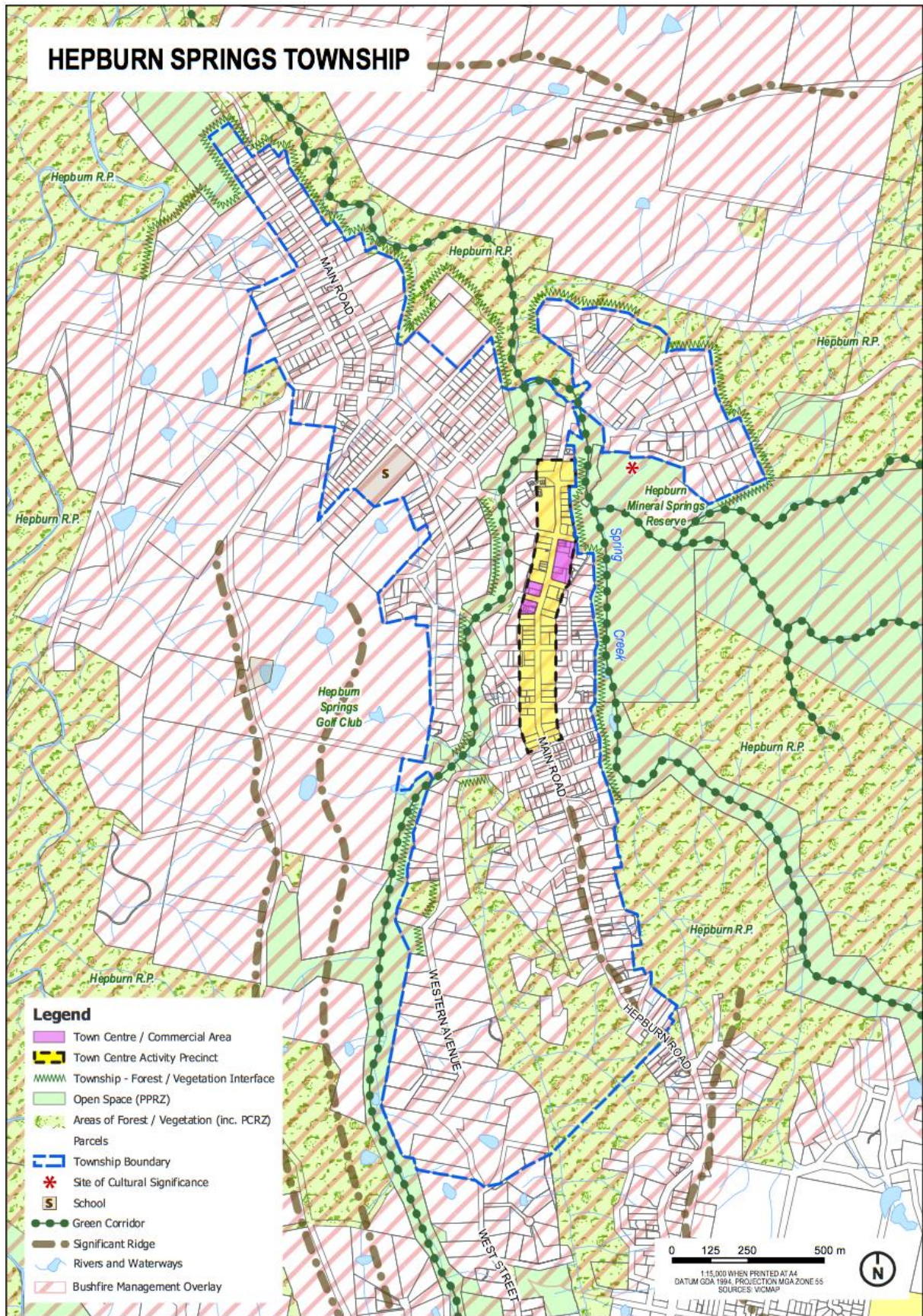


Daylesford Township map



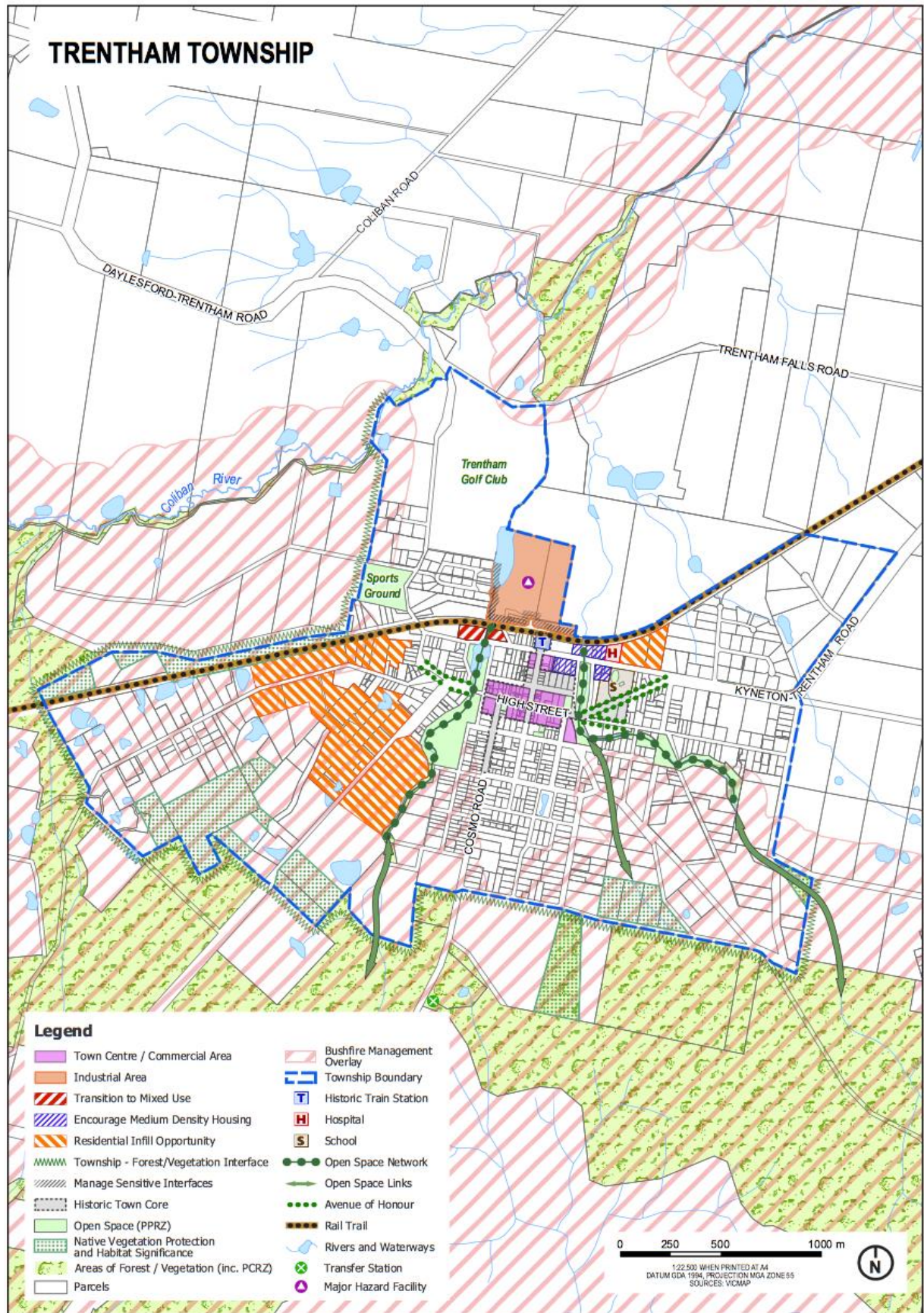


Hepburn Springs Township map





Trentham Township map \



**12.01-1L Native vegetation and habitat protection**

--/--  
 Proposed  
 C80hepb

**Objective**

To protect and enhance the Shire's native vegetation and habitats.

**Strategies**

Protect identified remnant vegetation and habitat across the Shire as shown on the *Native vegetation and habitat protection* map.

Enhance linkages between habitat on private land, roadsides, waterways and public land for wildlife and plant dispersal.

Encourage revegetation and restoration in areas of significant remnant areas.

Protect large old native trees on private and public land.

Protect native vegetation and habitat significant to the survival of the listed threatened species including the following:

- *Forests of the Central Victorian Uplands*
  - Basalt Peppercreess.
- *Plains Woodlands or Forests*
  - Spiny Rice flower.
  - Button Wrinklewort.
  - Matted Flax-lily

Retain native vegetation and habitat significant to the survival of the threatened fauna and locally significant species including the following: [#12]

- *Forest and woodlands predominantly of the Goldfields*
  - Swift Parrot.
  - Painted Honeyeater.
  - Brush-tailed Phascogale.
  - Hooded Robin.
  - Diamond Firetail.
  - Speckled Warbler.
  - Barking Owl.
  - Square-tailed Kite.
  - Crested bellbird.
  - [#12]Koala
- *Forests of the Central Victorian Uplands*
  - Greater Glider.
  - Powerful Owl.
  - Koala.
- *Plains Woodlands or Forests*
  - Striped Legless Lizard.
  - Golden Sun moth.
- *Wetlands*
  - Blue-billed Duck.
  - Freckled Duck.
  - Lewin's Rail.
  - Eastern Great Egret.
  - Brolga.

- Plumed Egret.
- Growling Grass Frog.
- Painted Snipe.
- Latham’s Snipe.
- *Waterways*
  - Platypus.
  - River Blackfish.

Retain *Environment Protection and Biodiversity Conservation Act* (EPBC) listed ecological communities as a significant environmental and landscape asset as follows:

- *Forest and woodlands, predominantly of the Goldfields*
  - Grey Box (*Eucalyptus microcarpa*) Grassy Woodlands and Derived Native Grasslands of South-Eastern Australia. [#12]
  - .
- *Wetlands*
  - Seasonally Herbaceous Wetlands (Freshwater) of the Temperate Lowland Plains.
- *Plains Grasslands and Woodlands* [#12]
  - Grassy Eucalypt Woodland of the Victorian Volcanic Plain between Clunes, Creswick and Campbelltown.
  - Natural Temperate Grassland. [#12]

Encourage the planting of indigenous vegetation that responds to the bioregion it is located within as listed in Table 1.

**Table 1: Bioregion indigenous vegetation**

| Species  | Goldfields | Central Victorian Uplands | Victorian Volcanic Plain |
|--|------------|---------------------------|--------------------------|
| <b>Climbers</b>  |            |                           |                          |
| <i>Billardiera scandens</i> (Common apple-berry)           |            | x                         |                          |
| <i>Clematis aristata</i> (Mountain clematis)               |            | x                         |                          |
| <i>Hardenbergia violacea</i> (Purple coral pea)            | x          | x                         |                          |
| <b>Groundcovers and small plants</b>                       |            |                           |                          |
| <i>Ajuga australis</i> (Austral bugle)                     | x          | x                         |                          |
| <i>Arthropodium strictum</i> (Chocolate lily)              | x          | x                         | x                        |
| <i>Brachyscome multifida</i> (Cut-leaf daisy)              | x          | x                         |                          |
| <i>Bulbine bulbosa</i> (Yellow bulbine lily)               | x          | x                         | x                        |
| <i>Burchardia umbellata</i> (Milkmaids)                    | x          |                           | x                        |
| <i>Chrysocephalum apiculatum</i> (Common everlasting)      | x          | x                         | x                        |
| <i>Chrysocephalum semipapposum</i> (Clustered everlasting) | x          | x                         | x                        |
| <i>Coronidium scorpioides</i> (Button everlasting)         | x          | x                         |                          |
| <i>Dichondra repens</i> (Kidney-weed)                      | x          | x                         | x                        |
| <i>Epacris impressa</i> (Common heath)                     |            | x                         |                          |
| <i>Kennedia prostrata</i> (Running postman)                | x          | x                         | x                        |
| <i>Pelargonium australe</i> (Austral stork’s-bill)         | x          | x                         | x                        |

| Species   | Goldfields | Central Victorian Uplands | Victorian Volcanic Plain |
|---|------------|---------------------------|--------------------------|
| <i>Pelargonium rodneyanum</i> (Magenta stork's-bill)            | x          | x                         |                          |
| <i>Pultenaea pedunculata</i> (Matted bush-pea)                  | x          | x                         | x                        |
| <i>Tetraloche ciliata</i> (Black-eyed Susan; Pink bells)        | x          | x                         |                          |
| <i>Viola hederacea</i> (Native violet)                          | x          | x                         |                          |
| <i>Wahlenbergia communis</i> (Tufted bluebell)                  | x          | x                         | x                        |
| <i>Xerochrysum viscosum</i> (Sticky everlasting)                |            |                           |                          |
| <b>Grasses</b>  |            |                           |                          |
| <i>Austrostipa mollis</i> (Spear grass)                         | x          | x                         | x                        |
| <i>Dichelachne crinita</i> (Plume grass)                        | x          |                           | x                        |
| <i>Microlaena stipoides</i> (Weeping grass)                     | x          | x                         | x                        |
| <i>Poa labillardierei</i> (Common tussock grass)                | x          | x                         | x                        |
| <i>Poa morrisii</i> (Velvet tussock grass)                      | x          | x                         | x                        |
| <i>Poa sieberiana</i> (Fine-leaf tussock grass)                 | x          | x                         | x                        |
| <i>Rytidosperma</i> spp. (Wallaby grass)                        | x          | x                         | x                        |
| <i>Rytidosperma pallidum</i> (Silver-top wallaby grass)         | x          | x                         |                          |
| <i>Themeda triandra</i> (Kangaroo grass)                        | x          | x                         | x                        |
| <b>Rushes, sedges and wetland plants</b>                        |            |                           |                          |
| <i>Carex appressa</i> (Tall sedge)                              | x          | x                         | x                        |
| <i>Cycnogeton procerum</i> (Water ribbons)                      | x          | x                         | x                        |
| <i>Dianella revoluta</i> (Black anther flax lily)               | x          | x                         | x                        |
| <i>Dianella tasmanica</i> (Tasman flax lily)                    |            | x                         |                          |
| <i>Gahnia sieberiana</i> (Red-fruited saw-sedge)                |            | x                         |                          |
| <i>Isotoma fluviatilis</i> (Swamp isotome)                      | x          | x                         | x                        |
| <i>Lomandra longifolia</i> (Spiny-headed mat rush)              | x          | x                         | x                        |
| <i>Lythrum salicaria</i> (Purple loosestrife)                   | x          | x                         | x                        |
| <b>Small to medium shrubs</b>                                   |            |                           |                          |
| <i>Acacia acinacea</i> (Gold dust wattle)                       | x          |                           | x                        |
| <i>Acacia mitchellii</i> (Mitchell's wattle)                    | x          | x                         |                          |
| <i>Acacia paradoxa</i> (Paradoxa wattle; Hedge wattle)          | x          | x                         | x                        |
| <i>Cassinia aculeata</i> (Common cassinia)                      | x          | x                         | x                        |
| <i>Correa glabra</i> (Rock correa)                              |            |                           | x                        |
| <i>Correa reflexa</i> (Common correa)                           | x          | x                         |                          |
| <i>Daviesia latifolia</i> (Hop bitter-pea)                      | x          |                           |                          |
| <i>Dodonaea viscosa</i> (Sticky hop bush)                       | x          |                           | x                        |
| <i>Grevillea alpina</i> (Cat's claw grevillea; Downy grevillea) | x          | x                         |                          |
| <i>Indigofera australis</i> (Austral indigo)                    | x          | x                         | x                        |



| Species  | Goldfields | Central Victorian Uplands | Victorian Volcanic Plain |
|--|------------|---------------------------|--------------------------|
| <i>Leptospermum continentale</i> (Prickly tea-tree)  | x          | x                         |                          |
| <i>Leptospermum obovatum</i> (River tea-tree)        |            | x                         |                          |
| <i>Olearia myrsinoides</i> (Silky daisy-bush)        |            | x                         |                          |
| <i>Prostanthera denticulata</i> (Rough mint bush)    | x          |                           |                          |
| <i>Prostanthera lasianthos</i> (Christmas bush)      |            | x                         |                          |
| <i>Solanum laciniatum</i> (Kangaroo apple)           | x          | x                         | x                        |
| <b>Medium to large shrubs</b>                        |            |                           |                          |
| <i>Acacia verticillata</i> (Prickly Moses)           |            | x                         |                          |
| <i>Bursaria spinosa</i> (Sweet bursaria)             | x          | x                         | x                        |
| <i>Callistemon sieberi</i> (River bottlebrush)       | x          | x                         | x                        |
| <i>Hakea decurrens</i> (Bushy needlewood)            | x          |                           |                          |
| <i>Meliccytus dentatus</i> (Tree violet)             | x          | x                         | x                        |
| <b>Small to medium trees</b>                         |            |                           |                          |
| <i>Acacia mearnsii</i> (Late black wattle)           | x          |                           | x                        |
| <i>Acacia nanodealbata</i> (Dwarf silver wattle)     |            | x                         |                          |
| <i>Allocasuarina littoralis</i> (Black sheoak)       |            | x                         |                          |
| <i>Allocasuarina verticillata</i> (Drooping sheoak)  | x          |                           | x                        |
| <i>Banksia marginata</i> (Silver banksia)            | x          | x                         | x                        |
| <b>Large trees</b>                                   |            |                           |                          |
| <i>Acacia dealbata</i> (Silver wattle)               | x          | x                         | x                        |
| <i>Acacia melanoxylon</i> (Blackwood wattle)         | x          | x                         | x                        |
| <i>Eucalyptus dives</i> (Broad-leafed peppermint)    | x          | x                         |                          |
| <i>Eucalyptus leucoxydon</i> (Yellow gum)            | x          |                           |                          |
| <i>Eucalyptus melliodora</i> (Yellow box)            | x          | x                         | x                        |
| <i>Eucalyptus obliqua</i> (Messmate)                 |            | x                         |                          |
| <i>Eucalyptus ovata</i> (Swamp gum)                  | x          | x                         | x                        |
| <i>Eucalyptus radiata</i> (Narrow-leafed peppermint) |            | x                         |                          |
| <i>Eucalyptus rubida</i> (Candlebark)                | x          | x                         | x                        |
| <i>Eucalyptus viminalis</i> (Manna gum)              | x          | x                         | x                        |

Encourage land owners to protect and enhance local biodiversity through the removal of weeds listed in the *Catchment and Land Protection Act 1994* and the very high threat list in the *Advisory List of Environmental Weeds in Victoria*.

Locate development to minimise loss of significant remnant vegetation and identified habitat areas.

Encourage the maintenance and enhancement of habitat corridors in new and existing residential areas and along township watercourses and open space corridors.

Encourage proposals to retain and establish vegetation that links regional biodiversity assets and significant wetlands outlined in the *North Central Regional Catchment Strategy 2013-2019*.

Minimise the number of vehicle crossovers and additional access points to vegetated roadsides.



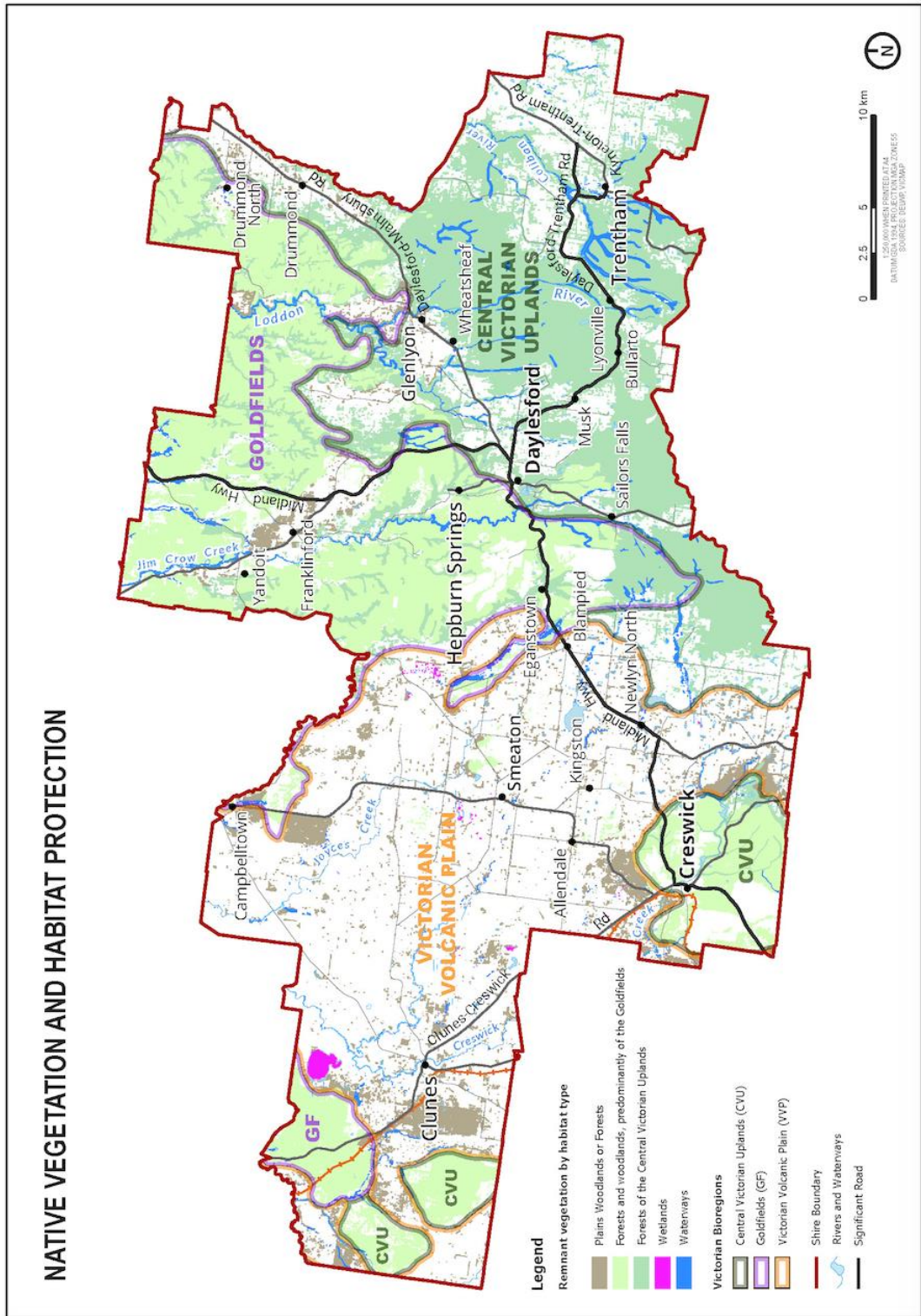
Complement the three step approach to the removal of native vegetation outlined in the *Guidelines for the removal, destruction or lopping of native vegetation* by seeking to improve biodiversity outcomes prior to considering any offsets.

**Policy documents**

Consider as relevant:

- *North Central Regional Catchment Strategy 2013-2019* (North Central Catchment Management Authority, 2013)

Native vegetation and habitat protection map



**12.05-2L Landscape management**

--/--  
Proposed  
C80hepb

**Policy application**

This policy applies to land shown on the Landscapes character areas and significance map.

**Objective**

To protect and enhance the unique features of the landscape character areas of the municipality identified as the Goldfields, The Uplands and Western Volcanic Plain.

**Municipal-wide Strategies**

Ensure development responds to the landscape character area identified in attached landscape character types and significance map

Manage land use, development and infrastructure to:

- Conserve and enhance significant landscapes, views and vantage points.
- Maintain sequences of views from key transport corridors.

Encourage retention of native vegetation and revegetation that contributes to the significant landscapes particularly on escarpments, ridgelines and at vantage points.

Maintain significant landscapes and views for the important contribution they make to the local and regional tourism economy.

Design development to complement the character of the surrounding landscape with consideration of form, construction materials, colours and finishes, and design detailing.

Site and design development in the foreground of identified significant views to minimise visual intrusion through low building heights, minimal building footprints, recessive colours and materials to the setting, and integration with vegetation.

Site large scale development to avoid impacting on significant landscapes and views, with particular consideration given to the foreground of identified significant views, that are particularly sensitive to visual intrusion.

**Goldfields strategies**

Maintain the rural landscape character of the Goldfields area.

Maintain and strengthen the mosaic of native vegetation among the agricultural landscapes of the area.

Locate development within the topography of the site and screen with vegetation to minimise visual impact.

Retain views to landscape features such as ridge rises and notable exposed bedrock features, particularly from identified significant viewing locations and road corridors.

**Uplands strategies**

Maintain the productive agricultural landscape character of the area and the dominance of topography and vegetation.

Preserve and enhance the landscape features of the area such as gorges and mountains.

Site development to ensure the retention of views to the Macedon Ranges, Mount Beckworth and other volcanic landscape features, particularly from identified significant viewing locations and road corridors.

**Western Volcanic Plain strategies**

Protect the volcanic cones, craters and lakes, lava flows, rocky outcrops and native vegetation remnants from destructive or dominating development.

Preserve and enhance dry stone walls.

Ensure shelter belt planting remains a feature of the area and retains views to important volcanic features.

Ensure restoration of shelterbelt planting responds to ecological challenges such as vegetation dieback and lower rainfall, and achieves both ecological and landscape character values.

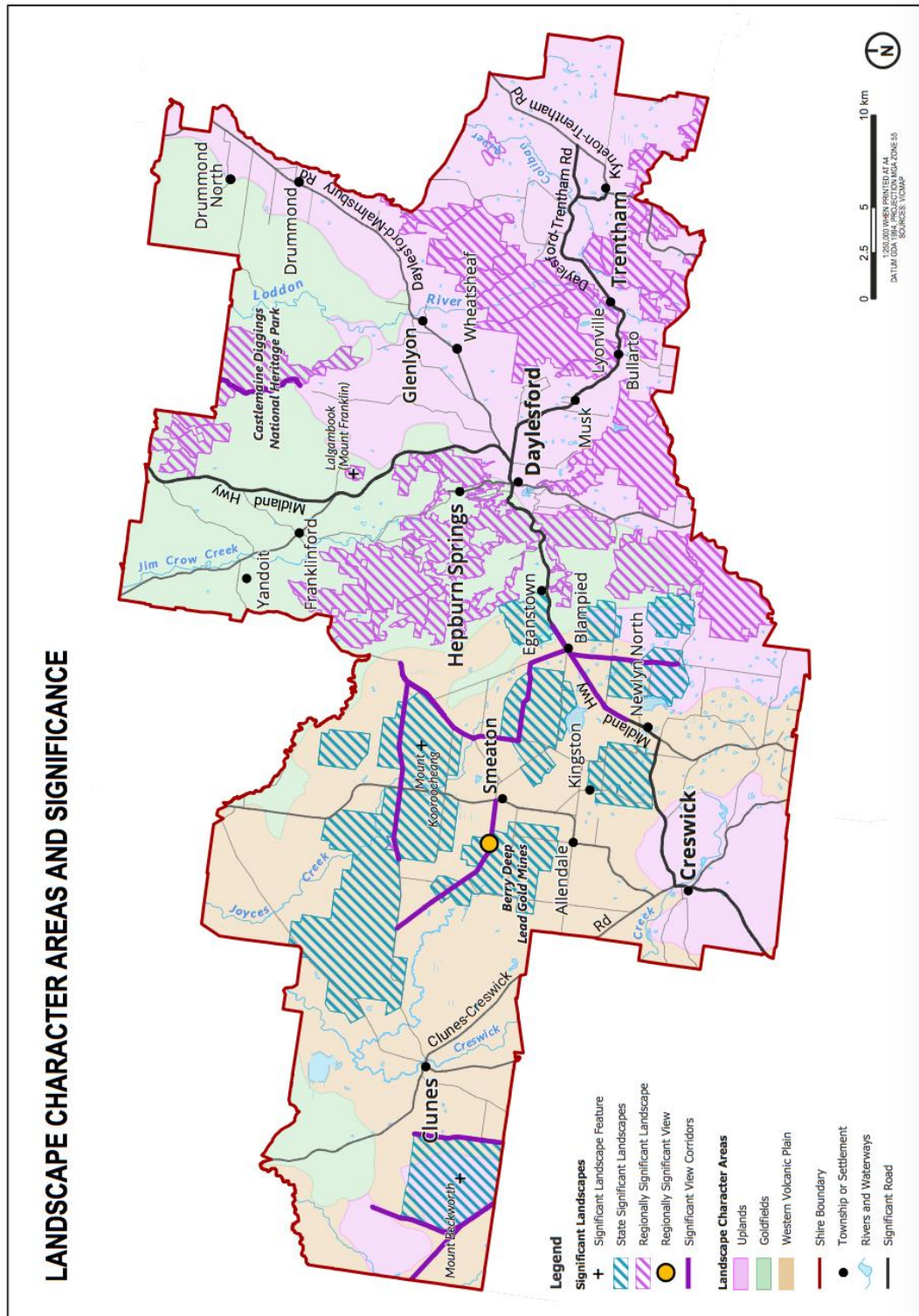
Retain long range views to distant geological features such as Mount Kooroocheang and Mt Franklin (Lalgambook) and their surrounding volcanic peaks, particularly from identified significant viewing locations and road corridors.

### **Policy guidelines**

Consider as relevant:

- Locate new development:
  - Within existing clusters of buildings.
  - Away from visually prominent locations such as ridge lines and hill faces.
  - Away from identified landscape features.
  - Among established vegetation and/or screened with substantial landscaping of indigenous species.
  - Following the contours and natural form of the landscape.
  - Minimising visibility from identified significant viewing locations, including major road corridors.

Landscape character areas and significance map **Updated Map [Panel Rec]**





**14.01-1L Protection of agricultural land**

--/--  
 Proposed  
 C80hepb

**Policy application**

This policy applies to the Farming Zone, Rural Conservation Zone and Rural Living Zone.

**Objective**

To protect the Shire's high quality productive agricultural land from the encroachment of incompatible use and development.

**Strategies**

Retain existing Farming Zone land and discourage land fragmentation from residential use and development.

Prevent the subdivision of land for a new dwelling on rural land that does not meet the minimum subdivision area of the relevant rural zone.

Prevent the subdivision of lots that will result in a concentration of lots smaller than the minimum subdivision size of the relevant rural zone.

Encourage small lot agriculture and hobby farms to locate in the Rural Living Zone [#209].

Prevent the subdivision of tenements in single ownership and encourage the consolidation of lots.

Allow a dwelling on a rural lot that either:

- Meets the minimum subdivision area of the relevant rural zone.
- Is directly associated with a rural enterprise where:
  - Agricultural production will be maximised.
  - The land has low agricultural value.
  - There will be no loss of productive agricultural land.
  - Native vegetation will be retained and managed.

Ensure if a new dwelling is approved that:

- A separation distance and landscape screening is provided around the dwelling.
- The building height, scale, setback and bulk responds positively to the landscape values, cultural heritage values and characteristics of the rural area.
- It continues to operate in a habitable condition and meet the requirements of the *Building Code of Australia*.

Minimise the adverse impacts that a new dwelling, accommodation use or subdivision may have upon water quality and quantity, native vegetation and biodiversity [#12] and the productivity and operation [#209] of agricultural land.

Restructure inappropriate subdivisions that adversely affect productive agricultural land, biodiversity or natural hazard areas.

**14.01-2L Sustainable agricultural enterprises**

--/--  
 Proposed  
 C80hepb

**Policy application**

This policy applies to the use and development of land in the Farming Zone, Rural Conservation Zone and Rural Living Zone.

**Strategies**

Ensure that areas of high to very high agricultural land are utilised or remain available for agricultural production.

Support agricultural enterprises through local value-adding and processing opportunities, investment, innovation, diversification and employment that have a limited impact on the natural landscape and its amenity.

Protect clusters of agricultural activity and other rural related enterprises which support primary and secondary processing [#194].

Ensure that rural land use, development and amenity are not adversely affected by land uses and developments that are more appropriately located within townships.

Encourage intensive agriculture uses and rural related activities with access to major transport routes.

Protect resource, natural heritage, significant historic landscapes and environmental values that support agricultural enterprises.

Discourage the use and development of rural land for accommodation, food and drink premises, place of assembly or shop, except for a dwelling in the Rural Living Zone.

Support small agricultural enterprises in the Rural Living Zone.

**14.02-1L Catchment and land protection**

--/--  
Proposed  
C80hepb

**Objective**

To ensure that use and development in a special water supply catchment protects, restores and enhances the quality and quantity of the natural resources and environmental systems for the long term supply of quality water for future generations.

**Strategies**

Ensure that use and development incorporates measures to protect, restore and enhance the natural resources and environmental systems, including waterways in special water supply catchments. [\[Panel Rec\]](#)

Provide for the effective control of stormwater drainage and wastewater disposal in a manner that prevents any detrimental impacts to the natural resources and environmental systems.

Manage the cumulative effects of unsewered development by ensuring land can accommodate effective on-site treatment of all wastewater generated from the land.

Encourage best practice approaches for all effluent disposal systems, effluent fields, irrigation fields and stormwater disposal. [\[Panel Rec\]](#)

Minimise and reduce the impact of use and development on the health and capacity of natural resources and environment systems including waterways, soil types, soil structure, soil condition, vegetation and aquatic and terrestrial habitats. [\[Panel Rec\]](#)

Maximise, maintain and enhance riparian edges and vegetation cover all year round.

**Policy guidelines**

Consider as relevant:

- The ‘precautionary principle’ when assessing the likelihood of impact of an application on natural resources and environmental systems.
- The ability and suitability of the land capability to accommodate the impacts of the use or development.
- Avoid locating use and development that includes a wastewater treatment and disposal system:
  - On any overland flow path or in any land depression.
  - Upstream of any dam used for domestic or stock supply.
  - Within 100 metres of the edge of a waterway, dam or reservoir.
  - Within 200 metres of any wastewater treatment and disposal system on any neighbouring or adjoining land.
- The availability and suitability of alternative effluent and waste water disposal systems.

## 15.01-3L Subdivision in Hepburn Shire

--/--  
Proposed  
C80hepb

### Policy application

This policy applies to subdivision of land within the boundaries of townships shown on the Strategic Framework Plan including Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon.

### Strategies

Ensure new street and subdivision layouts reflect and integrate with surrounding grid-based or gold rush subdivision patterns within townships where enabled by topography.

Encourage diverse lot sizes to facilitate residential infill in locations within walking distance of town centres that complement the neighborhood character of the area.

Ensure new subdivision adjacent to township boundaries does not cause an adverse impact on the visual amenity of the rural hinterland.

Ensure new subdivisions are designed to protect and maintain habitat corridors, natural landscape features, large trees and visual amenity values of adjacent forests, and connect to walking trails.

Create appropriate separation distances between new subdivisions and areas of high bushfire hazard to better manage bushfire risk and vegetation clearance requirements.

Manage the risks to water quality from effluent disposal and the provision of adequate water supply associated with subdivision in the Glenlyon settlement [#189].

**15.03-2L Aboriginal cultural heritage**

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Proposed  
C80hepb

**Strategies**

Protect, conserve and enhance identified pre and post contact indigenous heritage places of cultural and spiritual value to the Dja Dja Wurrung Clans Aboriginal Corporation in partnership with traditional owners in caring for Country. [#194]

Ensure tangible and intangible Aboriginal cultural heritage values are considered in land use and development and the management of environment and water resources [#194].

Ensure that new uses, development and works do not adversely impact on sites, vegetation, wetlands and features of the Aboriginal peoples' cultural and archaeological significance.

**Policy guidelines**

Consider as relevant:

- The Dja Dja Wurrung Clans Aboriginal Corporation [#194] traditional knowledge of the Aboriginal people in providing for the conservation and enhancement of places, sites, vegetation and objects of cultural value.
- Any Aboriginal cultural heritage study documents from the Dja Dja Wurrung Clans Aboriginal Corporation and other relevant organisations when considering a planning scheme amendment or an application for use, buildings or works or subdivision of land. [#194]
- A land use activity agreement prepared for an application on existing or unalienated Crown land.



**16.01-2L Affordable housing [AmVC169]**

--/--  
Proposed  
C80hepb

**Policy application**

This policy applies to land in the General Residential Zone and Neighbourhood Residential Zone in the townships of Clunes, Creswick, Daylesford, Hepburn and Trentham.

**Strategies**

Support a range of social housing choices in areas that can that meet the needs of the Hepburn community.

Support proposals by registered affordable housing providers to deliver affordable housing.

Encourage a range of affordable housing types in new development where there is access to public transport and community services.

Encourage the supply of a range of affordable, permanent housing types.

Ensure dwelling layouts provide for a range of household types such as families, couples without children, single persons, retirement and supported accommodation for older persons or a person with a disability.

**Policy guidelines**

Consider as relevant:

- The identification of preferred areas for social housing working with community housing associations.
- The local demand for specific housing types.

**19.02-6L Open space**

--/--  
Proposed  
C80hepb

**Policy application**

This policy applies to all development of land within the boundaries of townships shown on the Strategic Framework Plan at Clause 2.04 including Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon.

**Strategies**

Develop open space networks in towns, based on creeks, drainage lines, existing native vegetation, [#12] parks and recreation areas.

Maintain, enhance and preserve the Shire's significant nineteenth century gardens and street plantings.

Maintain and enhance indigenous and significant exotic vegetation within public reserves and township movement and open space networks.

Develop safe and accessible walking pathways/trails within public open space networks with links to key community facilities and icons in towns.

--/20--  
Proposed  
C80hepb

## SCHEDULE 2 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ2**.

### CRESWICK GOLF COURSE

#### Purpose

To provide for the use and development of the Creswick golf course and associated uses.

#### 1.0

#### Table of uses

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C--

#### Section 1 - Permit not required

| Use   | Condition                                  |
|---|--|
| Informal outdoor recreation<br>Outdoor sports ground<br>Outdoor recreation facility (excluding<br>Paintball games facility) |  |
| Any use listed in Clause 62.01  | Must meet the requirements of Clause 62.01 |

#### Section 2 - Permit required

| Use   | Condition  |
|---|--|
| Car park<br>Dwelling<br>Food and drink premises<br>Function centre<br>Gambling premises<br>Hairdresser<br>Leisure and recreation (other than<br>Informal outdoor recreation, Outdoor<br>sports ground and Outdoor recreation<br>facility)<br>Residential hotel<br>Residential village<br>Restaurant<br>Restricted place of assembly |  |
| Shop (other than Hairdresser)   | Must be for the sale of golfing equipment, apparel or<br>associated goods. |
| Transfer station<br>Utility installation (other than Minor<br>utility installation)   |  |
| Any other use not in Section 1 or 3   |  |

#### Section 3 - Prohibited

| Use  |
|--|
| Accommodation (other than Dwelling, Residential hotel and Residential village)<br>Brothel<br>Industry (other than Transfer station)<br>Office<br>Place of assembly (other than Function centre and Restricted place of assembly) |

## Retail premises (other than Food and drink premises, Gambling premises, Market and Shop) Warehouse

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### 2.0 Use of land

--/20--  
C--

None specified. [Panel Rec]

#### Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A description of the proposed use and the types of activities which will be carried out and any proposed staging of use and activities on the land.
- Plans drawn to scale and dimensioned which show:
  - The siting and use of buildings.
  - Areas not required for immediate use.
  - Adjacent buildings and uses.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, and emissions to land and water.

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- [Panel Rec] Whether the use is compatible with adjoining and nearby land uses.
- Movements systems through and around the site including the movement of pedestrians and cyclists, and vehicles providing for supplies and waste removal.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.
- The interim use of those parts of the land not required for the proposed use.

### 3.0 Subdivision

--/20--  
C--

None specified. [Panel Rec]

#### Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The pattern of subdivision of the surrounding area.
  - Easements.
  - Location of drainage and other utilities.
  - Street frontage features such as poles, street trees and kerb crossings.
  - Access points.
  - Any natural features.

### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- [Panel Rec] The pattern of subdivision and its effect on the spacing of buildings.
- The effect of the subdivision on vegetation located on the land and on adjacent land.

## 4.0

--/20--  
C--

### Buildings and works

None specified. [Panel Rec]

### Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and buildings and works on adjoining land.
  - Levels of the site and the difference in levels between the site and surrounding properties to a defined point at the site boundaries or to Australian Height Datum (AHD).
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking, loading, access and pedestrian areas.
  - Existing vegetation and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easements and services.
- Elevation plans drawn to scale and dimensioned which show:
  - The building form and scale.
  - Setbacks to property boundaries.
  - Finished floor levels and building heights to a defined point at the site boundaries or to Australian Height Datum (AHD).
- A schedule of finishes, materials and colours for the proposed development.
- An assessment of the characteristics of the area including:
  - Any environmental features such as vegetation, topography and significant views.
  - Streetscape, landscape and the public realm.
  - The pattern of development including building form, scale and rhythm.
  - Any significant noise, odour, fume and vibration sources from the development.
- A landscape plan which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.
- Construction details of drainage works, driveways, vehicle parking and loading areas.

### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- [Panel Rec] The design, scale, height, setback, appearance and material of the proposed buildings and works.



- The relationship between the proposed building and the public realm, including the streetscape and areas of landscaping and vegetation.
- The treatment of the fronts and backs of buildings and their appurtenances and the illumination of buildings or their immediate spaces.
- The interface with land in adjoining zones.
- The storage of rubbish and materials for recycling.

## 5.0

### Signs

--/20--  
C--

None specified.

--/20--  
Proposed  
C80hepb

## SCHEDULE 3 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ3**.

### TRENTHAM NEIGHBOURHOOD RESIDENTIAL AREAS

#### 1.0 Neighbourhood character objectives

--/20--  
Proposed  
C80hepb

To ensure development is in keeping with the predominantly low rise rural township character.

To maintain a streetscape rhythm of detached dwellings set behind landscaped front gardens with spacious front and side setbacks.

To encourage the use of light weight materials and open style front fencing that integrates with the rural and landscape setting.

To encourage landscaping in development with a focus on indigenous planting at the forested edges of the township.

#### 2.0 Minimum subdivision area

--/20--  
C--

None specified.

#### 3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

--/20--  
C--

| Requirement   |                |
|---|----------------|
| Permit requirement for the construction or extension of one dwelling on a lot   | None specified |
| Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot | None specified |

#### 4.0 Requirements of Clause 54 and Clause 55

--/20--  
C--

|                        | Standard    | Requirement    |
|------------------------|-------------|----------------|
| Minimum street setback | A3 and B6   | None specified |
| Site coverage          | A5 and B8   | None specified |
| Permeability           | A6 and B9   | None specified |
| Landscaping            | B13         | None specified |
| Side and rear setbacks | A10 and B17 | None specified |
| Walls on boundaries    | A11 and B18 | None specified |
| Private open space     | A17         | None specified |
|                        | B28         | None specified |
| Front fence height     | A20 and B32 | None specified |

## 5.0 Maximum building height requirement for a dwelling or residential building

--/20--  
C--

None specified.

## 6.0 Application requirements

--/20--  
C--

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
  - The boundaries of the site.
  - Relevant ground levels.
  - Adjacent roads.
  - Proposed landscape areas.
  - All driveway, car parking and loading areas.
  - All external storage and waste treatment areas.
  - The relationship of buildings and works to any heritage place on the land or adjacent land.
  - The buildings and works within the streetscape context.
- A schedule of construction materials, external finishes and colours.
- A landscape plan showing a survey of all existing vegetation to be retained and/or removed (including botanical names), buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary, details of surface finishes of pathways and driveways, a planting layout, a planting schedule of all proposed trees, shrubs and ground covers (including botanical names), common names, pot sizes, sizes at maturity, and quantities of each plant, landscaping and planting within all open areas of the site.

## 7.0 Decision guidelines

--/20--  
C--

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the design, height, setback, appearance and interface of the proposed buildings and works is appropriate within the streetscape and to any heritage place on the land or adjacent land.
- Whether the proposed landscaping enhances the existing landscape character and vegetation in the area.
- Whether the significant elements of the area are retained including those elements that contribute to its setting.
- Whether subdivision retains the important elements and features which form part of the significance and character of the area, the visual setting and the important view-lines between these elements.
- Whether the proposed subdivision will complement or adversely affect the cultural significance of any heritage place within the area.
- Whether subdivision will complement or adversely affect the key characteristics of the area such as streetscape, lot sizes, lot pattern, lot layout or existing building forms in the area or would result in development that would adversely affect the rhythm, scale and pattern of buildings in the area.

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Proposed  
C80hepb

## SCHEDULE 4 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NRZ4**.

### HEPBURN SPRINGS NEIGHBOURHOOD RESIDENTIAL AREAS

#### 1.0 Neighbourhood character objectives

--/20--  
C--

To ensure development is sited below the tree canopy and maintains the highly vegetated character of the area.

To encourage the use of materials and colours in new development sympathetic with the surrounding township and bushland setting.

To ensure development is sensitively designed and located to emphasise ridgelines and retain views of the adjoining rural hinterland and forested areas.

To ensure new development provides adequate space for significant landscaping with open, low, transparent or no fencing integrated with the forest and bushland setting.

#### 2.0 Minimum subdivision area

--/20--  
C--

None specified.

#### 3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

--/20--  
C--

| Requirement   |                |
|---|----------------|
| Permit requirement for the construction or extension of one dwelling on a lot   | None specified |
| Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot | None specified |

#### 4.0 Requirements of Clause 54 and Clause 55

--/20--  
C--

|                        | Standard    | Requirement    |
|------------------------|-------------|----------------|
| Minimum street setback | A3 and B6   | None specified |
| Site coverage          | A5 and B8   | None specified |
| Permeability           | A6 and B9   | None specified |
| Landscaping            | B13         | None specified |
| Side and rear setbacks | A10 and B17 | None specified |
| Walls on boundaries    | A11 and B18 | None specified |
| Private open space     | A17         | None specified |
|                        | B28         | None specified |
| Front fence height     | A20 and B32 | None specified |

## 5.0 Maximum building height requirement for a dwelling or residential building

--/20--  
C--

None specified.

## 6.0 Application requirements

--/20--  
C--

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
  - The boundaries of the site.
  - Relevant ground levels.
  - Adjacent roads.
  - Proposed landscape areas.
  - All driveway, car parking and loading areas.
  - All external storage and waste treatment areas.
  - The relationship of buildings and works to any heritage place on the land or adjacent land.
  - The buildings and works within the streetscape context.
- A schedule of construction materials, external finishes and colours.
- A landscape plan showing a survey of all existing vegetation to be retained and/or removed (including botanical names), buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary, details of surface finishes of pathways and driveways, a planting layout, a planting schedule of all proposed trees, shrubs and ground covers (including botanical names), common names, pot sizes, sizes at maturity, and quantities of each plant, landscaping and planting within all open areas of the site.

## 7.0 Decision guidelines

--/20--  
C--

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the design, height, setback, appearance and interface of the proposed buildings and works is appropriate within the streetscape and to any heritage place on the land or adjacent land.
- Whether the proposed landscaping enhances the existing landscape character and vegetation in the area.
- Whether the significant elements of the area are retained including those elements that contribute to its setting.
- Whether subdivision retains the important elements and features which form part of the significance and character of the area, the visual setting and the important view-lines between these elements.
- Whether the proposed subdivision will complement or adversely affect the cultural significance of any heritage place within the area.
- Whether subdivision will complement or adversely affect the key characteristics of the area such as streetscape, lot sizes, lot pattern, lot layout or existing building forms in the area or would result in development that would adversely affect the rhythm, scale and pattern of buildings in the area.



--/20--  
Proposed  
C80hepb

## SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO1**.

### SPECIAL WATER SUPPLY CATCHMENT PROTECTION

#### 1.0 Statement of environmental significance

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C--

Hepburn Shire is situated in the Central Highlands at the source of a number of catchments that flow to Port Phillip Bay or the Murray River. Most of these catchments are also declared as special water supply catchments under Schedule 5 of the *Catchment and Land Protection Act 1994*.

The cumulative impacts of development within the catchment has the potential to gradually diminish the quality and quantity of water in the special water supply catchments. Diminished water quality also increases the risk to human health and the health of all communities that rely on water from the catchment.

The protection, restoration and enhancement of all waterways (as defined by section 3 of the *Water Act 1989*) within the catchment is an essential component in ensuring the continued availability of water quantity and quality while also protecting the health of the natural resources and environmental systems within the catchment. [Panel Rec]

The management of land within the catchment must:

- Focus on the long term protection of the natural resources and environmental systems.
- Encourage the implementation of appropriate measures to eliminate detrimental impacts on the quality and quantity water.

#### 2.0 Environmental objective to be achieved

--/20--  
C--

To ensure all development is undertaken in a manner that protects, restores and enhances natural resources and environmental systems and seeks to eliminate detrimental impacts on the quality and quantity of water in the catchment, to ensure the long term plentiful supply of quality water. [Panel Rec]

#### 3.0 Permit requirement

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C--

A permit is not required to:

- Construct a building or construct or carry out works that is connected to a reticulated sewerage system and located more than 30 metres from a waterway for:
  - A dwelling.
  - An extension to an existing dwelling.
- Construct a building or construct or carry out works for an extension to an existing dwelling that:
  - Does not generate additional domestic wastewater.
  - Is located more than 30 metres from a waterway.
  - Does not encroach on the capacity of the existing effluent disposal field. [Panel Rec]
- Construct a building or construct or carry out works that are located more than 30 metres away from a waterway, if all of the following are met: [Panel Rec]
  - The building and works do not generate any additional wastewater unless it is connected to a reticulated sewerage system. [Panel Rec]
  - Any site cut required is less than one metre in depth.
  - Any site cut required is less than 300 square metres in area.
  - No stormwater is discharged within 100 metres from a waterway unless it is discharged into the street drainage system or a legal point of discharge. [Panel Rec]

- Construct or carry out works for a sign. [Panel Rec]
- Construct or carry out works for a fence that is either:
  - Greater than 10 metres away from the nearest edge of a waterway.
  - A temporary fence of post and wire construction being used to protect any vegetation, work site or waterway where it will not remain in place for longer than 12 months.
- Remove, destroy, or lop vegetation including dead vegetation unless the removal, destruction or lopping involves any native vegetation on land within 30 metres of a waterway. [Panel Rec]
- [Panel Rec]Subdivide land for either:
  - An existing building or into two lots connected to a reticulated water and reticulated sewerage system. [Panel Rec]
  - A lot of 40 hectares or greater.
- Construct a building, construct or carry out works, construct a fence or sign, remove, destroy or lop of any vegetation, or subdivide land which is undertaken by, or on behalf of, a Minister, government department, public authority or municipal council.
- Construct a building or construct or carry out of works associated with activities conducted on public land by or on behalf of the public land manager under the relevant provisions of the *Crown Land (Reserves) Act 1978*, *Fisheries Act 1995*, *Forests Act 1958*, *Land Act 1958*, *Local Government Act 1989*, *National Parks Act 1975*, *Reference Areas Act 1978*, *Water Act 1989* or *Wildlife Act 1975*.

#### [Panel Rec]4.0 Application requirements

--/20--  
C--

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A scaled and dimensioned site context plan showing the site and surrounding land including the location of all waterways, drainage lines, water bodies, bores, water supply channels or springs and vegetation.
- A scaled and dimensioned plan showing the location and use of existing and proposed buildings and works, including proposed or existing waste water disposal areas and vehicle access.
- A geotechnical report and land capability assessment prepared by a suitably qualified person(s) demonstrating:
  - Details of degree and direction of slope, soil type, vegetation and drainage systems on the site;
  - That the land is capable of absorbing effluent generated on the lot; and
  - The likely impact of any on-site wastewater treatment system on surface and ground water resources and how such impact is to be mitigated.
- A land management or environmental management plan to be implemented as part of the proposal, outlining the restoration and enhancements of land or waterways.
- An onsite wastewater and stormwater treatment and management plan.

#### [Panel Rec]5.0 Decision guidelines

--/20--  
C--

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The proximity of the development to waterways, drainage lines and water supply reservoirs in the catchment.
- The possible impact and effect of the development on the quantity and quality of water in waterways, drainage lines, water supply reservoirs and springs.

- The need, and measures, to:
  - Provide buffers for or separation from waterways, drainage lines, gullies, property boundaries and any existing disposal areas or systems.
  - Minimise and reduce nutrient loads, turbidity and siltation in waterways, drainage lines and water supply reservoirs.
  - Decrease or reduce the velocity of stormwater into waterways, drainage lines and water supply reservoirs.
  - Prevent erosion of natural features, including banks, streambeds and adjoining land.
  - Improve filtration and infiltration of water.
  - Retain and increase native vegetation to prevent or limit adverse effects on waterways, drainage lines and water supply reservoirs.
- The means of treatment and disposal of all sewage, sullage, stormwater and other wastes on site which is consistent with a geotechnical report or land capability report having regard to the slope, soil type and other environmental factors including the potential for pollution of waterways and ground water. [\[Panel Rec\]](#)

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Proposed  
C80hepb

## SCHEDULE 2 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as **ESO2**.

### MINERAL SPRINGS AND GROUNDWATER PROTECTION

#### 1.0 Statement of environmental significance

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C--

The mineral springs that occur within the Hepburn Shire have natural, cultural and economic significance. The protection of the springs, their aquifers and their environs from the impacts of waste disposal and drainage is a fundamental component of the future management of this asset.

#### 2.0 Environmental objective to be achieved

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C--

To protect the mineral springs, their aquifers and their environs, private domestic bores and water bores that provide town water supply from the impacts of effluent and drainage.

#### 3.0 Permit requirement

--/20--  
C--

A permit is not required to

- Construct or carry out minor works.
- Construct or carry out works that will not result in changes to surface or groundwater runoff or contribute to a decline in spring water quality.
- Construct a building or construct or carry out works associated with informal outdoor recreation.
- Activities conducted on public land by or on behalf of the public land manager under the relevant provisions of the *Crown Land (Reserves) Act 1978*, *Fisheries Act 1995*, *Forests Act 1958*, *Land Act 1958*, *Local Government Act 1989*, *National Parks Act 1975*, *Reference Areas Act 1978*, *Water Act 1989* or *Wildlife Act 1975*.

#### [Panel Rec]4.0 Application requirements

--/20--  
C--

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A scaled site context plan showing the site and surrounding land including the location of all water ways, drainage lines, water bodies, water supply channels or springs and vegetation.
- The location and use of existing and proposed buildings and works, including proposed or existing waste water disposal areas and vehicle access.
- Details of degree and direction of slope, soil type, vegetation and drainage systems.
- A geotechnical report prepared by a suitably qualified person(s) demonstrating that the land is capable of absorbing effluent generated on the lot, the likely impact of any on-site wastewater treatment system on the mineral spring and freshwater resource and how such impact is to be mitigated.
- Any environmental management plan to be implemented as part of the proposal.

#### 5.0 Decision guidelines

--/20--  
C--

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The means of treatment and disposal of all sewage, sullage, stormwater and other wastes where connection to a reticulated sewage system is not available consistent with a geotechnical report.
- The possible effect of the development on the quality and quantity of the mineral spring or freshwater resource, including impacts on nutrient levels, and whether this is consistent with any environmental management plan for the proposal.
- The impact of development on drainage and stormwater run-off, waste water disposal, stream bed erosion, solid waste disposal, commercial waste disposal, storage of fuel, pesticide and fertiliser and hazardous materials.
- The slope, soil type and other environmental factors including the potential for pollution of the mineral spring and freshwater and the impact this may have on the quality and yield of water from the spring.
- The preservation of and impact on soils and the need to prevent erosion.
- The need to prevent or reduce the concentration of wastewater or stormwater.
- Whether development for chemical or liquid fuel storage is located within 200 metres of the eye of a mineral or freshwater spring.
- The protection of the area for its recreational value.
- Potential threats to mineral springs water quality.
- The need to retain vegetation to prevent or limit adverse effects on the mineral spring or freshwater.

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Proposed  
C80hepb

## SCHEDULE 1 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO1**.

### HEPBURN GOLD MINES AND VOLCANIC DISTRICT AND SITES OF GEOLOGICAL SIGNIFICANCE

#### 1.0 Statement of nature and key elements of landscape

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Proposed  
C80hepb

The Hepburn Gold Mines and Volcanic District is a State significant landscape located north of Creswick. It features a dense collection of rounded volcanic rises that are complemented by numerous mullock heaps left over from the era of deep lead gold mining. The mounds tower out of the paddocks and remain largely intact despite having been exposed to weathering for over a century. Several ruins of historic mine buildings are highly picturesque and evocative reminders of the rich gold mining heritage that has shaped the landscape of the region. In contrast to the human intervention of the mullock heaps, the landscape contains a dense collection of low volcanic rises including Kelly Hill, Powlett Hill, Clover Hill, Woodhouse Hill, Mount Kooroocheang, Birch Hill and Forest Hill. The setting of these is typical of the volcanic region and features open paddocks scattered with occasional trees and lined with shelterbelts and vegetation.

There are two locations that allow views across to the Berry Deep Lead Mine sites. These views are significant for their visual and historic value, providing a glimpse of the landscape of the Victorian gold mining era. The roadside view of the Berry Deep Lead No1 Mine on the Daylesford-Clunes Road, just west of Smeaton, is a short range view of mullock heaps and the remains of the pump house. Further east along the Daylesford-Clunes Road the landscape opens up to reveal pastoral land punctuated with volcanic cones and remnant mullock heaps.

This area is the traditional country of the Wathaurung and Dja Dja Wurrung and people to whom it holds social, cultural and spiritual significance. The waterbodies, distinctive natural features and places of ecological value within this area are likely to have high significance for Aboriginal people. [\[Panel Rec\]](#)

There are also sites of geological significance that have been exposed either naturally or due to past extraction work. These sites are protected as they are examples of significant geological processes, phenomena or stratigraphy and include the following:

- Volcanic shaft, Smeaton Hill vent.
- Tuff ring and crater, Hepburn Lagoon.
- Quartz veined Ordovician sediments typical of Creswick area, Creswick-Dean Road.
- Tertiary gravel cliffs, Portuguese flat dredge hole.
- Pink Ordovician sediment anticline, syncline, fault and quartz veining. Springmount Road cuttings.
- Weathered folded Ordovician sediment. Clay quarry, Creswick.

#### 2.0 Landscape character objectives to be achieved

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Proposed  
C80hepb

To minimise the visual impact of development on the landscape where visible from the major viewing points on the Daylesford-Clunes Road and from the viewing corridors including the Midland Highway and Ullina-Kooroocheang, Werona-Kingston, Blampied-Mollinghip and Kangaroo Hill Roads.

To maintain the volcanic cones, (including their base, ridgelines and prominent hill faces) and mullock heaps free from development, including quarrying.

To ensure that development is sited to retain clear and unobstructed views to significant landscape features within the view sheds of the Berry Deep Lead Mine sites.

To ensure that development demonstrates a high standard of design and responds to the identified landscape character and significance of the surrounding environment.



To increase indigenous planting in the heavily cleared areas of the landscape to further emphasise natural features such as ridges and watercourses and maintain and enhance linked corridors of indigenous vegetation throughout the landscape. [\[Panel Rec\]](#)

### 3.0 Permit requirement

--/20--  
Proposed  
C80hepb

A permit is required to:

- Remove, destroy or lop any vegetation.
- Construct a fence.

A permit is not required:

- To remove, destroy or lop dead vegetation if it is a standing dead shrub or tree with a trunk diameter of 40 centimetres or less at a height of 1.4 metres above ground level.
- To remove, destroy or lop vegetation to the minimum extent of vegetation removal necessary for the maintenance of existing fences to a combined maximum width of clearing for either side of the fence of 4 metres.
- To construct a fence that is a timber or metal post and wire, timber or metal post and railing, wire mesh, chainmesh or similar open rural style fence up to 1.8 metres in height.
- To construct a farm access track.
- For minor construction to existing buildings and works.
- For the construction of a building or the construction or the carrying out of works less than 6 metres in height above natural ground level and not more than 100 square metres in additional floor area that are of muted, natural and non-reflective colours and materials.
- For works undertaken by or on behalf of a public authority relating to watercourse management and environmental improvements. [\[Panel Rec\]](#)

### 4.0 Application requirements

--/20--  
Proposed  
C80hepb

The following application requirements apply to an application for a permit under Clause 42.03, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A detailed site evaluation which considers the existing landscape context including topography, existing vegetation (species, location and character), and views to the site from roads, settlements, publicly accessible waterways and recreation and tourism locations.
- A landscape plan that proposes the use of locally appropriate species (e.g. indigenous or non invasive native / exotic plants that are a feature of the character of the area) and how the affected area will be remediated after the development.
- A visual impact assessment of the proposal from major viewing corridors and identified significant viewing locations. [\[Panel Rec\]](#)

### 5.0 Decision guidelines

--/20--  
Proposed  
C80hepb

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The visible impact of building or works from:
  - Viewing corridors including the Midland Highway and Ullina-Kooroocheang, Werona-Kingston, Blampied-Mollinghip, Kangaroo Hill and Daylesford-Clunes Roads.
  - Two viewing points at the Berry Deep Lead Mine sites on the Daylesford-Clunes Road.
- Whether the building or works are sited:
  - To maximise clustering of new buildings with existing buildings where possible.

- Among established vegetation and/or screened with substantial landscaping of locally appropriate species.
- To be set back sufficient distances from roads to minimise visual intrusion.
- Away from visually prominent locations such as volcanic cones, including their base, ridgelines, prominent hill faces and mullock heaps, and landscape features.
- The scale of a building and its impact on its surroundings, including its relationship to the existing or future tree canopy height.
- The effect of removing vegetation on the landscape character and significance values and whether the loss of vegetation can be managed onsite through rehabilitation or replaced with native vegetation that will grow to a similar size.
- Whether the vegetation is isolated or part of a grouping. [\[Panel Rec\]](#)

19/01/2006  
VC37  
XX/XX/20XX  
Proposed  
C80hepb

## SCHEDULE 1 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO1**.

### CRESWICK GOLF COURSE DEVELOPMENT PLAN

#### 1.0

#### Objectives

19/01/2006  
VC37  
XX/XX/20XX  
Proposed

None specified. [\[Panel Rec\]](#)

#### 2.0

#### Requirement before a permit is granted

19/01/2006  
VC37  
XX/XX/20XX  
Proposed

None specified. [\[Panel Rec\]](#)

#### 3.0

#### Conditions and requirements for permits

19/01/2006  
VC37  
XX/XX/20XX  
Proposed  
C80hepb

The following conditions and/or requirements apply to permits, as appropriate: [\[Panel Rec\]](#)

- The rate of stormwater flow from the site which should not be unreasonably increased as a result of any development on the land.
- Prevention of contaminated stormwater flowing from the site.
- Advertising signs.
- Methods of protecting occupants of the site in the event of a wildfire in the area.
- The provision of reticulated water, sewerage and power to the development at the site or other approved alternative means of servicing the site.
- A site responsive building design sympathetic to the local semi-rural environment and of not more than three storeys in height, except that any residential hotel building may include, in addition, a basement carpark storey and an attic storey incorporating up to three apartments.
- Access to the proposed development from the Midland Highway subject to the satisfaction of the Roads Corporation.

Permit conditions may address matters in addition to the matters listed above.

#### 4.0

#### Requirements for development plan

19/01/2006  
VC37  
XX/XX/20XX  
Proposed  
C80hepb

The development plan must be advertised and publicly displayed at the municipal office for at least two weeks before it is considered by the responsible authority.

A development plan must include the following requirements: [\[Panel Rec\]](#)

- General access principles and approximate location of internal roads.
- Designation of areas proposed for development and a general description of the development.
- Overall plan showing changes to the layout of the golf course.
- Estimated timeframes for the development.
- General location of waterways.
- Emergency exits.
- Delineation of residential areas, golf course, other major land uses and open space.
- Description of how the impact of vegetation removal will be minimised.
- Description, including appropriate plans of the proposed landscaping treatment of the site.
- Description of fire management for the residential areas, golf course, other major land uses and open space.

Prior to adoption of the development plan a section 173 agreement, or other agreement for leased crown land, must be entered into between the owner and the responsible authority addressing the following issues:

- Expected timing for the development.
- Long term use of the site as a golf club and course.
- Registration of the agreement on the free hold title to the site.
- Description of how the golf course will remain operable when on site works are taking place.
- Infrastructure provision.

--/20--  
Proposed  
C80hepb

## SCHEDULE TO CLAUSE 66.04 REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

### 1.0

#### Referral of permit applications under local provisions

--/20--  
C--

| Clause              | Kind of application   | Referral authority          | Referral authority type           |
|---------------------|---|-----------------------------|-----------------------------------|
| 42.01<br>Schedule 1 | – All applications that are not exempt under clause 3.0 of Clause 42.01 - Schedule 1<br><a href="#">[Panel Rec]</a>                                 | Relevant authority<br>water | Determining authority<br>referral |
| 44.06<br>Schedule 1 | – An application for a single dwelling on a lot that does not meet all of the required bushfire protection measures under Clause 44.06 – Schedule 1 | Relevant fire authority     | Determining authority<br>referral |
| 44.06<br>Schedule 2 | – An application for a single dwelling on a lot that does not meet all of the required bushfire protection measures under Clause 44.06 – Schedule 2 | Relevant fire authority     | Determining authority<br>referral |

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Proposed  
C80hepb

## **SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME**

### **1.0 Responsible authority for administering and enforcing this planning scheme:**

~~---/20---~~  
C--

The Hepburn Shire Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

### **2.0 Responsible authority for administering and enforcing a provision of this planning scheme:**

~~---/20---~~  
C--

None specified.

### **3.0 Person or responsible authority for issuing planning certificates:**

~~---/20---~~  
C--

Minister for Planning.

### **4.0 Responsible authority for VicSmart applications:**

~~---/20---~~  
C--

The Chief Executive Officer of the Hepburn Shire Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

The Chief Executive Officer of the Hepburn Shire Council is the responsible authority for considering and determining any application that the notice and review exemption in Clause 52.10-2 applies to, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act. [\[Am VC179\]](#)



Proposed  
C80hepb**SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME  
CONSIST OF?****1.0 Maps comprising part of this planning scheme:**Proposed  
C80hepb

- 1, 1BMO, 1ESO, 1LSIO.
- 2, 2BMO, 2ESO, 2LSIO, 2VPO.
- 3, 3EMO, 3ESO, 3HO, 3LSIO, 3SLO.
- 4, 4BMO, 4EMO, 4ESO, 4HO, 4SLO, 4VPO.
- 5, 5BMO, 5ESO, 5HO, 5LSIO, 5VPO.
- 6, 6BMO, 6ESO, 6HO, 6LSIO.
- 7, 7BMO, 7ESO, 7HO, 7LSIO, 7VPO.
- 8, 8BMO, 8ESO, 8HO.
- 9, 9BMO, 9ESO, 9HO, 9LSIO, 9SLO.
- 10, 10BMO, 10ESO, 10HO, 10LSIO, 10SLO, 10VPO.
- 11, 11BMO, 11EAO, 11ESO, 11HO, 11LSIO, 11VPO.
- 12, 12ESO, 12HO, 12LSIO.
- 13, 13BMO, 13EMO, 13ESO, 13HO, 13LSIO, 13SLO.
- 14, 14BMO, 14EMO, 14ESO, 14HO, 14LSIO, 14SLO.
- 15, 15BMO, 15EMO, 15ESO, 15HO, 15LSIO, 15VPO.
- 16, 16BMO, 16ESO, 16HO, 16VPO.
- 17, 17BMO, 17ESO, 17HO, 17LSIO, 17VPO.
- 18, 18BMO, 18ESO, 18HO, 18LSIO, 18RO, 18VPO.
- 19, 19BMO, 19EMO, 19ESO, 19HO, 19SLO, 19VPO.
- 20, 20BMO, 20ESO, 20HO, 20VPO.
- 21, 21BMO, 21EMO, 21ESO, 21HO.
- 22, 22BMO, 22ESO, 22HO.
- 23, 23DPO, 23BMO, 23ESO, 23HO, 23SLO, 23VPO.
- 24, 24BMO, 24EMO, 24ESO, 24HO, 24SLO, 24VPO.
- 25, 25EMO, 25ESO, 25HO.
- 26, 26BMO, 26EMO, 26ESO, 26HO, 26LSIO, 26SLO, 26VPO.
- 27, 27BMO, 27EMO, 27ESO, 27HO.
- 28, 28BMO, 28DDO, 28ESO, 28HO.
- 29, 29BMO, 29DDO, 29ESO, 29HO.
- 30, 30BMO, 30DDO, 30ESO, 30HO, 30NCO.
- 31, 31BMO, 31DDO, 31ESO, 31HO, 31NCO, 31VPO.
- 32, 32BMO, 32DDO, 32ESO, 32HO, 32NCO.
- 33, 33BMO, 33DDO, 33ESO, 33HO, 33NCO, 33RXO, 33VPO.
- 34, 34BMO, 34ESO, 34HO, 34LSIO.
- 35, 35BMO, 35DDO, 35ESO, 35HO, 35LSIO.
- 36, 36BMO, 36ESO, 36HO, 36LSIO, 36RO, 36VPO.
- 37, 37BMO, 37ESO, 37HO, 37LSIO.
- 38, 38BMO, 38ESO, 38HO, 38VPO.
- 39, 39BMO, 39ESO, 39HO, 39VPO.

40, 40BMO, 40ESO, 40HO, 40VPO.

41, 41DPO, 41BMO, 41ESO, 41HO.

42, 42BMO, 42ESO, 42HO, 42VPO, 42SLO.

43, 43BMO, 43EMO, 43ESO, 43HO, 43SLO, 43VPO.

44, 44BMO, 44ESO, 44HO.

45, 45BMO, 45ESO, 45VPO.

46, 46BMO, 46ESO, 46HO, 46VPO.

47, 47BMO, 47ESO.

**SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS****1.0 Background documents**--/20--  
Proposed  
C80hepb

| Name of background document  | Amendment number - clause reference                           |
|--|---|
| <i>Advisory List of Environmental Weeds in Victoria</i> (Arthur Rylah Institute for Environmental Research, 2018)  | C80hepb – 02.03-2, 12.01-1L, 42.02 – Schedules 1 – 2          |
| <i>Central Springs Master Plan, Final</i> (Land Design Partnership for Hepburn Shire Council, 2012)  | C80hepb – 02.03-4, 14.02-2L, 42.01 – Schedule 2               |
| <i>Central Victorian Mineral Springs Groundwater Management Area – Local Management Plan</i> (Goulburn-Murray Rural Water Corporation, 2013)   | C80hepb – 02.03-4, 14.02-2L, 42.01 – Schedule 2               |
| <i>Code of Practice – Onsite Wastewater Management Publication 891 4</i> (Environment Protection Authority, 2016)  | C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1               |
| <i>Construction Techniques for Sediment Pollution Control Publication 275</i> (Environment Protection Authority, 1991)   | C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1               |
| <i>Corangamite Regional Catchment Strategy 2013-2019</i> (Corangamite Catchment Management Authority, 2013)  | C80hepb – 02.03-4, 42.01 – Schedule 1                         |
| <i>Creswick Shire Heritage Study: A Study of the Built and Environmental Heritage of Creswick Shire</i> (Lester Tropman & Associates, Wendy Jacob, Chris McConville, Richard Aitken, 1990)   | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Creswick Shire Heritage Study: A Study of the Built and Environmental Heritage of Creswick Shire: Building Citations Index Appendix A - Volume 1</i> (Lester Tropman & Associates, Wendy Jacob, Chris McConville, Richard Aitken, 1991) | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Creswick Shire Heritage Study: A Study of the Built and Environmental Heritage of Creswick Shire: Building Citations Index Appendix A - Volume 2</i> (Lester Tropman & Associates, Wendy Jacob, Chris McConville, Richard Aitken, 1991) | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Cultural Landscapes Study of Creswick Goldfields Area</i> (Chris McConville & Associates, 1989)   | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Daylesford and Glenlyon Conservation Study, Part 2, Volume 1, Environmental History</i> , (Wendy Jacobs, 1995)  | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Daylesford and Glenlyon Conservation Study, Part 2, Volume 2, Planning Recommendations</i> (Wendy Jacobs, 2000)   | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Daylesford and Glenlyon Conservation Study, Part 2, Volume 3, Individual Citation Sheets For Significant Places</i> (Wendy Jacobs, 2000)  | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Daylesford and Hepburn Springs Conservation Study</i> (Perrott Lyon Mathieson, 1985)  | C80hepb – 02.03-5, 15.03-1L, 43.01                            |
| <i>Daylesford Neighbourhood Character Study</i> (Planisphere for Hepburn Shire Council, October 2002)  | C80hepb – 02.03-5, 02.03-6, 15.01-5L, 43.05 – Schedules 1 – 6 |
| <i>Daylesford Neighbourhood Character Study – Daylesford Explanatory Brochure; Daylesford Township Vision Brochure</i>   | C80hepb – 02.03-5, 02.03-6, 15.01-5L,                         |

| Name of background document   | Amendment number - clause reference  |
|---|--|
| <i>and Precinct Brochures One to Twenty-Two</i> (Planisphere for Hepburn Shire Council, October 2002)   | 43.05 – Schedules 1 – 6  |
| <i>Daylesford Streetscape Study</i> (Chris Dance Land Design Pty Ltd, 1996)   | C80hepb – 02.03-5, 15.01-1L, 15.01-5L<br>43.02 – Schedules 1 – 5                                 |
| <i>Daylesford Streetscape Study – Updated Recommendations</i> (Chris Dance Land Design Pty Ltd and Essential Economics, 1998)   | C80hepb – 02.03-5, 15.01-1L, 15.01-5L<br>43.02 – Schedules 1 – 5                                 |
| <i>Domestic Wastewater Management Plan</i> (Hepburn Shire Council, June 2014)   | C80hepb – 02.03-4, 42.01 – Schedule 1  |
| <i>Fertile Ground, Hepburn Economic Development Strategy</i> (Hepburn Shire Council, 2016)  | C80hepb – 02.03-7, 14.01-2L, 14.02-1L, 17.01-1   |
| <i>Grampians Central West Waste and Resource Recovery Implementation Plan 2017</i> (Grampians Central West Waste and Resource Recovery Group, 2017)   | C80hepb – 02.03-7, 43.02 – Schedule 6  |
| <i>Guidelines: Noise from Industry in Regional Victoria</i> (Publication 1411, Environmental Protection Authority, 2011)  | C80hepb – 02.03-7, 14.01-2L, 14.02-1L, 17.01-1   |
| <i>Hepburn Biodiversity Strategy 2018 – 2021</i> (Hepburn Shire Council, 2018)  | C80hepb – 02.03-2, 12.01-1L, 42.02 – Schedules 1 – 2   |
| <i>Hepburn Biodiversity Strategy and Action Plan 2016 Background Report</i> (Cunningham, Hemayet and Harmen, 2016)  | C80hepb – 02.03-2, 12.01-1L, 42.02 – Schedules 1 – 2   |
| <i>Hepburn Heritage Strategy 2020 – 2030</i> (Hepburn Shire Council, 2020)  | C80hepb – 02.03-5, 15.03-1L, 43.01   |
| <i>Hepburn Mineral Springs Reserve Management Plan</i> (CPG Australia for Hepburn Shire Council, 2009)  | C80hepb – 02.03-5, 14.02-2L, 42.01 – Schedule 2  |
| <i>Hepburn Planning Scheme Review, Data and Evidence Report</i> (Plan2Place Consulting for Hepburn Shire Council, 2020) [ <a href="#">Panel Rec</a> ]   | C80hepb – 02.03, 02.04   |
| <i>Hepburn Planning Scheme Review, Stakeholder and Community Engagement Report</i> (Plan2Place Consulting for Hepburn Shire Council, 2020) [ <a href="#">Panel Rec</a> ]                      | C80hepb – 02.03, 02.04   |
| <i>Hepburn Planning Scheme Audit and Review Report</i> (Plan2Place Consulting for Hepburn Shire Council, 2020)  | C80hepb – 02.03, 02.04, 11.01-1L   |
| <i>Hepburn Shire Restructure Plan Project Report</i> (Meinhertz, December 2012)   | C80hepb – 02.03-3, 45.05 – Schedules 1 – 2   |
| <i>Hepburn Significant Tree Register Nominations 2011 - Statements of Significance Report with Planning Scheme Amendment</i> (Planit and TreEcology for Hepburn Shire Council, November 2015) | C80hepb – 02.03-5, 12.01-1L, 15.03-1L, 42.02 – Schedules 1 – 2                                   |
| <i>Hepburn Structure Plan Review</i> (Planit and Hepburn Shire Council, September 2006)   | C80hepb – 02.03-1, 02.03-5, 02.03-6, 11.01-1L, 15.01-1L, 15.01-3L, 15.01-5L, 32.08 – Schedule 1, |

| Name of background document  | Amendment number - clause reference                              |
|--|--|
|  | 32.09 – Schedules 1 – 4  |
| <i>Infrastructure Design Manual</i> (Local Government Infrastructure Design Association, 2019)   | GC112 – 02.03-9, 19.03-2L  |
| <i>Jubilee Lake Reserve Management Plan</i> (CPG Australia for Hepburn Shire Council, 2009)  | C80hepb – 02.03-5, 14.02-2L, 42.01 – Schedule 2                  |
| <i>Lake Daylesford Reserve Management Plan</i> (CPG Australia for Hepburn Shire Council, 2009)   | C80hepb – 02.03-5, 14.02-2L, 42.01 – Schedule 2                  |
| <i>Land Capability Assessment of the Creswick Water Supply Catchments</i> (Soil Conservation Authority, 1979)  | C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1                  |
| <i>Mineral Springs Risk Assessment for the Central and Hepburn Springs Region, Daylesford, Central Victoria</i> (Sinclair Knight Merz for the Department of Natural Resources and Environment, 1996) | C80hepb – 02.03-4, 14.02-2L, 42.01 – Schedule 2                  |
| <i>North Central CMA Region Loddon River System Environment Water Management Plan</i> (North Central Catchment Management Authority, 2015)   | C80hepb – 02.03-4, 14.02-1L, 14.02-2L, 42.01 – Schedules 1 and 2 |
| <i>North Central Regional Catchment Strategy 2013-2019</i> (North Central Catchment Management Authority, 2013)  | C80hepb – 02.03-4, 14.02-1L, 12.01-1L, 42.01 – Schedule 1        |
| <i>Planning Permit Applications in Open, Potable Water Supply Catchment Areas</i> (Department of Sustainability and Environment, 2012)   | C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1                  |
| <i>Recommended Separation Distances for Industrial Residual Air Emissions</i> (Publication 1518, Environmental Protection Authority, 2013)   | C80hepb – 02.03-7, 11.01-1L, 14.01-2L, 14.02-1L, 17.01-1         |
| <i>Reflect, Hepburn Reconciliation Action Plan</i> (Hepburn Shire Council, 2019)   | C80hepb – 02.03-5, 15.03-2L, 43.01                               |
| <i>Shire of Kyneton Conservation Study – Trentham Conservation Area – Pages 117 To 1066</i> (David Bick, Phyllis Murphy and John Patrick, and Susan Priestley for Shire of Kyneton, 1990)            | C80hepb – 02.03-5, 15.03-1L, 43.01                               |
| <i>South West Victoria Landscape Assessment Study Regional Overview Report: Executive Summary</i> (Department of Planning and Community Development, June 2013)                                      | C80hepb – 02.03-2, 12.05-5L, 42.03 – Schedules 1 – 2             |
| <i>South West Victoria Landscape Assessment Study Character Papers</i> (Department of Planning and Community Development, June 2013)   | C80hepb – 02.03-2, 12.05-5L, 42.03 – Schedules 1 – 2             |
| <i>South West Victoria Landscape Assessment Study Significance Papers</i> (Department of Planning and Community Development, June 2013)  | C80hepb – 02.03-2, 12.05-5L, 42.03 – Schedules 1 – 2             |
| <i>South West Victoria Landscape Assessment Study, Municipal Toolkit – Hepburn Shire Council</i> , (Department of Planning and Community Development, June 2013)                                     | C80hepb – 02.03-2, 12.05-5L, 42.03 – Schedules 1 – 2             |
| <i>Talbot and Clunes Conservation Study, Part A Study Report</i> (Richard Aitkens, 1988)   | C80hepb – 02.03-5, 15.03-1L, 43.01                               |
| <i>Talbot and Clunes Conservation Study, Part B Background Information</i> (Richard Aitkens, 1988)   | C80hepb – 02.03-5, 15.03-1L, 43.01                               |

| Name of background document  | Amendment number - clause reference             |
|--|---|
| <i>The Heritage Overlay - Guidelines for Assessing Planning Permit Applications in Heritage Overlays</i> , (Heritage Victoria and Heritage Council, Draft, February 2007). | C80hepb – 02.03-5, 15.03-1L, 43.01              |
| <i>Upper Coliban Integrated Catchment Management Plan</i> (North Central Catchment Management Authority and Coliban Water, 2018)   | C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1 |
| <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999)   | C80hepb – 02.03-4, 14.02-1L, 42.01 – Schedule 1 |
| <i>Victorian Mineral Springs Strategic Master Plan 2015-2024</i> (Victorian Mineral Water Committee, December 2015)  | C80hepb – 02.03-4, 14.02-2L, 42.01 – Schedule 2 |
| <i>Waste Management and Resource Recovery Strategy</i> (Hepburn Shire Council, January 2014)   | C80hepb – 02.03-7, 43.02 – Schedule 6           |
| <i>Wombat Hill Botanic Gardens, Conservation Management Plan</i> (Lee Andrews and Associates Heritage Consulting, 2007)  | C80hepb – 02.03-5, 15.03-1L, 43.01              |
| <i>Wombat Hill Botanic Gardens Master Plan</i> , (Laidlaw & Laidlaw Design for Hepburn Shire Council, February 2017) <a href="#">[Panel Rec]</a>                           | C80hepb – 02.03-5, 15.03-1L, 43.01              |



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Proposed  
C80hepb

## SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK

### 1.0

#### Further strategic work

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C--

The preparation of a Municipal Settlement Strategy by [\[Panel Rec\]](#):

- Undertaking a municipality wide Industrial, Commercial and Residential Land Demand Study to inform structure planning for the townships and ensure an adequate supply of zoned land.
- Undertaking flora and fauna assessments across the municipality to update biodiversity controls commencing with the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon.
- Undertaking structure planning for the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon.
- Undertaking an agricultural land study to determine the future agricultural needs and requirements in the municipality and ensure agricultural land is adequately protected.
- Preparing a rural settlement strategy to better understand the risks and challenges posed in the Shire's settlements to guide development consistent with the municipality's inherent rural character and other attributes.
- Preparing restructure plans for Drummond North and Sailors Falls to underpin the application of Restructure Overlays in the scheme.

Preparing a waste management plan to guide the future land use and management of the municipality's waste management facilities and land use and development on and around waste transfer stations at Creswick, Daylesford and Trentham.

Undertaking ongoing heritage studies across the Shire based on a comprehensive thematic environmental history commencing with the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon and highlighting the importance of the Dja Dja Wurrung Clans Aboriginal Corporation..

Updating the Schedule to the Heritage Overlay and other planning scheme provisions with study findings as appropriate, including incorporating statements of significance for identified heritage places.

Undertaking a landscape assessment study linked to the recognition and protection of sites of significance to the Dja Dja Wurrung Clans Aboriginal Corporation such as Lalgambook (Mt Franklin), Mt Kooroocheang and their surrounds and other areas throughout the Shire.

Undertaking an assessment of the Shire's transfer stations and former landfill sites in Creswick, Daylesford, and Trentham that identifies existing and potential environmental risks so that the environment and community are protected through improved environmental management and planning approaches.

Undertaking an assessment of the Shire's wastewater treatment plants and any necessary odour studies that are consistent with relevant guidelines, detailing future planning scheme approaches.

*Planning and Environment Act 1987*  
**HEPBURN PLANNING SCHEME**  
**AMENDMENT C80HEPB**  
**EXPLANATORY REPORT**

**Who is the Planning Authority?**

This amendment has been prepared by the Hepburn Shire Council, who is the planning authority for this amendment.

**Land affected by the Amendment**

The amendment applies to all land within the Hepburn Shire.

**What the amendment does**

The amendment will translate the Local Planning Policy Framework (MSS and LPPF) to the Planning Policy Framework, implement the *Hepburn Planning Scheme Review, February 2020* (HPSR) by strengthening the strategic framework, policies, zone and overlay schedules and particular provisions for the municipality, and implementing recent reforms to the *Victoria Planning Provisions* (VPP) and the *Ministerial Direction on Form and Content of Planning Schemes* into the Hepburn Planning Scheme.

The amendment changes the Hepburn Planning Scheme (*HPS*) by:

- Deleting Clause 20.
- Deleting Clause 21 and replacing it with a new Municipal Planning Strategy (MPS) at Clauses 02, 02.01, 02.02, 02.03 and 02.04.
- Deleting Clause 22.
- Deleting Clause 23.
- Introducing new or revised local policy content into the Planning Policy Framework (PPF) at:
  - Clause 11.01-1L - Townships and settlements.
  - Clause 12.01-1L - Native vegetation and habitat protection.
  - Clause 12.05-2L - Landscape management.
  - Clause 14.01-1L - Protection of agricultural land.
  - Clause 14.01-2L - Sustainable agricultural enterprises.
  - Clause 14.02-1L - Catchment and land protection.
  - Clause 14.02-2L - Mineral springs and fresh water springs protection.
  - Clause 15.01-1L - Urban design.
  - Clause 15.01-3L - Subdivision.
  - Clause 15.01-5L - Neighbourhood character in Daylesford.
  - Clause 15.01-5L - Neighbourhood character in townships and settlements.
  - Clause 15.01-6L - Central Springs and Lake Daylesford, Hepburn Springs Reserve and Jubilee Lake Reserve Environs.
  - Clause 15.02-1L - Environmentally sustainable development.
  - Clause 15.03-1L - Heritage.
  - Clause 15.03-2L - Aboriginal cultural heritage.
  - Clause 16.01-2L - Affordable housing.
  - Clause 17.01-1L - Diversified economy.
  - Clause 19.02-6L - Open space.
  - Clause 19.03-2L - Infrastructure design and provision.

(An overview of where policy content has been derived from can be found in Attachment 1.)

- Amending Clause 32.05, Schedule 1 (Township Zone) with a new schedule 1 that includes clear application requirements and decision guidelines applied to the municipality's settlements based on the *Hepburn Structure Plan Review, 2006*.
- Amending Clause 32.08, Schedule 1 (General Residential Zone) with a new schedule 1 that includes clear application requirements and decision guidelines to the Creswick township based on the *Hepburn Structure Plan Review, 2006*.
- Applying Clause 32.09 (Neighbourhood Residential Zone) and new Schedules 1, 2, 3 and 4 respectively to existing General Residential Zone areas in the townships of Daylesford, Clunes, Trentham and Hepburn Springs based on the *Hepburn Structure Plan Review, 2006*.
- Replacing the Schedule to Clause 35.03 (Rural Living Zone) and the Schedule with a new Schedule 1 that applies to all land where the zone applies other than at 145 Trentham-Kyneton Road, Trentham and a new Schedule 2 that applies to land at 145 Trentham-Kyneton Road, Trentham and the three lots which resulted from Amendment C36.
- Replacing the Schedule to Clause 35.06 (Rural Conservation Zone) with a new Schedule 1 that applies to Areas 1 and 2 in the map to the existing Schedule and a new Schedule 2 that applies to Area 3 in the map to the existing Schedule.
- Replacing the Schedule to Clause 35.07 (Farming Zone) with a new Schedule 1 that applies to Areas 1 and 2 in the map to the existing Schedule and a new Schedule 2 that applies to Area 3 in the map to the existing Schedule.
- Rezoning the Lost Childrens Cairn Memorial Reserve at 4360 Midland Highway, Daylesford from General Residential Zone Schedule 1 to Public Park and Recreation Zone.
- Rezoning land zoned as Special Use Zone Schedule1 at the Hepburn Mineral Springs Reserve to Public Park and Recreation Zone.
- Applying the correct mapping of Road Zones in and around Trentham based on designations from the *Road Management Act 2004*.
- Amending Schedules 1 and 2 to Clause 42.01 (Environmental Significance Overlay) to be consistent with the style and format of the *Ministerial Direction on the Form and Content of Planning Schemes* and update content informed by catchment management authorities, the relevant water authority and the Department of Environment, Land, Water and Planning (DELWP).
- Replacing Clause 42.03 (Significant Landscape Overlay), Schedule 1 with a new schedule and additional mapping that identifies existing geological sites.
- Amending the Schedule to Clause 43.01 (Heritage Overlay) to include clear application requirements and a new listing of HO988 for identified 'Potato Huts' in Little Hampton and Trentham.
- Replacing Schedules 1, 2, 3, 4 and 5 to Clause 43.02 (Design and Development Overlay) with new Schedules 1, 2, 3, 4 and 5.
- Deleting mapped areas for Clause 43.02 (Design and Development Overlay), Schedules 1, 2, 3 and 4 that overlap areas where the Neighbourhood Character Overlay is applied.
- Replacing Clause 43.04 (Development Plan Overlay) Schedule 1 with content from Schedule 3 and applying Schedule 1 to the Creswick Golf Course Resort.
- Deleting Clause 43.04 (Development Plan Overlay) Schedules 2 and 3.
- Replacing Clause 43.05 (Neighbourhood Character Overlay), Schedules 1 and 2 with Schedules 1, 2, 3, 4, 5 and 6 to apply respectively to existing Precincts 1, 2, 5, 9, 14 and 13 as detailed in the *Daylesford Neighbourhood Character Study, 2002*.
- Replacing the Schedule to Clause 52.28 (Gaming) with a new schedule that includes clearer and more legible content.
- Amending the Schedule to Clause 52.33 (Post Boxes and Dry Stone Walls) to apply to all land in the municipality.
- Amending the Schedule to Clause 66.04 (Referral of Permit Applications under Local Provisions) by removing the Department of Environment, Land, Water and Planning (DELWP) as a referral authority for applications under Clause 42.01 (Environment Significance Overlay), Schedule 2 and include the Country Fire Authority (CFA) as a referral authority under Clause 44.06 (Bushfire Management Overlay), Schedules 1 and 2.
- Amending the Schedule to Clause 72.03 (What does this Scheme consist of?) to include new planning scheme maps introduced by the amendment and as detailed in the *Amendment C80Hepb Instruction Sheet*.
- Amending the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the Statement of Significance for HO988.

- Amending the Schedule to Clause 72.08 (Background Documents) to include all background documents from Clause 21 of the Local Planning Policy Framework and includes new documents based on the *HPSR*.
- Amending the Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) to provide an explanation of the relationship between the municipal objectives, strategies and controls on the use and development of land.
- Replacing the Schedule to Clause 74.02 (Further Strategic Work) with a new schedule that consolidates all further strategic work actions from the *HPSR*.
- Removing references throughout the planning scheme (Clauses 42.01 – Schedule 1, 42.02 – Schedule 1, 42.03 – Schedule 1, 44.01 – Schedule 1, 51.01, 52.17 and 72.04) to projects which are either completed or no longer required, including: the Goldfields Superpipe Project; Mildura – Geelong Rail Freight Upgrade Project September 2007; Regional Fast Rail Project, Integrated Approval Requirements, December 2002; and Unigrain Project: Incorporated document pursuant to section 6(2)(j) of the Planning and Environment Act 1987, September 2010.
- Updating all above clauses so that they are consistent with the style and format of the *Ministerial Direction on the Form and Content of Planning Schemes*.
- Amending Clauses 32.03, Schedule 1; 33.01, Schedule; 34.01, Schedule; 36.01, Schedule; 36.02, Schedule; 36.03, Schedule; 37.01, Schedules 1, 2 and 3; 42.01, Schedules 1 and 2; 42.02, Schedules 1 and 2; 43.04, Schedule 1; 44.01, Schedule 1; 44.04, Schedule 1; 44.06, Schedules 1 and 2; 45.05, Schedule 1; 51.01, Schedule; 52.02, Schedule; 52.05, Schedule; 52.16, Schedule; 52.17, Schedule; 52.27, Schedule; 52.28, Schedule; 53.15, Schedule; 59.15, Schedule; 59.16, Schedule; 66.06, Schedule; 72.01, Schedule; 72.04, Schedule; and 72.05, Schedule so that they are consistent with the style and format of the *Ministerial Direction on the Form and Content of Planning Schemes*.

### Strategic assessment of the Amendment

#### Why is the Amendment required?

Amendment C80hepb implements the *HPSR* approved by Hepburn Shire Council (Council) in February 2020 into the *HPS* in conjunction with Smart Planning Program reforms.

Section 12B of the *Planning and Environment Act 1987 (P&E Act)* requires that a planning authority review the provisions of its planning scheme in achieving:

- The objectives of planning in Victoria.
- Its capacity to deliver the Council Plan.
- The objectives and strategies of the planning scheme including the PPF.

In undertaking the *HPSR*, the following issues were comprehensively considered:

- The effectiveness of local planning policies and strategies, zones, overlays, particular provisions and schedules.
- The effectiveness of development controls.
- Consistency in the form and content with any directions or guidelines issued by the Minister for Planning under Section 7(5) of the *P&E Act*.
- Establishing effective policy objectives for use and development of land.
- The effective use of State and local provisions to give effect to State, regional and local planning policy objectives.

In parallel with the *HPSR*, in 2018 Amendment VC148 introduced widespread changes to the *VPP* as part of Stage 2 of the Smart Planning Program. More specifically, Amendment VC148:

- Introduced a new PPF.
- Enabled the future introduction of an MPS.
- Introduced a new state, regional and local integrated policy structure.
- Modified the schedules to some existing zones, overlays and provisions to accommodate additional local content.

- Created new operational provisions.

The *HPSR* analysed the existing Municipal Strategic Statement (MSS), 19 local planning policies, 13 zones with 14 zone schedules, 13 overlays with 21 overlay schedules, with particular provisions and schedules and general and operational provisions. In addition, 86 State planning policies and 4 regional planning policies were reviewed. The *HPSR* proposed a new MPS, 19 new/revised local planning policies integrated with state and regional policies, 14 zones with 15 zone schedules, 13 overlays with 21 overlay schedules and particular, general and operational provisions.

As well as responding to the *HPSR*, the amendment responds to Stage 2, and forms part of Stage 3, of the Smart Planning Program to make planning schemes more efficient, accessible and transparent. The amendment will ensure alignment of local planning policy with state and regional policy by integrating local policy content into the new MPS and PPF as well as being drafted in accordance with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes (Version 1.4)* to ensure that the planning scheme is:

- Within the scope of the *P&E Act* and strategically justified.
- Clear in its application, proportional to the intended planning outcome and consistent with relevant *VPP* parent provisions, planning practice notes, advisory notes and Ministerial Directions issued by the Minister for Planning.
- Drafted to be clear and unambiguous, incorporating administrative, style and formatting changes based on the *Ministerial Direction on the Form and Content of Planning Schemes*.

The amendment also seeks to add new, or remove existing, planning controls which implement additional strategic directions identified by the *HPSR* such as:

- The recommendations of the *South-West Victoria Landscape Assessment Study, 2013* to the municipality through the application of the Landscape management policy at Clause 12.05-2L.
- Removing the Design and Development Overlay (DDO) from land in the Daylesford township where it overlaps with a Neighbourhood Character Overlay to reduce the duplication of planning requirements.
- Adding application requirements into the Schedule to Heritage Overlay by placing and updating requirements currently included in the MSS into a more logical area of the *HPS*.
- Recognising the important local heritage significance of the identified potato huts in Little Hampton and Trentham as heritage places by applying the Heritage Overlay.
- Deleting the Development Plan Overlay Schedules 1 and 2 and their application respectively to the former Daylesford Abattoir at 57 Leitches Creek Road, Daylesford and WD Seeds at Creswick-Newstead Road, Smeaton which are now no longer required as they have been either developed based on approved development plans or the plans are now obsolete.
- Renumbering the Development Plan Overlay Schedule 3 to Schedule 1 and applying Schedule 1 to the Creswick Golf Course Resort at 1500 Midland Highway, Creswick.
- Replacing the Schedule relating to post boxes and dry stone walls with a new schedule that applies to all land in the municipality consistent with the *Hepburn Heritage Strategy, 2020 - 2030*.
- Applying the Neighbourhood Residential Zone and new Schedules 1, 2, 3 and 4 respectively to existing General Residential Zone areas in the townships of Daylesford, Clunes, Trentham and Hepburn Springs to give better effect to the *Hepburn Structure Plan Review, 2006*.
- Applying the appropriate Public Park and Recreation Zone to Council owned land known as the Lost Childrens Cairn Memorial Reserve at 4360 Midland Highway, Daylesford and to land at the Hepburn Mineral Springs Reserve to reflect the public ownership and purpose of the land for public purposes.
- Correctly mapping Road Zones in and around Trentham based on the applicable designations from the *Road Management Act 2004*.

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

The amendment implements the objectives in section 4 of the *P&E Act*. In particular, it supports the objectives to:

- Provide for the fair, orderly, economic and sustainable use, and development of land.
- Provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- Conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- Protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- Facilitate the provision of affordable housing in Victoria.
- Balance the present and future interests of all Victorians.

The amendment implements these objectives through a new MPS, local planning policies, zones, overlays and particular provisions by:

- Restructuring local policy content into the MPS, PPF and local schedules through clarifying, condensing and modernising the *HPS* into a contemporary and relevant set of strategic directions, policies and provisions that reflects community aspirations identified through the *HPSR*.
- Ensuring sound, strategic planning and coordinated action at the municipal level by improving the quality, accuracy, consistency and operation of existing planning policy and provisions.
- Providing certainty to users of the *HPS* with clear strategic directions that will inform decision making regarding use and development in the municipality consistent with the *P&E Act*'s objectives.
- Supporting a settlement strategy that provides for growth within existing urban growth boundaries of townships with minimal residential, commercial or industrial growth outside of these townships.
- Retaining and supporting agricultural and farming activities with policy and minimum subdivision areas to reduce amenity and operational conflicts.
- Protecting existing areas of public land for conservation, biodiversity and tourism and minimising areas of native vegetation removal.
- Protecting areas of identified heritage significance throughout the municipality and better recognising newly identified heritage places of local significance such as potato huts.
- Better protecting and managing landscape character throughout western parts of the municipality by recognising the Hepburn Goldmines and Volcanic District and Island Uplands areas along with the existing sites of geological significance.
- Improving policy around environmentally sustainable development, neighbourhood character and urban design to steer better environmental outcomes and retain and complement the character of townships and other unique areas.
- Supporting affordable housing throughout residential areas in the municipality's townships.
- Reflecting appropriate road designations as determined by the *Road Management Act 2004*.

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

The amendment will address environmental, social and economic effects for the Hepburn community by ensuring that land use and development policies and provisions are consistent with the environmental, social and economic land use objectives of planning in Hepburn Shire and Victoria. Specifically, this will be achieved through:

- Retaining an adequate supply of land within townships for the community which results in positive economic and social effects by providing land that is zoned for residential, commercial, industrial and public purposes, implementing the strategic directions and objectives of the *Hepburn Structure Plan Review, 2006*.



- Improved heritage policy to identified heritage places and the inclusion of the heritage places of potato huts supporting the protection of the municipality and region's social, cultural, environmental and industrial heritage.
- New Aboriginal cultural heritage policy to reflect the strategic directions of the *Hepburn Heritage Strategy 2020-2030, 2020* and the *Hepburn Reconciliation Action Plan, 2019* supporting the protection of social, cultural and environmental heritage.
- Retention of existing rural zones and enhanced policies that support agricultural and farming activities by discouraging incompatible uses and protecting agricultural land to ensure this major source of employment in the municipality is retained.
- Retention of existing Neighbourhood Character Overlay controls to existing neighbourhood character precincts and Design and Development Overlay controls to main roads in Daylesford to enhance valued local amenity and support tourism.
- Retention of existing vegetation protection controls and enhanced policy guidance by giving effect to the *Hepburn Biodiversity Strategy, 2018* to improve native vegetation and habitat protection outcomes.
- Landscape management policy which will help protect vegetation and significant view lines and view sheds, protecting the environmental, social and economic effects these landscapes provide to the region.
- New planning strategies and policies which emphasise the important economic, tourism, heritage and agricultural roles of the municipality and wider region.
- Improving the clarity of local policy content in the MPS, PPF and proposed local schedules which results in greater certainty for users of the system.
- Reducing unnecessary costs to applicants and Council as a result of clearer planning requirements.
- Improving planning outcomes by removing errors, inconsistencies and incompatibility in local policy content and provisions in the MPS, PPF and local schedules and through correct mapping of road designations as determined by the *Road Management Act 2004* and to public reserves.
- Improving the quality, accuracy, and operation of existing planning provisions through consistency with the *Ministerial Direction on The Form and Content of Planning Schemes*.
- Sound, strategic planning and coordinated action at the municipal level by improving the nexus, integration and relationship of the *HPS* with state and regional planning policy.

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

The amendment is not expected to result in any increase to the risk to life, property, community infrastructure and the natural environment from bushfire with life as the priority. Rather, it proposes to meet the objective and give effect to the strategies to address bushfire risk in the PPF by:

- Addressing bushfire risk in the MPS as a key land use theme for the municipality and providing a brief overview and stronger strategic directions than the current *HPS* at Clause 21.
- Retaining a settlement strategy that promotes development within existing urban growth boundaries in the townships of Creswick, Clunes, Daylesford, Hepburn Springs and Trentham where bushfire risks are already identified.
- Discouraging development in settlements unless the risk from environmental hazards can be mitigated to an acceptable level.
- Reinforcing the restructuring settlements that are subject to the greatest risk from environmental hazards such as bushfire.
- Retaining existing township urban growth boundaries as currently identified in Clause 21.05 and retaining identified environmental hazard controls and their application to land such as through Clause 44.06 (Bushfire Management Overlay).
- Including in the Schedule to Clause 66.04 (Referral of Permit Applications under Local Provisions) referral to the CFA where matters are not adequately addressed to respond to the requirements of the schedules to Clause 44.06.

#### **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* and has been prepared in accordance with the strategic considerations set out in *Ministerial Direction No. 11 Strategic Assessment of Amendments* and *Ministerial Direction No. 15 The Planning Scheme Amendment Process* issued under section 7(5) of the *P&E Act*.

The *Ministerial Direction No. 19, Ministerial Direction on the Preparation and Content of Amendments that May Significantly Impact the Environment, Amenity and Human Health* was responded to by seeking and incorporating the views of the Environment Protection Authority (EPA) about the ‘agent of change’ principle and including a strategic direction in the MPS about reducing the impacts from the encroachment of sensitive uses on industrial uses and EPA licensed facilities.

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

The amendment supports and implements the PPF into the *HPS* by introducing a new Municipal Planning Strategy at Clause 02 and local planning policies at Clauses 11, 12, 14, 15, 16, 17 and 19 of the PPF to complement state and regional planning policies. The new structure is summarised as follows:

| PPF Clauses  | Proposed Local Planning Policies and Relationship to State Policy  |
|--|--|
| Settlement<br>(Clause 11)                          | <p>Clause 11.01-1L - Townships and settlements provides a settlement strategy for the Shire that supports development within township urban growth boundaries detailed in townships plans for Creswick, Clunes, Daylesford, Hepburn Springs and Trentham. Development is discouraged in settlements unless the risk from environmental hazards can be mitigated to an acceptable level. The policy also identifies settlements for restructuring due to environmental hazards which cannot be appropriately mitigated.</p> <p>The policy also supports the directions of the <i>Central Highlands Regional Growth Plan</i> with Creswick identified as a township for medium growth while some level of growth is anticipated in Clunes within a sustainable change scenario. Daylesford is identified for growth to be contained with other townships such as Hepburn Springs and Trentham not anticipated for large amounts of change. Management of landscapes, retention of non-urban breaks between townships and maintaining productive agricultural and farming land are other key themes of how the settlement strategy links to rural land use.</p> |
| Environmental and Landscape Values<br>(Clause 12). | <p>Clause 12.01-1L - Vegetation and habitat protection supports the retention of areas of significant vegetation throughout the municipality and the relationship to the protection of habitat for fauna.</p> <p>Clause 12.05-2L - Landscape management identifies state and regionally significant landscapes on private land, view lines and view sheds throughout the municipality which require improved management for their continuity.</p>  |
| Environmental Risks<br>(Clause 13)                 | Nil.   |
| Natural Resource Management<br>(Clause 14)         | <p>Clause 14.01-1L - Protection of agricultural land and Clause 14.01-2L - Sustainable agricultural enterprises provide a local response to complement State policy that seeks to protect productive agricultural land.</p> <p>Clause 14.02-1L - Catchment and land protection applies to all land within the municipality for the protection of soil and water quality within the special water supply catchment based on regional catchment management strategies.</p>   |

| PPF Clauses                                   | Proposed Local Planning Policies and Relationship to State Policy  |
|---|--|
|   | Clause 14.02-2L - Mineral springs protection provides protection of water quality and quantity of mineral springs, fresh water springs and their aquifers in identified areas.   |
| Built Environment and Heritage<br>(Clause 15) | <p>There are a range of built environment and heritage local planning policies. These provide improved local guidance on urban design, subdivision, neighbourhood character, significant places of tourism and recreation, environmentally sustainable development, heritage and Aboriginal cultural heritage matters. Local planning policies include:</p> <ul style="list-style-type: none"> <li>• Clause 15.01-1L - Urban design.</li> <li>• Clause 15.01-3L - Subdivision.</li> <li>• Clause 15.01-5L - Neighbourhood character in Daylesford.</li> <li>• Clause 15.01-5L - Neighbourhood character in townships and settlements.</li> <li>• Clause 15.01-6L - Central Springs and Lake Daylesford, Hepburn Springs Reserve and Jubilee Lake Reserve Environs.</li> <li>• Clause 15.02-1L - Environmentally sustainable development.</li> <li>• Clause 15.03-1L - Heritage.</li> <li>• Clause 15.03-2L - Aboriginal cultural heritage.</li> </ul> <p>Existing planning policies at Clauses 22.08 – 22.19 have been consolidated into Clause 15.01-5L - Neighbourhood character in Daylesford. All other new policy content relates to existing content in Clauses 21.05, 21.07 and 21.09 and approved Council strategies documented in Clause 72.08.</p> |
| Housing<br>(Clause 16)                        | Clause 16.01-2L - Affordable housing complements State policy to support a range of social housing choices and affordable housing types in areas that can that meet the needs of the Hepburn community, working with community housing associations.   |
| Economic Development<br>(Clause 17)           | Clause 17.01-1L - Diversified economy provides local directions and responses for industrial and commercial development and enterprises that support the rural economy of the Shire.   |
| Transport<br>(Clause 18)                      | Nil.   |
| Infrastructure<br>(Clause 19)                 | Clause 19.03-2L - Infrastructure design and provision provides additional guidance for new or replacement infrastructure throughout the Shire to complement existing State guidance, from content provided through Amendment GC112 contained in Clause 21.06.  |

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

The amendment introduces a new MPS at Clause 02 of the *HPS* and is summarised as follows:

| New Clauses     | Content and Proposed Change  |
|-----------------|--|
| 02.01 (Context) | Provides a general overview of the municipal context, key planning issues and updated population and demographic data drawn from the existing Municipal Strategic Statement and updated data outlined in the <i>HPSR</i> . |
| 02.02 (Vision)  | Provides a vision for the municipality based on Council's existing Council Plan with land use and development directions updated by in accordance with community priorities in the findings of the <i>HPSR</i> .           |

| New Clauses                       | Content and Proposed Change  |
|-----------------------------------|--|
| 02.03 (Strategic Directions)      | Provides a brief strategic overview and strategic directions on key land use themes based on the PPF themes drawn from the existing MSS and community priorities, and strategic work identified through the <i>HPSR</i> .  |
| 02.04 (Strategic Framework Plans) | Provides improved guidance and directions in the following plans: <ul style="list-style-type: none"> <li>• Strategic Framework Plan.</li> <li>• Settlement.</li> <li>• Environmental Hazards.</li> <li>• Environmental and Landscape Values.</li> <li>• Economic Development.</li> </ul> |

The policy content of the MPS outlines the strategic directions for the municipality and underpins the policy content in the PPF and the planning response through zones, overlays and particular provisions.

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

The amendment makes proper use of the VPP by utilising the appropriate VPPs to the specific local circumstances throughout the municipality and updates schedules with consistent and proper drafting. This improves the relationship of schedules to the VPPs and the overall quality and consistency of the HPS. In particular, the amendment:

- Introduces the new Planning Policy Framework to replace the Local Planning Policy Framework through the introduction of the Municipal Planning Strategy in place of the MSS, and the introduction of new local policies to replace content from the MSS and previous local policies.
- Changes the General Residential Zone and Township Zone to the Neighbourhood Residential Zone in the townships of Clunes, Daylesford, Hepburn Springs and Trentham to implement the development intent of the *Hepburn Structure Plan Review, 2006* through a zone with a more appropriate purpose.
- Creates new schedules to existing Farming Zone and Rural Living Zones to deliver one minimum lot size per schedule as required by the *Ministerial Direction on Form and Content of Planning Schemes* and *A Practitioner's Guide to Victorian Planning Schemes (Version 1.4)*.

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

The amendment was prepared in consultation with Central Highlands Water; Coliban Water; Country Fire Authority; Department of Environment, Land, Water and Planning; Department of Transport; Dja Dja Wurrung Clans Aboriginal Corporation; Environment Protection Authority; Goulburn-Murray Water; National Trust Victoria; North Central Catchment Management Authority; Parks Victoria; Regional Roads Victoria and VicTrack. Issues that were raised by government departments, agencies or non-government organisations were taken into account in the preparation of the amendment and were further considered as part of the submissions process for exhibition of the Amendment and during the Panel hearing process.

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

The amendment sets out strategic directions for road and rail based transport and the active transport network at clauses 02.03-8 of the MPS, 19.02-6L Open space and 15.01-1L Urban design.

The amendment does not have significant impacts on the transport system and addresses the objectives and decision making principles of the *Transport Integration Act 2010*.

## Resource and administrative costs

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

The amendment will result in operational improvements to the scheme that are likely to reduce planning permit requirements. Clearer identification of when a permit is required and what is required will reduce the number of applications that do not require a permit. Navigation of the scheme will also be improved by improved schedules making identification of land clearer without further interpretation being required. This will assist with advice given by Council and the community's ability to navigate the scheme, and enable more definitive information to be provided on planning property reports.

There will not be significant increases in planning applications from the implementation of the Neighbourhood Residential Zone in townships where the General Residential Zone or Township Zone currently applies or in the translation of existing overlay controls with existing requirements being retained. There will not be significant increases in planning applications as a result of the proposed heritage overlay on the six potato huts identified of local significance in Little Hampton and Trentham.

Council has funded additional planning staff who are able to assist with any increase in anticipated planning applications and to commence new strategic work as identified in the *HPSR*.

The amendment will introduce revised local policy content in the form of the MPS and PPF which will create a clearer and more legible policy framework. This will build on state and local policy enabling policy to achieve its intended outcome at the local level. After an initial familiarisation phase, there will be a reduced burden on the responsible authority in creating and administering local policy content in the Hepburn Planning Scheme with a clear set of policy, guidelines and provisions which will support the improved implementation and operation of the planning system in Victoria. Greater clarity will also be provided to applicants and the community within the municipality around the operation of planning processes, policy and provisions.

## Where you may inspect this Amendment

A copy of the amendment can be inspected, free of charge, at:

- the Hepburn Shire Council website [www.hepburn.vic.gov.au](http://www.hepburn.vic.gov.au); and
- the Department of Environment, Land, Water and Planning website [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

The Hepburn Shire Council's municipal offices and libraries and DELWP office during office opening hours.

### **Hepburn Shire Council,**

#### **Customer Service Office and Libraries:**

- Council offices. Cnr Duke and Albert Streets, Daylesford
- The Creswick Hub 68 Albert Street, Creswick
- The Warehouse, 36 Fraser Street, Clunes
- The Daylesford Library, corner Bridport and Albert Streets, Daylesford
- The Trentham Library, 13 Albert Street Trentham

### **DELWP Grampians Region**

Level 3,  
402-406 Mair Street  
BALLARAT VIC 3350

## Attachment One

| Local Policy Clause   | Policy Derivation   |
|---|---|
| Clause 11.01-1L - Townships and settlements.                          | Introduces a new local policy to the scheme building on content in the current MSS (Clauses 21.03; 21.05), implements the <i>Central Highlands Regional Growth Plan</i> and clarifies the Shire's existing settlement policy through new content which seeks to contain dwellings and residential subdivision within township boundaries. Development is discouraged in settlements unless the risk from environmental hazards can be mitigated to an acceptable level.               |
| Clause 12.01-1L - Vegetation and habitat protection.                  | Introduces a new local policy to the scheme building on content in the current MSS (Clauses 21.05; 21.09), and new content derived from the <i>Hepburn Biodiversity Strategy, 2018</i> and the <i>NCCMA Regional Catchment Strategy 2013-2019</i> . The policy provides clearer direction on the protection of remnant vegetation for threatened flora and fauna species and encourages the planting of indigenous vegetation that responds to its bioregion across the municipality. |
| Clause 12.05-2L - Landscape management.                               | Introduces a new local policy to the scheme building on content in the current MSS (Clause 21.09) and the findings of the <i>South West Victoria Landscape Assessment Study, 2013</i> . The policy provides direction on protecting and enhancing the features of the landscape character areas of the municipality.  |
| Clause 14.01-1L - Protection of agricultural land.                    | Introduces a new local policy into the scheme based on the existing policy titled "Rural Land" currently at Clause 22.04 and the current MSS (Clause 21.08) to ensure the Shire's high quality agricultural land is not encroached upon.  |
| Clause 14.01-2L - Sustainable agricultural enterprises.               | Introduces a new local policy into the scheme based on the existing policy titled "Rural Land" currently at Clause 22.04 and the current MSS (Clauses 21.03, 21.07, 21.08) to ensure agricultural land remains viable. and supports businesses. New policy content supports small agricultural enterprises in the Rural Living Zone.  |
| Clause 14.02-1L - Catchment and land protection.                      | Revises the existing policy titled "Catchment and Land Protection" currently at Clause 22.01 with updates following consultation with water and catchment management authorities, and to meet drafting requirements of the PPF / Smart Planning translation.  |
| Clause 14.02-2L - Mineral springs and fresh water springs protection. | Revises the existing policy titled 'Mineral Springs Protection' currently at Clause 22.02 with updates following consultation with DELWP Land and Environment and to meet drafting requirements of the PPF / Smart Planning translation.  |
| Clause 15.01-1L - Urban design.                                       | Introduces a new local policy to the scheme building on content from the current MSS (Clauses 21.05; 21.07; 21.09) and new policy on the location of carparking in townships and industrial areas and delineating pedestrian access, circulation and movement in development.   |



| Local Policy Clause   | Policy Derivation  |
|---|--|
| Clause 15.01-3L - Subdivision.  | Introduces a new local policy to the scheme based on content from the current MSS (Clauses 21.05; 21.09) to provide direction on subdivision of land design in townships and Glenlyon.   |
| Clause 15.01-5L - Neighbourhood character in Daylesford.  | Merges and revises the existing policies titled Daylesford Neighbourhood Policy and Precincts 4, 6, 7, 10, 11, 12, 14, 15, 17, 18 and 19 currently at Clause 22.08-22.19 to meet drafting requirements of the PPF / Smart Planning translation.  |
| Clause 15.01-5L - Neighbourhood character in townships and settlements.   | Introduces a new local policy derived from existing clauses in the MSS (Clauses 21.01; 21.05; 21.07) to guide residential development that is responsive to neighbourhood character.   |
| Clause 15.01-6L - Central Springs and Lake Daylesford, Hepburn Springs Reserve and Jubilee Lake Reserve Environs. | Introduces a new local policy derived from the existing MSS (Clause 21.05,) and existing local policy at Clauses 22.02 and 22.08, and direction provided in Management and Masterplans prepared for key reserves and lakes. The policy will guide development suitable within mineral springs, lake areas and reserves. This has been supplemented with view shed analysis to provide guidance on areas that are likely to be visible from the reserves/lakes. |
| Clause 15.02-1L - Environmentally sustainable development.  | Introduces a new local policy to the scheme building on content from the current MSS (Clause 21.09) using the required template developed by DELWP to achieve best practice environmentally sustainable development.   |
| Clause 15.03-1L - Heritage.   | Introduces a new local policy to the scheme building on content from the current MSS (Clause 21.09), the <i>Hepburn Heritage Strategy 2020-2030</i> and new content to guide signs, demolition and relocation, gardens, trees and landscape features, subdivision and prohibited uses.   |
| Clause 15.03-2L - Aboriginal cultural heritage.   | Introduces a new local policy to the scheme to specifically recognise and protect aboriginal cultural heritage, building on Council's commitments in the <i>Reconciliation Action Plan, 2018</i> .   |
| Clause 16.01-2L - Affordable housing.   | Introduces a new local policy to the scheme building on content from the current MSS (Clause 21.06) and to direct affordable housing into townships in line with established settlement policy.  |
| Clause 17.01-1L - Diversified economy.  | Introduces a new local policy derived from content in the existing MSS (Clause 21.07) to support industry within the municipality.   |
| Clause 19.02-6L - Open space.   | Introduces a new local policy derived from existing clauses in the MSS (Clauses 21.05; 21.09) to guide the development of open space in townships.   |
| Clause 19.03-2L - Infrastructure design and provision.  | Introduces a new local policy derived from existing clauses in the MSS (Clause 21.06) to guide the design and provision of infrastructure building on the recent Amendment GC112.  |

*Planning and Environment Act 1987*

## **HEPBURN PLANNING SCHEME AMENDMENT C80HEPB INSTRUCTION SHEET**

The planning authority for this amendment is the Hepburn Shire Council.

The Hepburn Planning Scheme is amended as follows:

### ***Planning Scheme Maps***

The Planning Scheme Maps are amended by a total of 68 attached map sheets.

### ***Zoning Maps***

1. Amend Planning Scheme Map Nos. 1 to 47 in the manner shown on the 47 attached maps marked “Hepburn Planning Scheme, Amendment C80Hepb”.

### ***Overlay Maps***

2. Amend Planning Scheme Map Nos. 28DDO, 30DDO, 31DDO, 32DDO, 33DDO, 23DPO, 41DPO, 38HO, 30NCO, 31NCO, 32NCO, 33NCO, 14SLO, 24SLO, and 26SLO in the manner shown on the 15 attached maps marked “Hepburn Planning Scheme, Amendment C80Hepb”.
3. Insert new Planning Scheme Map Nos. 19SLO, 23SLO and 42SLO in the manner shown on the 3 attached maps marked “Hepburn Planning Scheme, Amendment C80Hepb”.
4. Delete Planning Scheme Map Nos. 14DPO, 36DPO and 37DPO in the manner shown on the 3 attached maps marked “Hepburn Planning Scheme, Amendment C80Hepb”.

### ***Planning Scheme Ordinance***

The Planning Scheme Ordinance is amended as follows:

5. In **Purpose and Vision** – insert Clause 02 in the form of the attached document.
6. In **Purpose and Vision** – insert Clause 02.01 in the form of the attached document.
7. In **Purpose and Vision** – insert Clause 02.02 in the form of the attached document.
8. In **Purpose and Vision** – insert Clause 02.03 in the form of the attached document.
9. In **Purpose and Vision** – insert Clause 02.04 in the form of the attached document.
10. In **Planning Policy Framework** – insert new Clause 11.01-1L in the form of the attached document.
11. In **Planning Policy Framework** – insert new Clauses 12.01-1L and 12.05-2L in the form of the attached documents.
12. In **Planning Policy Framework** – insert new Clauses 14.01-1L, 14.01-2L, 14.02-1L and 14.02-2L in the form of the attached documents.
13. In **Planning Policy Framework** – insert new Clauses 15.01-1L, 15.01-3L, 15.01-5L (#1), 15.01-5L (#2), 15.01-6L, 15.02-1L, 15.03-1L and 15.03-2L in the form of the attached documents.
14. In **Planning Policy Framework** – insert new Clause 16.01-2L in the form of the attached document.
15. In **Planning Policy Framework** – insert new Clause 17.01-1L in the form of the attached document.

16. In **Planning Policy Framework** – insert new Clause 19.02-6L in the form of the attached document.
17. In **Planning Policy Framework** – insert new Clause 19.03-2L in the form of the attached document.
18. In **Local Planning Policy Framework** – delete Clauses 20, 21, 22 and 23.
19. In **Zones** – Clause 32.03, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
20. In **Zones** – Clause 32.05, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
21. In **Zones** – Clause 32.08, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
22. In **Zones** – insert Clause 32.09 in the form of the attached document.
23. In **Zones** – Clause 32.09, insert new Schedules 1, 2, 3 and 4 in the form of the attached documents.
24. In **Zones** – Clause 33.01, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
25. In **Zones** – Clause 34.01, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
26. In **Zones** – Clause 35.03, replace Schedule 1 with new Schedules 1 and 2 in the form of the attached documents.
27. In **Zones** – Clause 35.06, replace Schedule 1 with new Schedules 1 and 2 in the form of the attached documents.
28. In **Zones** – Clause 35.07, replace Schedule 1 with new Schedules 1 and 2 in the form of the attached documents.
29. In **Zones** – Clause 36.01, replace the Schedule with a new Schedule in the form of the attached document.
30. In **Zones** – Clause 36.02, replace the Schedule with a new Schedule in the form of the attached document.
31. In **Zones** – Clause 36.03, replace the Schedule with a new Schedule in the form of the attached document.
32. In **Zones** – Clause 37.01, replace Schedules 1, 2 and 3 with new Schedules 1, 2 and 3 in the form of the attached documents.
33. In **Overlays** – Clause 42.01, replace Schedules 1 and 2 with new Schedules 1 and 2 in the form of the attached documents.
34. In **Overlays** – Clause 42.02, replace Schedules 1 and 2 with new Schedules 1 and 2 in the form of the attached documents.
35. In **Overlays** – Clause 42.03, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
36. In **Overlays** – Clause 43.01, replace the Schedule with a new Schedule in the form of the attached document.

37. In **Overlays** – Clause 43.02, replace Schedules 1, 2, 3, 4 and 5 with new Schedules 1, 2, 3, 4 and 5 in the form of the attached documents.
38. In **Overlays** – Clause 43.05, replace Schedules 1 and 2 with new Schedules 1 and 2 in the form of the attached documents.
39. In **Overlays** – Clause 43.05, insert new Schedules 3, 4, 5 and 6 in the form of the attached documents.
40. In **Overlays** – Clause 43.04, replace Schedule 1 with a new Schedule in the form of the attached document.
41. In **Overlays** – Clause 43.04, delete Schedules 2 and 3.
42. In **Overlays** – Clause 44.01, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
43. In **Overlays** – Clause 44.04, replace Schedule 1 with a new Schedule 1 in the form of the attached document.
44. In **Overlays** – Clause 44.06, replace Schedules 1 and 2 with new Schedules 1 and 2 in the form of the attached documents.
45. In **Overlays** – Clause 45.05, replace the Schedule with a new Schedule in the form of the attached document.
46. In **Particular Provisions** – Clause 51.01, replace the Schedule with a new Schedule in the form of the attached document.
47. In **Particular Provisions** – Clause 52.02, replace the Schedule with a new Schedule in the form of the attached document.
48. In **Particular Provisions** – Clause 52.05, replace the Schedule with a new Schedule in the form of the attached document.
49. In **Particular Provisions** – Clause 52.16, replace the Schedule with a new Schedule in the form of the attached document.
50. In **Particular Provisions** – Clause 52.17, replace the Schedule with a new Schedule in the form of the attached document.
51. In **Particular Provisions** – Clause 52.27, replace the Schedule with a new Schedule in the form of the attached document.
52. In **Particular Provisions** – Clause 52.28, replace the Schedule with a new Schedule in the form of the attached document.
53. In **Particular Provisions** – Clause 52.33, replace the Schedule with a new Schedule in the form of the attached document.
54. In **Particular Provisions** – Clause 53.15, replace the Schedule with a new Schedule in the form of the attached document.
55. In **Particular Provisions** – Clause 59.15, replace the Schedule with a new Schedule in the form of the attached document.
56. In **Particular Provisions** – Clause 59.16, replace the Schedule with a new Schedule in the form of the attached document.
57. In **General Provisions** – Clause 66.04, replace the Schedule with a new Schedule in the form of the attached document.

58. In **General Provisions** – Clause 66.06, replace the Schedule with a new Schedule in the form of the attached document.
59. In **Operational Provisions** – Clause 72.01, replace the Schedule with a new Schedule in the form of the attached document.
60. In **Operational Provisions** – Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.
61. In **Operational Provisions** – Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.
62. In **Operational Provisions** – Clause 72.05, replace the Schedule with a new Schedule in the form of the attached document.
63. In **Operational Provisions** – Clause 72.08, replace the Schedule with a new Schedule in the form of the attached document.
64. In **Operational Provisions** – Clause 74.01, replace the Schedule with a new Schedule in the form of the attached document.
65. In **Operational Provisions** – Clause 74.02, replace the Schedule with a new Schedule in the form of the attached document.

END OF DOCUMENT

*Planning and Environment Act 1987*

**Panel Report**

**Hepburn Planning Scheme Amendment C80hepb**

**Planning Scheme Review**

**17 February 2021**



**How will this report be used?**

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Hepburn Planning Scheme Amendment C80hepb

Planning Scheme Review

17 February 2021



Lester Townsend, Chair



Gabby McMillan, Member

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## Glossary and abbreviations

|                      |  |
|----------------------|--|
| BMO                  | Bushfire Management Overlay  |
| CFA                  | Country Fire Authority   |
| Council              | Hepburn Shire Council  |
| DDO                  | Design and Development Overlay                                       |
| DDWCAC               | Dja Wurrung Clans Aboriginal Corporation                             |
| DELWP                | Department of Environment, Land, Water and Planning                  |
| DPO                  | Development Plan Overlay   |
| EAO                  | Environmental Audit Overlay  |
| EMO                  | Environmental Management Overlay                                     |
| EPA                  | Environment Protection Authority                                     |
| EPBC                 | <i>Environment Protection and Biodiversity Conservation Act 1999</i> |
| ESO                  | Environmental Significance Overlay                                   |
| FFG                  | <i>Flora and Fauna Guarantee Act</i>                                 |
| FZ                   | Farming Zone   |
| GRZ                  | General Residential Zone   |
| HO                   | Heritage Overlay   |
| LDRZ                 | Low Density Residential Zone   |
| LPPF                 | Local Planning Policy Framework                                      |
| LSIO                 | Land Subject to Inundation Overlay                                   |
| MPS                  | Municipal Planning Strategy  |
| MSS                  | Municipal Strategic Statement  |
| MUZ                  | Mixed Use Zone   |
| NCO                  | Neighbourhood Character Overlay                                      |
| NRZ                  | Neighbourhood Residential Zone                                       |
| PE Act               | <i>Planning and Environment Act 1987</i>                             |
| Planning Scheme      | Hepburn Planning Scheme  |
| PPF                  | Planning Policy Framework  |
| PPRZ                 | Public Park and Recreation Zone                                      |
| Practitioner's Guide | Practitioner's Guide to the Victoria Planning Scheme (April 2020)    |
| RACV                 | Royal Automobile Club of Victoria                                    |
| RCZ                  | Rural Conservation Zone  |
| Review               | Hepburn Planning Scheme Review, February 2020                        |
| RGZ                  | Residential Growth Zone  |
| RLZ                  | Rural Living Zone  |

|               |   |
|---------------|---|
| RO            | Restructure Overlay                         |
| Shire         | Hepburn Shire                               |
| SLO           | Significant Landscape Overlay               |
| SPPF          | State Planning Policy Framework             |
| SUZ           | Special Use Zone                            |
| the Amendment | Hepburn Planning Scheme Amendment C80hepb   |
| TZ            | Township Zone                               |
| UGB           | Urban Growth Boundary                       |
| VCAT          | Victorian Civil and Administrative Tribunal |
| VFF           | Victorian Farmers Federation                |
| VPO           | Vegetation Protection Overlay               |
| VPP           | Victoria Planning Provisions                |

## Overview

| Amendment summary               |  |
|---------------------------------|--|
| <b>The Amendment</b>            | Hepburn Planning Scheme Amendment C80hepb  |
| <b>Common name</b>              | Planning Scheme Review   |
| <b>Brief description</b>        | The Amendment proposes to translate the Local Planning Policy Framework (LPPF) including the Municipal Strategic Statement (MSS) into the new format Planning Policy Framework (PPF), implement the Hepburn Planning Scheme Review, February 2020, rezone land to the Neighbourhood Residential Zone and update schedules to zones, overlay and other provisions |
| <b>Planning Authority</b>       | Hepburn Shire Council  |
| <b>Authorisation</b>            | 6 July 2020 with conditions which were met on 9 July 2020  |
| <b>Exhibition</b>               | 16 July to 28 August 2020  |
| <b>Submissions</b>              | 276 (including eight late submissions). Of the 276 submissions received, there were 136 submissions to the DDO6 and 69 submissions to the SLO1 and SLO2 (205 submissions), leaving 71 submissions unresolved.<br><br>The Halliday and Brey submissions were withdrawn  |
| <b>Changes to the Amendment</b> | 15 September 2020. Council abandon certain aspects of the Amendment, namely DDO6 and SLO 1 and SLO2, as well as making minor other changes   |

| Panel process                 |   |
|-------------------------------|---|
| <b>The Panel</b>              | Lester Townsend (Chair) and Gabby McMillan            |
| <b>Directions Hearing</b>     | Video conference, 26 October 2020                     |
| <b>Panel Hearing</b>          | Video conference, 23, 24, 25, 26 and 27 November 2020 |
| <b>Site inspections</b>       | Unaccompanied, various dates                          |
| <b>Parties to the Hearing</b> | See Appendix B  |
| <b>Citation</b>               | Hepburn PSA C80hepb [2021] PPV                        |
| <b>Date of this Report</b>    | 17 February 2021                                      |



## Executive summary

The Hepburn Planning Scheme (Planning Scheme) has been operating largely unchanged for over 20 years. Council has undertaken Planning Scheme reviews in 2003, 2008 and 2011 but none of these have been implemented. This means that apart from State-wide changes, several of the policy settings and underlying zoning controls in the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) do not reflect current State policy direction in relation to settlement patterns.

Hepburn Planning Scheme Amendment C80hepb (the Amendment) proposes to translate the LPPF including the MSS into the new format Planning Policy Framework (PPF). The Amendment is largely based on a review of the Planning Scheme that was initiated in 2019. Council submitted that:

The Review highlighted the many existing gaps in planning policy at the local level on topics such as heritage, urban design, rural land use, dwellings in rural areas and environmentally sustainable development, among other issues.

The Panel commends the Council on conducting the review to bring the Planning Scheme in line with the new format. The review is a large undertaking which requires significant resources. Council has drawn on previous studies and structure planning exercises to inform the Amendment. Unfortunately, some of these studies are outdated and were not prepared in the context of current State planning policy.

The Amendment is a largely policy neutral translation of the existing policy settings into the new PPF format. It does not address critical issues facing the Shire, but this was not its intention. Chapter 8 of the *Hepburn Planning Scheme Review, February 2020* (Review) summarised the planning issues facing the municipality, which included:

Ensuring the Shire has a contemporary planning scheme that responds to the issues that it is facing over the coming decades is essential to ensuring that improved outcomes are delivered through the planning process. The Review highlighted that the current planning scheme is not delivering the outcomes the community desires and that Council is aspiring to. It is also not set up to respond to current and emerging challenges such as climate change, bushfire risk and pressures for development.

The Shire is at a crossroads and at risk of losing those unique elements that are so highly valued by the community and are an essential underpinning of the local economy and environment. There are real challenges that the planning scheme can assist in achieving. The *Scheme* cannot solve all of these challenges, however there are a range of tools available that provide significant elements which help to complement or provide the required response. A lack of regular strategic work and adaption of the scheme has meant that the planning scheme is now very out of date.

The Panel accepts the principles behind a policy neutral review, but sees a danger that outdated policy might be seen as having been ‘refreshed’ because it has been part of a recent Amendment.

Planning schemes are structured so that policy is given effect through the selection of appropriate zone and overlay controls. The zones and overlays are the spatial representation of Council’s policy objectives. If there is a mismatch between the stated policy objectives and the zone applied to the land, it is unlikely that the policy objectives can ever be achieved.

Only limited changes are proposed to the underlying zoning and overlays as part of the Amendment. In a practical sense this means that the scope of development permitted under certain zones will be contrary to the local policy objectives and State policy.

The Panel considers that the key planning issues identified as part of the Review still need to be resolved.

Where zoning changes are proposed, many of these changes are based on structure planning work completed in 2006. The Panel considers that much of this work is out of date and prepared at a time when policy priorities were different from the current State policy. Consequently, the Panel does not support rezoning of land to the Neighbourhood Residential Zone as part of the Amendment.

The Amendment is a first step in dealing with many of the planning issues the municipality faces and detailing a range of possible improvements. The Council will need to make difficult choices in the future about the underlying zoning and overlay controls based on its values (which could be landscape, farming, cultural heritage or environmental values). There are areas affected by Restructure Overlays that have been in limbo for many years due to a lack of clear strategic direction.

The Municipal Planning Strategy (MPS) and PPF are an important foundation to be cemented into the Planning Scheme and need to identify further strategic work and engagement. The Panel is concerned that some aspects of the MPS and PPF proposed as part of the Amendment do not appear to provide a coherent basis for future strategic planning work. There is inconsistency between several of the stated policy objectives and maps included in the new provisions. Some of the rezoning proposals appear to pre-empt critical strategic work and may limit the Council's ability to deliver its stated policy objectives.

The Panel considers that it is critical that future strategic work is conducted in a timely manner and is appropriately resourced by Council.

This Amendment will not solve all of Council's planning problems; it is an important first step but it is only the first step.

Council has responded intelligently to submissions and proposed a number of post-exhibition changes. The Panel supports almost all of these changes.

### **Process issues**

Concerns were raised about the notice and consultation process. The Panel concludes that the community was provided with adequate notice of the Amendment and has met its obligations under the *Planning and Environment Act 1987* (PE Act). This is evidenced by the number of submissions received and the level of engagement in the Panel process.

### **Recommendations**

The Panel notes that parts of the exhibited Amendment have already been abandoned by Council. Based on the reasons set out in this Report, the Panel recommends that Hepburn Planning Scheme Amendment C80hepb be adopted as referred to the Panel subject to the following:

- 1. Make the post exhibition changes proposed by Council in Document 33 unless contradicted by a more specific recommendation below.**

2. In Clause 74.02, review the list of future strategic work and prioritise this list according to a logical sequence. First order priorities should include a municipal wide settlement strategy and the resolution of land in restructure overlays. The settlement strategy would need to:
  - be underpinned by a land use supply and demand analysis
  - be grounded in a realistic assessment of the constraints affecting existing 'settlements'
  - address the threats to the highly valued unique elements of the Shire and protect important landscape and heritage elements
  - address the tensions and potential synergies between farming, tourism and rural residential development
  - make recommendations on specific zone changes and minimum lot sizes in zones.
3. Review the Municipal Planning Strategy to ensure that the strategic direction, particularly as those relate to settlement planning, bushfire hazards, housing supply and economic development are consistent with State policy.
4. Review the Municipal Planning Strategy to:
  - clarify the distinction between 'established townships', 'main townships' and 'settlements'
  - delete any policy support directing growth to parts of settlements within the Low Density Residential Zone or Rural Living Zone where such development might run counter to State policy on bushfire and protection of natural values.
5. In Clause 02.01 delete the reference to 'alternative lifestyle communities'.
6. At Clause 02.03, redraft the Clause to more precisely define locations (or 'settlements') constrained by bushfire risk, including those areas which are currently affected by a Restructure Overlay (or should be considered for such an approach).
7. In Clause 11.01-L delete:
  - the reference to settlements in the objective
  - the strategy: 'Encourage limited development in settlements that are not identified for restructuring'
  - on the Hepburn map annotate the yellow rectangle in the centre of Hepburn to indicate 'Town centre activities'
  - on the Creswick map remove reference to two parcels of Crown land being (3~77\APP5211 in Bloomfield Road and 1~78\PP5211 in Pasco Street) as 'residential infill opportunity'.
8. Abandon the proposal to rezone land in Clunes, Daylesford, Hepburn Springs and Trentham to the Neighbourhood Residential Zone until a settlement strategy for the Shire has been completed.
9. Subject to further notice to affected properties, apply a minimum lot size of 40 hectares to land in Area 3 of the current Farming Zone Schedule.

10. **Rezone that part of the land at 6 Golf Links Road, Hepburn Springs currently within the designed Urban Growth Boundary for Hepburn Springs but within the Rural Conservation Zone to the residential zone applying to the balance of the land.**
11. **Subject to advice from the Environment Protection Authority on the constraint imposed by the Major Hazard Facility, rezone 6 Victoria Street, Trentham to Mixed Use Zone and apply an Environmental Audit Overlay.**
12. **Correct the minor zoning anomaly at the Trentham WTP on TP 760521 and the rezoning of Reserve 1 on PS530950 by rezoning the land from Farming Zone to Public Use Zone Schedule 1.**
13. **Rezone 217 Ascot Road, Creswick from Public Use Zone Schedule 1 to Rural Living Zone.**
14. **In the Schedules to Clause 42.01 Environmental Significance Overlay:**
  - **In Clause 3.0 of Schedule 1 and 2 delete the text and documents listed, after and including the following text '*A permit must meet the following requirements*'.**
  - **In Clause 3.0 of Schedule 1 delete the notice and review exemptions.**
15. **Adopt the exhibited version of Schedule 1 to the Significant Landscape Overlay but limit the requirement for a permit to remove vegetation to native vegetation.**
16. **Revise the application requirements in the Heritage Overlay Schedule relating to subdivision to ensure they relate to planning outcomes of the Heritage Overlay and do not duplicate other requirements in the Planning Scheme.**
17. **Retain Development Plan Overlay Schedule 3 over the Creswick Golf Course Resort and abandon any changes made in the exhibited version of the Special Use Zone Schedule 2 that duplicate the Development Plan Overlay Schedule 3 requirements.**
18. **Review whether listing property addresses in the Schedule to Clause 52.28 has the potential to create uncertainty if the areas do not meet the requirements for a strip centre in the Clause 52.28-5.**
19. **In consultation with the Country Fire Authority, review its referral status in the Bushfire Management Overlay, including whether it should be a recommending or determining referral authority.**

# 1 Background

## 1.1 The Amendment

The Hepburn Planning Scheme, including the MSS was gazetted on 8 June 2000 and has now been operating for over 20 years. It was prepared in accordance with the provisions of the PE Act and replaced the former Daylesford, Creswick and Glenlyon Planning Schemes and parts of the Talbot and Clunes Planning Scheme and Kyneton Planning Scheme.

Council submitted:

Council undertook planning scheme reviews in 2003, 2008 and 2011 but none were implemented. The last review in 2011 resulted in Amendment C58 but was abandoned by Council. The scheme has only had minor changes since this time mostly as a result of State-wide VC and GC amendments.

The Amendment proposes to:

- translate the LPPF including the MSS to the PPF
- strengthen the strategic framework, policies, zone and overlay schedules and particular provisions for the municipality by implementing the Review
- implementing recent reforms to the Victoria Planning Provisions (VPP)
- responding to changes to the *Ministerial Direction on Form and Content of Planning Schemes*.

## 1.2 Hepburn Shire and Hepburn Planning Scheme Context

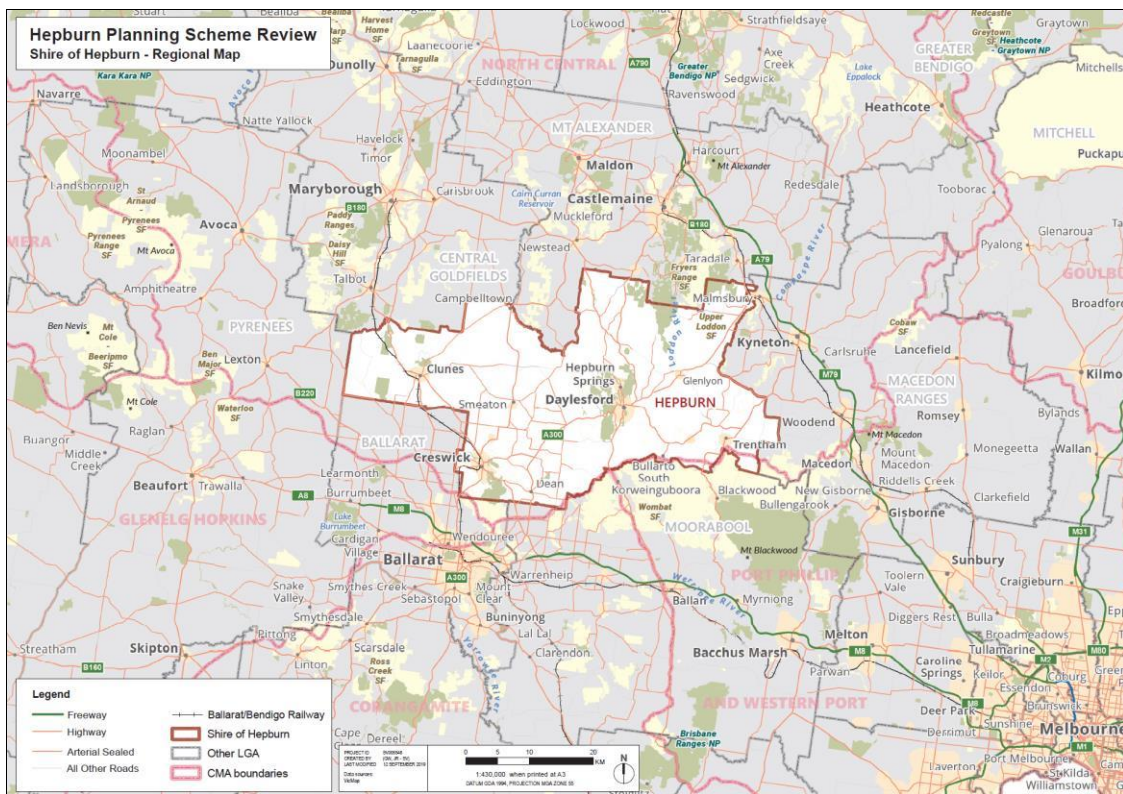
Hepburn Shire (Shire) is located in the Central Highlands region of Victoria, about 110 kilometres north-west of Melbourne (90 km by direct measurement) and is 1,470 square kilometres. It is bounded in the:

- north by Central Goldfields and Mount Alexander Shires
- east by Macedon Ranges Shire
- south by Moorabool Shire
- west by City of Ballarat and Pyrenees Shire.

Before European occupation, the area was home to the Dja Dja Wurrung people, the traditional custodians of the land.

The Shire extends 66 kilometres east to west and 38 kilometres north to south. It incorporates significant high value agricultural and farming land, National Parks and State Forest, mineral springs, extensive vegetation and tourist attractions.

Figure 1: Regional context



Predominantly rural, the main townships include Daylesford, Hepburn Springs, Creswick, Clunes, and Trentham and the settlement of Glenlyon.

Most land in the Shire is zoned rural (73 per cent), other public use areas, and low density residential areas and roads. National Parks or Reserves and State Forest make up 21.5 per cent and townships and settlements comprise the remaining 5.5%.

The Shire is served by the Midland Highway (A300) and the Ballarat–Maryborough railway line in the west which provides both passenger and freight services to the region. Bus services are provided between Ballarat and Creswick and Woodend and Daylesford.

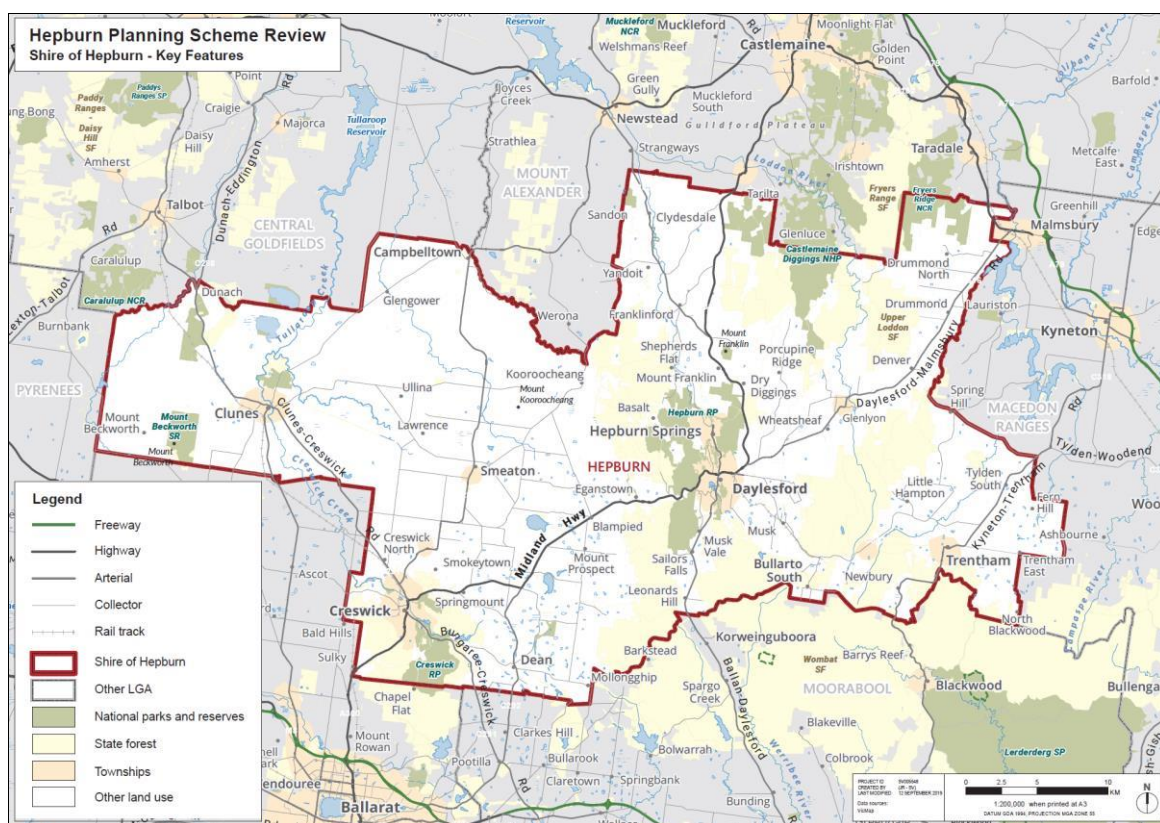
The Loddon River flows through the eastern part of the municipality and other water courses, irrigation districts and water storages are provided for the catchments of the North Central and a small part of Port Phillip and Western Port areas.

The key features and regional context of the Hepburn Shire are shown in Figure 2.

Areas in townships such as commercial, industrial, residential and public use areas comprise approximately 2,712 hectares. Within townships there are approximately 630 vacant lots comprising over 256 hectares.



Figure 2: Key features



Significant areas are affected by overlays including the:

- Environment Significance Overlay – Schedule 1 (ESO1) applied to the entire municipality relating to the proclaimed water catchment.
- Environment Significance Overlay – Schedule 2 (ESO2) applied to mineral springs and aquifers and their surrounds.
- Vegetation Protection Overlay (VPO) – applied to identified areas of vegetation significance for protection (VPO1 protects remnant vegetation, VPO2 protects significant exotic and native vegetation).
- Significant Landscape Overlay (SLO) – applied to identified areas of landscape significance relating to volcanic peaks, ridges, escarpments and sites of geological significance.
- Heritage Overlay (HO) – applied to identified places of heritage significance in both townships and rural land.
- Design and Development Overlay (DDO) – applied to township entries and main roads for built form outcomes consistent with existing and anticipated development in Daylesford.
- Development Plan Overlay (DPO) – applied to three specific sites in the municipality to provide for particular development requirements and outcomes.
- Neighbourhood Character Overlay (NCO) – applied to residential neighbourhood character precincts for consistent built form and character outcomes in Daylesford.
- Erosion Management Overlay (EMO) – applied to areas prone to erosion and landslip.
- Land Subject to Inundation Overlay (LSIO) – applied to development on land within the identified floodplain and subject to a 1 in 100 year flood event.

- Bushfire Management Overlay (BMO) – applied to over half of the municipality identifying areas of higher bushfire risk.
- Environmental Audit Overlay (EAO) – applied to potentially contaminated land in the municipality.

### 1.3 Review Process and Chronology of Events

The Planning Scheme Review was commenced in July 2019 and approved by Council in February 2020. Preparation of the Amendment to implement the Review commenced in February 2020, was authorised by the Department of Land, Environment, Water and Planning (DELWP) in early July 2020 and exhibited for six weeks throughout July and August 2020. Council considered submissions and the exhibited Amendment in September 2020 and requested that a Panel be appointed to consider the Amendment and submissions received.

**Table 1: Amendment chronology**

| Date                      | Event   |
|---------------------------|---|
| July 2019                 | Project inception   |
| September to October 2019 | Data and evidence report  |
|                           | Stakeholder and community consultation report                       |
|                           | Hepburn Planning Scheme Audit and Review Report                     |
| 18 February 2020          | Council decision on the Review                                      |
| February to July 2020     | Preparation of the Amendment  |
| March to May 2020         | Consultation  |
| 16 June 2020              | Council consideration of the Amendment                              |
|                           | Council Decision to approve the Hepburn Heritage Strategy 2020-2030 |
| 6 July 2020               | DELWP authorization   |
| 16 July to 28 August 2020 | Exhibition  |
| 16 September 2020         | Cancel consideration of submissions and panel request               |

#### Project inception

In mid 2019, Council commenced its review of the Planning Scheme and subsequently prepared the Amendment to implement the Review to guide the future of land use and development within the municipality over coming years. This work also coincided with a requirement to respond to the new PPF and translate it to the existing VPP.

Council submitted that:

The Review was prepared in accordance with the relevant requirements of the P&E Act. Section 12B of the P&E Act requires a planning authority to review the provisions of the planning scheme every four years and within a year of adopting the Council Plan.

#### The Planning Scheme Review

The Planning Scheme Review included a:

- Data and Evidence Report which provided a summary of background reports and data prepared since the adoption of the Planning Scheme on 8 June 2000 and the information guiding the preparation of a reviewed planning scheme.
- Stakeholder and Community Engagement Report which was based on consultation undertaken in September and October 2019 seeking the community's views and aspirations for the future of land use and development across the municipality.
- Planning Scheme Audit and Review Report (Review Report) which incorporated the findings of the two above reports and made recommendations for the planning scheme over the short, medium and long term for Council.

### **Planning Scheme audit**

Council advised (Part A 1.6.4) that an audit of the Planning Scheme was conducted as part of the Review to assess the planning scheme from a technical planning systems architecture perspective (how well the scheme complies with current State guidelines and directions) and an outcomes perspective (is it achieving what Council and the community want it to). This included a technical assessment of the planning scheme against a range of factors including:

- consistency with the new PPF
- performance of revised VPP implementation tools including zones, overlays, schedules, particular provisions and general provisions
- relationships between planning measures and land use, social and environmental characteristics
- provisions and formats based on the updated *Ministerial Direction on the Form and Content of Planning Schemes*
- the impact of recent changes to the VPP (via Amendment VC148) and how this would change the planning scheme.

### **Authorisation by DELWP**

Authorisation of the Amendment was granted by DELWP on the 6 July 2020. Authorisation was conditional, and Council advised that the conditions were satisfied on the 9 July 2020.

### **Council Consideration of Submissions**

Council considered all submissions received to the Amendment on 15 September 2020 and enabled late submissions to be considered by Council's Manager, Development and Community Safety.

The decision by Council in considering the exhibited Amendment and submissions received was to:

- Support the Amendment as exhibited but subject to changes:
  - abandon the exhibited Design and Development Overlay – Schedule 6 (DDO6) on the basis of submissions received and the need for further strategic work and community and stakeholder consultation to be undertaken as included in Part 7 of the Council decision at Appendix Q.
  - abandon the exhibited Significant Landscape Overlay – Schedules 1 and 2 (SLO1 and SLO2) on the basis of submissions received and the need for further strategic work and community and stakeholder consultation to be undertaken as included in Part 7 of the Council decision at Appendix Q.
  - make other minor changes to the Amendment on the basis of submissions received to improve the drafting and intent of the Amendment.

## Submissions

Council referred all submissions to the Panel. Of the 276 submissions received, there were 136 submissions to the DDO6 and 69 submissions to the SLO1 and SLO2 (205 submissions).

Given that Council has decided to abandon the DDO6, SLO1 and SLO2 parts of the Amendment, the 205 submissions that do not wish to proceed with those aspects of the Amendment can be considered resolved (on those aspects).

This leaves 71 submissions remaining unresolved about a range of issues or supporting the Amendment (in the case of many referral authorities and peak bodies). Some of these submitters (approximately one-third of remaining submitters) requested to be heard by the Panel.

The main matters raised in submissions related to the following:

- Objection to the introduction of the DDO6 around the transfer station.
- Objection to the expansion of the SLO1 and the introduction of the SLO2.
- Objection to the change in residential zones from General Residential Zone (GRZ) to Neighbourhood Residential Zone (NRZ).
- Request to remove the Restructure Overlay from Drummond and Sailors Falls.
- Request to rezone nominated land or lots and the relaxation of minimum subdivision areas in rural zones.
- Detailed changes to certain policies.

Submissions were also received from referral authorities and peak bodies and the issues raised are detailed below.

## Scope of the Panel

The role of the Panel is to consider submissions that have been made to the exhibited Amendment. A number of these submissions requested additional planning scheme controls such as a Heritage Overlay or Significant Landscape Overlay around Mount Franklin. If the Panel were to consider such changes further notice would be required for the affected properties. Such changes would lack a complete strategic justification for the detail of the controls they would impose.

The Panel considers that broadly the scope for recommending changes is:

- changes to the text in the MPS or PPF
- recommending abandonment of proposed rezoning proposals if it forms the view that these were not justified
- changes to schedules for clarity and consistency.

The Panel has made a number of limited changes that go beyond the points listed above where it thinks there is clear existing policy support for a specific change and the scheme would not accord with State policy.

## 2 The Amendment in detail

### 2.1 Key finding of the Review

Council submitted that:

A key finding of the audit (and Review) was that the *Scheme* was not delivering a clear and effective land use and development planning framework for the municipality and that the planning scheme could be better targeted to key strategic directions, more streamlined and include less repetition with clearer requirements. [Part A 1.6.5]

The existing (outgoing) Planning Scheme consists of an MSS with 10 separate sections (or themes), 19 local policies, 13 zones with 14 zone schedules and 13 overlays with 21 overlay schedules that required review.

Council submitted that:

The Review highlighted the many existing gaps in planning policy at the local level on topics such as heritage, urban design, rural land use, dwellings in rural areas and environmentally sustainable development, among other issues. Specific changes to planning policies that better respond to the PPF were outlined in Section 1.6.6 and are included in Amendment C80hepb with changes to Clauses 10-19 of the *Scheme*.

...

The often complicated, duplicated and unclear content of the existing *Scheme* was a key focus of the Review. Greater clarity and conciseness of planning scheme requirements (such as including locally specific application requirements and decision guidelines into schedules without duplicating the parent provision) were utilised in the drafting of zone, overlay and other provision schedules.

Council submitted (Part A 1.11.3) that the approach of the Review to rezoning of land was that such proposals were generally not supported. This was because the Review did not seek to alter existing strategic settings, what could occur in particular zones (such as minimum lot size requirements in rural zones), the widespread application of zones, or alter existing township boundaries. These more transformative changes were considered to require further strategic work and a program of future strategic work was outlined through the Review.

### 2.2 Proposed Planning Scheme changes

#### Municipal Planning Strategy

The Amendment introduces a new Clause 02 MPS into the Planning Scheme with associated Clauses 02.01, 02.02, 02.03 and 02.04.

A general overview is provided of the municipal context, key planning issues and updated population and demographic data with a vision, strategic overview and strategic directions on key land use themes in the PPF drawn from the Review.

Council submitted (Part A 2.2.4) that this will ensure the Planning Scheme complies with the Act requirements, *A Practitioner's Guide to Victorian Planning Schemes*, April 2020 (Version 1.4) (Practitioner's Guide) and the *Ministerial Direction on the Form and Content of Planning Schemes*.

#### Planning Policy Framework changes

The Amendment replaces Clauses 20 to 23 with the MPS and new or revised policy in the relevant parts of the PPF Clauses 11 to 19.

## Zoning changes

The Amendment proposes to make the following broad changes to zones and zone schedules:

- **Township Zone (Clause 32.05)**  
Replacing, Schedule 1 with a new Schedule 1 that includes clear application requirements and decision guidelines applied to the municipality's settlements based on the *Hepburn Structure Plan Review, 2006*.
- **General Residential Zone (Clause 32.08)**  
Replacing Schedule 1 with a new Schedule 1 that includes clear application requirements and decision guidelines to the Creswick township based on the *Hepburn Structure Plan Review, 2006*.
- **Neighbourhood Residential Zone (Clause 32.09)**  
Rezoning Township Zone (TZ) in Trentham and Clunes applying to the Neighbourhood Residential Zone (NRZ) based on the Trentham and Clunes Structure Plans prepared in 2006.  
Applying with new Schedules 1, 2, 3 and 4 respectively to existing General Residential Zone areas in the townships of Clunes, Daylesford, Hepburn Springs based on the Hepburn Structure Plan Review, 2006.
- **Rural Living Zone (Clause 35.03)**  
Replacing the Schedule with a new Schedule 1 that applies to all land where the zone applies other than at 145 Trentham-Kyneton Road, Trentham and inserting a new Schedule 2 that applies to land at 145 Trentham-Kyneton Road, Trentham where a smaller lot size applies.
- **Rural Conservation Zone (Clause 35.06) and Farming Zone (Clause 35.07)**  
Replacing the Schedule so that lots sizes which are currently specified by way of a map in the Schedule are specified by the Schedule number instead.

The Amendment also proposes to rezone the following sites:

- the Lost Children's Cairn Memorial Reserve at 4360 Midland Highway, Daylesford from General Residential Zone Schedule 1 to Public Park and Recreation Zone
- land zoned as Special Use Zone Schedule 1 at the Hepburn Mineral Springs Reserve to Public Park and Recreation Zone
- roads in and around Trentham to applying the correct mapping of Road Zones in based on designations under the *Road Management Act 2004*.

## Overlay changes

As adopted the Amendment make the following changes to overlay schedules:

- **Environmental Significance Overlay (Clause 42.01)**  
Amending Schedules 1 and 2 to be consistent with the style and format of the *Ministerial Direction on the Form and Content of Planning Schemes* and update content informed by catchment management authorities, the relevant water authority and DELWP.
- **Significant Landscape Overlay (Clause 42.03)**  
Replacing Schedule 1 with a new Schedule and mapped areas to western parts of the municipality based on the *South West Victoria Landscape Assessment Study, 2013* (Note: this part of the Amendment has now been abandoned by the planning authority).



- **Heritage Overlay (Clause 43.01)**  
Amending the Schedule to include clear application requirements and a new listing of HO988 for identified 'Potato Huts' in Little Hampton and Trentham.
- **Design and Development Overlay (Clause 43.02)**  
Replacing Schedules 1, 2, 3, 4 and 5 with new Schedules 1, 2, 3, 4 and 5 to include clearer and more legible content.  
Deleting mapped areas, Schedules 1, 2, 3 and 4 that overlap areas where the Neighbourhood Character Overlay is applied.
- **Development Plan Overlay (Clause 43.04)**  
Deleting Schedules 1, 2 and 3 and associated mapping to remove the overlay from:
  - the former Daylesford Abattoir at 57 Leitches Creek Road, Daylesford
  - WD Seeds at Creswick-Newstead Road, Smeaton
  - Creswick Golf Course Resort at 1500 Midland Highway, Creswick.
- **Neighbourhood Character Overlay (Clause 43.05)**  
Replacing Schedules 1 and 2 with Schedules 1, 2, 3, 4, 5 and 6 to apply respectively to existing Precincts 1, 2, 5, 9, 14 and 13 in the *Daylesford Neighbourhood Character Study, 2002*.

Two exhibited overlay changes were abandoned:

- **Significant Landscape Overlay (Clause 42.03)** – Inserting a new Schedule 2 and applying the overlay to land around Mount Beckworth based on the South-West Victoria Landscape Assessment Study, 2013.
- **Design and Development Overlay (Clause 43.02)** – Inserting a new Schedule 6 for the environs of the Daylesford Material Recovery Facility to protect the facility from residential impacts and encroachment.

### Particular and general provisions

The Amendment proposes to make the following changes to particular and general provisions schedules:

- **Gaming (Clause 52.28)**  
Replacing the Schedule with a new Schedule that includes clearer and more legible content.
- **Post Boxes and Dry Stone Walls (Clause 52.33)**  
Amending the Schedule to apply to all land in the municipality to better protect the Shire's dry stone walls.
- **Referral of Permit Applications under Local Provisions (Clause 66.04)**  
Amending the Schedule to include the Country Fire Authority (CFA) as a determining referral authority under Clause 44.06 (Bushfire Management Overlay), Schedules 1 and 2.

A number of changes are also proposed to administrative provisions:

- **What does this Scheme consist of? (Clause 72.03)**  
Amending the Schedule to include new planning scheme maps introduced by the Amendment.
- **Documents Incorporated in this Planning Scheme (Clause 72.04)**  
Amending the Schedule to include the Statement of Significance for HO988.
- **Background Documents (Clause 72.08)**  
Amending the Schedule to include all relevant background documents from Clause

21 of the Local Planning Policy Framework and include new documents based on the Review.

- **Application of Zones, Overlays and Provisions (Clause 74.01)**  
Amending the Schedule to provide an explanation of the relationship between the municipal objectives, strategies and controls on the use and development of land.
- **Further Strategic Work (Clause 74.02)**  
Replacing the Schedule with a new Schedule that consolidates all further strategic work actions from the Review.

### **Other parts of the Planning Scheme the Amendment involved**

Other proposed changes include:

- Updating clauses so that they are consistent with the style and format of the *Ministerial Direction on the Form and Content of Planning Schemes*.
- Amending schedules so that they are consistent with the style and format of the *Ministerial Direction on the Form and Content of Planning Schemes*.
- Removing references throughout the Planning Scheme (Clauses 42.01 – Schedule 1, 42.02 – Schedule 1, 42.03 – Schedule 1, 44.01 – Schedule 1, 51.01, 52.17 and 72.04) to projects which are either completed or no longer required, including:
  - the Goldfields Superpipe Project; Mildura – Geelong Rail Freight Upgrade Project 2007
  - Regional Fast Rail Project, Integrated Approval Requirements, December 2002
  - Unigrain Project: Incorporated document pursuant to section 6(2)(j) of the Planning and Environment Act 1987, September 2010.

These changes are not subject to submission and are not discussed further.

### 3 Process issue

#### (i) The issue

The issue is whether the community was provided with adequate notice of the Amendment and sufficient opportunity to participate in the review process.

#### (ii) Legislative requirements

Part 3 of the Act requires Council to give notice of an Amendment and consider submissions. The *Planning and Environment Regulations 2015* provide more detail about how notice should ordinarily be given, including making documentation available for inspection at Council offices.

Due to the COVID-19 restrictions, the State government introduced emergency legislation that temporarily altered some of the procedural requirements under the Act (and other Victorian legislation). Part 10A (Covid-19 temporary measures) of the Act contains different procedures for the exhibition of Amendment documentation and consideration by a Panel. This enables Councils to provide access to the Amendment documentation on its website and for Panel hearings to be conducted online.

#### (iii) Submissions

Concerns were expressed that any consultation method that relied on electronic means may not be appropriate in the Shire, particularly given the older population who may have limited computer literacy and poor internet access.

Ms Marshall, on behalf of the Yandoit, Clydesdale and Franklinford Community Planning Group pointed out data showing that about a fifth of people did not have adequate internet or computer access.

Ms Potter submitted that she did not have a computer and had to be mailed documentation, which was problematic and did not allow her to fully consider the practical implications of the Amendment.

Most resident submitters and community groups raised concerns regarding the reliance on electronic methods of communication. They submitted that the communication issues were exacerbated given the complexity of the Amendment and volume of documentation that needed to be reviewed. Resident submitters were concerned that they had been provided insufficient time to consider and meaningfully engage in the Amendment process. Submitters were concerned that the Amendment process had been rushed and should have been deferred to allow for face to face meetings and more traditional engagement with the community.

Council submitted that the Amendment was exhibited in line with the requirements of the Act and emergency provisions that were incorporated into the Act (Covid Omnibus (Emergency Measures) Act 2020) to deal with the COVID-19 situation. It submitted that:

Although extensive consultation was undertaken for the *Review* and the Amendment, it is acknowledged that planning information can at times be confusing for some people in the community and difficult to access via the online environment, rather than face to face settings. Access to the Amendment was at times not assisted by the, at times, difficult to access DELWP Amendment Tracking System platform as the single source

of information. This required Council to often send information directly to people so that they had access to the Amendment documentation rather than relying on the online environment.

...

The Planning Authority do not support submissions which request that the Amendment be abandoned or renotified and have more than met statutory requirements from the Act (sections 17, 18 and 19) for exhibition and availability of the Amendment.

Council submitted that it went above and beyond the minimum requirements in the Act and had a Council officer available to respond to all information requests. Council submitted that concerns over the usability of the DELWP website have been referred on to DELWP for their attention.

#### **(iv) Discussion**

Local community groups are an important resource that Council should draw on as it completes its strategic work.

The Planning Scheme Review process commenced in September 2019 and community meetings were held at that time. The information gathered at those meetings was used to inform the Review. It appears that there was an expectation in the community that further face to face meetings would occur over the next couple of months. Due to the COVID-19 situation, circumstances changed.

Council has an obligation to ensure that parties received sufficient notice of the Amendment and to consider submissions.

The Panel acknowledges the concerns of the community. In ordinary circumstances, it is usual practice for Councils to facilitate less formal engagement processes and meet with residents and community groups. Council would ordinarily be able to invite residents into the office to view and discuss documentation during the formal exhibition period. However, the restrictions imposed during the COVID-19 lockdown period removed those options and these matters were outside of Council's control.

Council as the Planning Authority extended the usual exhibition requirements to better inform its community and seek comment through submissions. During the Hearing and Panel process, the Council made arrangements to post hard copy material and accommodate submitters to the extent practicable. The Panel notes that 276 submissions were received by Council, indicating that the community was given notice of the Amendment and did engage in the process.

The Panel notes submissions calling for further time to consider the Amendment, however, Council must review its Planning Scheme in a timely manner given the requirement to meet the new PPF format.

The more controversial components of the Amendment have been deferred (that is, application of the SLO landscape controls and the DDO6 around the landfill site). This will enable residents and community groups further opportunity for engagement on these matters. Furthermore, as discussed in later sections of this report, the Amendment is largely

a translation exercise and does not alter many of the settlement patterns<sup>1</sup> or key policy settings.

**(v) Conclusion**

The Panel concludes that:

- The community was provided with adequate notice of the Amendment and has met its obligations under the Act. This is evidenced by the number of submissions received and the level of engagement in the Panel process.

The Panel acknowledges that the COVID-19 situation has limited the opportunities for more fulsome engagement in the process, particularly for those with limited internet access or computer literacy. However, the Panel notes that the current procedural requirements in the Act are temporary and there will be a greater opportunity for face to face meetings when the COVID-19 situation subsides.

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<sup>1</sup> With the exception of zoning changes in several settlements.

## 4 Strategic issues

### 4.1 The scope of the Amendment

#### (i) The issue

The issue is whether the Amendment, in practical terms, achieves:

- the objectives of planning in Victoria
- makes effective use of State and local provisions to give effect to State and local planning policy objectives.

The threshold issues for the Panel are:

- whether it is sufficient to translate (and simplify) the existing policy wording with limited change to the underlying zoning or overlay controls
- whether the 'light touch' approach to the Amendment renders the Planning Scheme inconsistent with State policy and the purposes of the Act.

#### (ii) What is proposed

The Amendment focussed on translating existing local policy content into the new format, rather than a complete overhaul of policy settings or the underlying zones or overlays. There are some changes proposed to the zoning and overlay controls, but fundamental changes to settlement patterns were not addressed as part of the Amendment.

#### (iii) Relevant legislation and guidance

The Act sets out the key objectives of planning and how these must be reflected in the Planning Scheme. The Act is supplemented by other guidance which explains how Planning Schemes should be reviewed and how they should be structured to give effect to the objectives of planning.

#### Legislation

Section 6(1) of the Act states that:

A planning scheme for an area—

- (a) must seek to further the objectives of planning in Victoria within the area covered by the scheme; and
  - (aa) must contain a municipal strategic statement, if the scheme applies to the whole or part of a municipal district; and
- (b) may make any provision which relates to the use, development, protection or conservation of any land in the area.

Section 4(2) of the Act sets out the objectives of the planning framework, which include:

- (a) to ensure sound, strategic planning and co-ordinated action at State, regional and municipal levels;
- (b) to establish a system of planning schemes based on municipal districts to be the principal way of setting out objectives, policies and controls for the use, development and protection of land.



## Victoria Planning Provisions

The VPPs provide guidance on the operation of different parts of the Scheme, including the Planning Policy Framework, Municipal Strategy, zones, overlays and particular provisions.

Clause 71.02-1 sets out the purpose of the Planning Policy Framework:

The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change.

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Clause 71.02-3 describes the principles of integrated decision making:

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

The first purpose of every zone and overlay control in the VPPs is:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

## Practice notes and guidance

Planning Practice Note 32 (2015) describes a planning scheme review and states that:

The purpose of the review is to enhance the effectiveness and efficiency of the planning scheme in achieving:

- the objectives of planning in Victoria
- the objectives and strategies of the planning scheme including the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF).

The review should assess whether the scheme provisions, such as local planning policies, zones, overlays and schedules have been effective and efficient in achieving the objectives and strategies of the planning scheme.

The Practitioner's Guide discusses the role of zones and overlay in more detail, including the process for selecting a zone.

Section 3 of the Practitioner's Guide sets out the purpose of the zone as follows:

Zones are the primary tool for guiding the fair and orderly use and development of land. A zone sets expectations about what land use and development activity is or may be acceptable. Each zone broadly deals with a particular predominant land use theme, such as residential, commercial, industrial or public land uses.

Zones are applied spatially and all land must be included in a zone, except Commonwealth land. The zone selected for any land is determined by the historic land use and the planning strategies set out in the planning scheme.

Section 5 of the Practitioner’s Guide explains how zones should be applied to land:

The zone is the primary tool for guiding the use and development of land. All land (except Commonwealth land) must be included in a zone. The application of a zone to land needs to carefully consider the outcomes sought for the land expressed in the MPS and local planning policies.

Before deciding which zone should be applied to land, consider:

- the land, including any particular physical characteristics, previous uses and the use and development of adjoining land, its ownership and management and the requirements of any other legislation that may apply to the land
- the intended planning outcomes for the land set out in the MPS and the PPF, as a consequence of a previous or current land use, or a particular physical characteristic of the land
- the purposes and provisions of the zone and the extent of local variation available in a schedule to the zone.

### Summary of guidance

In practical terms, the relevant legislation and guidance requires the Planning Scheme to be structured as follows:

- State policy objectives should not be duplicated in local policy.
- The Municipal Planning Strategy and local policy provisions must be consistent with State policy objectives.
- The zones and overlays are applied spatially and are designed to give effect to the Municipal Planning Strategy and local policy.
- The zones are the primary control for guiding use and development of land – they should be selected based on the strategic direction in the MPS and having regard to the existing characteristics of the land.

### (iv) Submissions

Council submitted that the Amendment was:

Guided by *Planning Practice Note 32 (Review of Planning Schemes, June 2015)* and the *Continuous Improvement Review Kit (February 2006)*, the purpose of the Review was to enhance the effectiveness and efficiency of the *Scheme* in achieving:

- the objectives of planning in Victoria
- its capacity to deliver the (albeit outgoing) Council Plan
- the objectives and strategies of the planning scheme including the State Planning Policy Framework (SPPF) and the LPPF.

The review considered:

- the effectiveness of local planning policies, zones, overlays and schedules
- the effectiveness of development controls
- what was working and what needed refinement.

The review also evaluated the *Scheme* to ensure that it:

- was (or made) consistent in its form and content with any directions or guidelines issued by the Minister under Section 7(5) of the P&E Act
- set out effectively the policy objectives for use and development of land in the area to which the planning scheme applies
- made effective use of State and local provisions to give effect to State and local planning policy objectives.

Council submitted that the Amendment represented ‘step 1’ in the review process and acknowledged that other strategic work would be required. It submitted that the purpose of the Amendment was to create a policy framework to guide future decisions about appropriate zoning and overlay controls. The proposed Clause 74.02 set out a list of future strategic work required. The list of future work did not necessarily assign a priority or logic around the roll out or integration of such work.

The exhibited Clause 74.02 lists an extensive work program:

- A municipality wide industrial, commercial and residential land demand study.
- An agricultural land study to determine the future agricultural needs and requirements in the municipality and ensure agricultural land is adequately protected.
- Structure plans for the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham and the settlement of Glenlyon.
- A waste management plan to:
  - guide the future land use and management of the municipality’s waste management facilities
  - guide land use and development on and around the Daylesford Material Recovery Facility.
- Heritage studies across the Shire based on Council’s thematic environmental history.
- Flora and fauna assessments across the municipality to update biodiversity controls.
- Restructure plans for Drummond North and Sailors Falls to underpin the application of Restructure Overlays in the scheme.
- A rural settlement strategy to better understand the risks and challenges posed in the Shire's settlements to guide development consistent with the municipality’s inherent rural character and other attributes.

In submissions Council committed to expanding this list to include further work to protect significant landscapes such as Mt Franklin.

Council submitted that the rezoning changes proposed were consistent with structure planning work that had been completed. Council acknowledged that there were some areas where further strategic work would be required to ‘refine’ settlement structures but that this work would follow. Council submitted that some rezonings proposed (for example the TZ land in Trentham to NRZ) were an ‘interim step’ pending the completion of a settlement strategy.

Coliban Water submitted that the direct translation of the Schedule 2 in the Farming Zone (FZ) (to give effect to a minimum lot size of 20 hectares) was not consistent with State policy. Coliban Water acknowledged that the exhibited provisions represented a direct translation of the current controls. However, it submitted that this was not an appropriate response in the context of current policy, including:

- Clause 02.03-4 Natural resource management, which seeks to:
  - Minimise landscape and water quality impacts on the catchments through careful location and design of development and wastewater systems.
  - Protect streamsides, catchments, flood plains and wetlands from the impacts of development.
  - Protect water resources in the Shire through integrated water and catchment management including stormwater.
  - Protect high quality productive agricultural land for agricultural uses over the long term.

Protect rural land for agricultural uses and compatible rural uses.

- Clause 14.01-1L Protection of agricultural land, which seeks the objective:

To protect the Shire's high quality productive agricultural land from the encroachment of incompatible use and development.

Several submitters raised concerns about apparent inconsistencies between the written policy objectives and the underlying zoning and overlay controls:

- Ms Semple submitted that if there was no change to the underlying zoning or overlay controls then there would be limited change 'on the ground'. Ms Semple recognised that there were competing policy objectives that needed to be addressed, including the competing interests of farmers and tourist operators. Ms Semple questioned when these matters would be 'nuttled out' and reflected in the Planning Scheme maps.
- Ms Mok submitted that the site at 114 Main Road, Hepburn Springs was identified in the exhibited map at Clause 11.01 as a 'Town Centre Activity Precinct'. The exhibited Clause 15.01-1L sought to '*locate new community and commercial land uses and development in town centres to support their accessibility and ongoing viability*'. However, it was proposed to rezone that site from GRZ1 to NRZ3, a more restrictive control which would prohibit many commercial activities.
- Mr Tsourounakis made submissions on behalf of the owners of 15 King Street in Daylesford. He submitted that the structure plan which formed part of the basis for the Amendment did not contemplate the application of the NRZ to the land which is currently zoned GRZ1. Mr Tsourounakis submitted that the *Daylesford Character Study* (2002) was not a sufficient basis to apply a more restrictive control to the land.
- Mr Scarpaci made similar submissions in relation to the proposal to rezone Trentham to the NRZ. He submitted that such an approach lacked strategic justification.
- Mr Phillips and Mr Papapostolou identified that the existing Rural Living Zone (RLZ) land in Shepherds Flat was used in a manner more reflective of farming land (FZ land). This was not their primary submission, but they drew the comparison to illustrate some of the inconsistencies.
- Mr Sloyan submitted that even with a Restructure Overlay in place, Council had failed to prepare a restructure plan for Drummond. He submitted that Council's failure to develop a restructure plan for the township of Drummond created significant uncertainty. He submitted that, without a restructure plan in place, he could not apply for a permit for any purpose. Mr Sloyan submitted that he was concerned that this matter would drag on if it was not addressed as part of this current review.

## (v) Discussion

### Scope of the review

There have been several unsuccessful attempts at reviewing the Planning Scheme over the last 20 years. As a result, the policy settings and settlement patterns in the Planning Scheme have remained largely unchanged since the new format planning schemes were introduced in the late 1990s. Much of the local policy, zone and overlay controls in the Planning Scheme reflects legacy decisions and historic policy.

The Panel commends the Council on conducting the review to bring the Planning Scheme in line with the new format. The Panel recognises the review is a large undertaking which

requires significant resources. The Council has drawn on previous studies and structure planning exercises to inform the Amendment. Unfortunately, some of these studies are quite outdated (dating back to 2002) and were not prepared in the context of current State planning policy. Several of the studies were also prepared in isolation, without regard for interrelated consequences or competing policy considerations.

Many of the more significant and potentially controversial aspects of local policy were not tackled by this review, including the:

- decision to abandon the proposed SLO controls and DDO controls buffering the landfill site in Daylesford
- lack of investigation of areas earmarked for restructure in Drummond, Wheatsheaf and Sailors Falls
- lack of review of RLZ and Low Density Residential Zone (LDRZ) land across the municipality and the implications of current 'settlement area' policy
- limited consideration of agricultural land values and its role in the economy, having regard to interactions with landscape values, tourist demand and lifestyle properties.

As a consequence, there are several key policy issues raised in submissions that remain outstanding and have not been addressed through the Amendment, including:

- reconciling competing interests including: the protection of high quality agricultural land, demand for tourism, demand for lifestyle properties, environmental values, cultural heritage values, landscape and amenity values
- explaining how the settlement patterns (including the underlying zoning) in the municipality aligns with State policy direction, particularly in relation to environmental hazards, the protection of water catchments and the intensification of nominated urban settlements.

### **Inconsistencies raised in submissions**

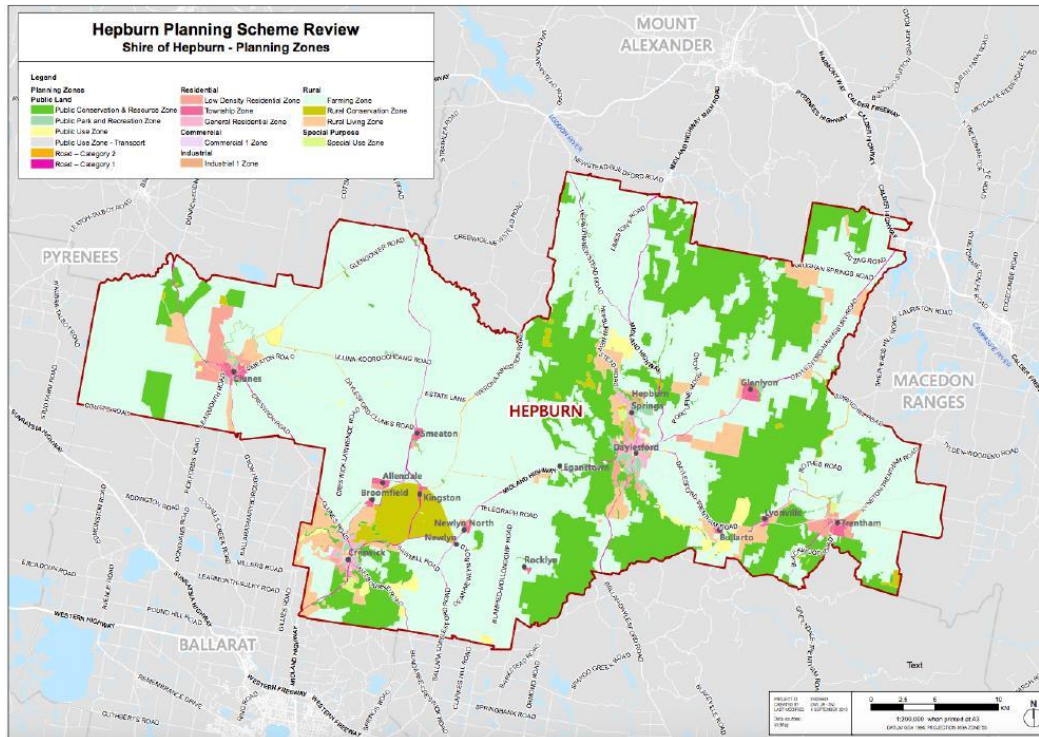
The Panel agrees that there are a number of inconsistencies between the proposed PPF and the operational aspects of the Planning Scheme. The Panel agrees with the submissions from Ms Semple who emphasised that policy issues needed to be 'nuttled out' and given effect through the zoning and overlay controls.

### **Unintended consequences**

The Panel is concerned about the unintended consequences of altering the wording of the policy without a substantial overhaul of the underlying zoning and settlement patterns.

Firstly, the inconsistency between the zoning and overlay may lead to inappropriate development not in line with current policy. For example, the local policy encourages limited development in 'settlement areas' at Clause 11.01-L. On the face this seems reasonable to direct limited growth to 'settlement areas'. However, when reviewing what constitutes a settlement area, it includes land zoned LDRZ and RLZ which represents a large proportion of land in environmentally constrained areas, subject to bushfire hazard which are close to protected water catchments. Based on the breakdown provided in Council's Part B submission approximately 4.1 percent of the municipality is zoned LDRZ and RLZ land compared with 1.1 percent of the municipality in traditional urban zones (that is RGZ, TZ, INZ1 and C1Z).

Figure 3: Zoning



The Panel considers that directing growth to so called ‘settlement areas’ is inconsistent with many aspects of State policy. It seems that the practical effect of altering the words in the PPF, without altering the zones, overlays and schedules will render many aspects of the Planning Scheme inconsistent with State policy.

As another example, Council is proposing to introduce more restrictive zoning in many townships, including Trentham. While Council submitted that this would be an interim control pending other strategic work, this approach is incongruent with the objective of directing growth into townships such as Trentham. The Panel considers it would be premature to rezone existing townships to NRZ on the basis of structure planning work conducted in 2006. This work predated the existing residential zones, policy changes in relation to bushfire and peri-urban planning issues. It is not considered current. Furthermore, it would not be appropriate for Council to cherry pick some parts of the previous strategic work (for example, to justify the NRZ) while ignoring other parts of the same work (for example, to justify more intense zones in commercial areas).

The Strategic Framework Plan in the exhibited version of Clause 2.04 identifies Trentham as a township with industrial, commercial and tourism assets. To impose a more restrictive zoning (compared with the current zone) is inconsistent with the strategic direction in the new MPS.

Secondly, there may be a perception that because the Scheme was reviewed ‘recently’ that the whole of the Scheme is consistent with State policy. It may not be apparent to decision makers or the community that the zones and overlays do not reflect the preferred planning outcome for a particular site.

The Panel acknowledges Council’s submission that this review is ‘step 1’ however it is considered critical that key policy issues are addressed in the short term. While the zoning and overlay controls enable, or allow certain use and development as of right, there is a high chance that development will continue to progress in a manner not consistent with policy.



Many submitters referred to recent planning permits which have allowed tourist facilities in areas of high landscape value, high quality agricultural land or culturally significant landscapes. The Council may find it difficult to oppose such proposals in the absence of proper zoning and overlay selection.

#### **(vi) Conclusions and recommendations**

The Panel acknowledges the effort and resources dedicated by Council to preparing the Amendment and proposing changes in response to submissions.

The Council has described the proposed changes as ‘step 1’ in the journey and the Panel agrees that significantly more work is required to ensure the Planning Scheme reflects current State policy. The Practitioner’s Guide recognises that the zoning of land can be driven by historical circumstances, which is the case for much of the land in the municipality.

Without a more substantive review of policy direction and the underlying zoning it is expected that the demand for lifestyle properties in the Shire will continue to grow and potentially compromise future strategic planning priorities (or make them more difficult).

Council has viewed this Amendment as an ‘interim’ phase in the development of their Planning Scheme. The Panel can accept this, however it considers that specific timelines and budget allocation must be directed to further work. If this does not occur there will continue to be uncertainty for residents, such as the residents in Drummond where restructure overlay controls have been in place for many years.

The Panel recommends:

- 1. Make the post exhibition changes proposed by Council in Document 33 unless contradicted by a more specific recommendation below.**
- 2. In Clause 74.02, review the list of future strategic work and prioritise this list according to a logical sequence. First order priorities should include a municipal wide settlement strategy and the resolution of land in restructure overlays. The settlement strategy would need to:**
  - **be underpinned by a land use supply and demand analysis**
  - **be grounded in a realistic assessment of the constraints affecting existing ‘settlements’**
  - **address the threats to the highly valued unique elements of the Shire and protect important landscape and heritage elements**
  - **address the tensions and potential synergies between farming, tourism and rural residential development**
  - **make recommendations on specific zone changes and minimum lot sizes in zones.**

The Panel would expect that Council would allocate budget to the future strategic work on the basis of its priority in the list.

## **4.2 Municipal Planning Strategy**

### **(i) The issue**

The issue is whether the Municipal Planning Strategy:

- Is consistent with State planning policy.
- Provides a sufficient basis to guide future strategic work.
- Is consistent with *Ministerial Direction on Form and Content of Planning Schemes*.

**(ii) What is proposed?**

The introduction of the Municipal Planning Strategy is key aspect of the Amendment. The new Clause 2 will replace Clause 20 to 23 (Municipal Strategic Statement and Local Planning Policy Framework). The details of the proposed changes to planning policy as part of the Amendment are outlined in Chapter 2.

Clause 2.01 (Context) describes the municipality, including its history, current demographics and key values and attributes of the Shire. Some of the key themes picked up at Clause 2.01 include:

- diverse populations with differing needs, including traditional farming communities, long term residents in established townships, growing commuter population, alternative lifestyle communities and part time residents
- cultural heritage values
- limited public transport option
- protect catchments
- mineral springs
- high quality agricultural land
- tourist demand
- habitat, biodiversity and landscape values
- bushfire risk, including existing high risk townships.

Clause 2.02 sets of the vision for the municipality, which includes the following direction:

The key land use and development directions to deliver this mission as derived from the Hepburn Planning Scheme Review 2020 are to:

- Protect agricultural land as a valued resource to support jobs and opportunities into the future.
- Carefully manage the development of housing and services for residents in keeping with the heritage and rural feel of those areas.
- Preserve the heritage character and strong sense of place of the townships.
- Protect and manage the municipality's valued landscapes from unsympathetic development or major change.
- Manage the Shire's natural resources sustainably and protect them for future generations.
- Support tourism as an important industry based on the Shire's beautiful townships and countryside.
- Facilitate infrastructure across the Shire to meet the needs of the community.

Clause 2.03 sets the key strategic directions under the key themes of:

- Settlement
- Environment and landscape values
- Environmental risks and amenity
- Natural resource management
- Built environment and heritage
- Housing

- Economic development
- Infrastructure.

Clause 2.04 includes the strategic framework plans intended to reflect the strategic directions in Clause 2.03.

### **(iii) Policy and Guidance**

Clause 71.01-1 sets out the purpose of the MPS:

The Municipal Planning Strategy at Clause 02 provides an overview of important local planning issues in an introductory context, sets out the vision for future use and development in the municipality and establishes strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme.

The MPS is a critical part of the Planning Scheme. It establishes the Shire's key strategic directions that then trickle down into all parts of the Planning Policy Framework and ultimately decision making.

Section 3 of the Practitioner's Guide explains how the MPS works with the PPF:

The PPF is the policy content of a planning scheme and provides a context for spatial planning and decision making by planning and responsible authorities.

The PPF comprises clauses 10 to 19 of the planning scheme and is a single integrated policy source that includes state content in the form of state and regional planning policy and local content in the form of local planning policy.

The policy content in the PPF is complemented by the MPS. The MPS outlines the planning outcomes the municipality seeks to achieve that will be implemented by the policies and requirements of the planning scheme.

The MPS sits outside the PPF at Clause 02 of the planning scheme. The PPF is at clauses 10 to 19 of the planning scheme. The PPF and the MPS together form the strategic foundation of the scheme.

A planning authority must take into account the MPS and the PPF when preparing an amendment to a planning scheme. A responsible authority must also take into account and give effect to the MPS and the PPF when it makes a decision.

Section 6.3 of the Practitioner's Guide explains how a Municipal Planning Strategy should be drafted:

The MPS is located at Clause 02 and sets the basis for the local content in the planning scheme. It does not form part of the VPP as it consists only of local content. The structure of the MPS is set out by the Ministerial Direction *The Form and Content of Planning Schemes* and includes:

- Context
- Vision
- Strategic directions
- Strategic framework plan.

The MPS must succinctly explain the context for a municipality and provide the overarching strategies for the major land use and development matters that affect it. Detailed policy belongs in clauses 10 to 19 of the planning scheme.

#### **(iv) Submissions**

Most submitters did not raise specific concerns with the drafting the MPS. Submitters mainly focussed on specific changes to the zones, schedules, specific clauses in the PPF or what they saw as contradictions between the written policy and spatial controls.

Ms Semple submitted that she supported the deletion of the reference to ‘new age and gay communities’ from the description of population demographics (as currently expressed in Clause 21.01-4 of the Planning Scheme), but was concerned that the translation of this description to ‘alternative lifestyle communities’ at Clause 02.01 (Context) may imply that sexual preference is a lifestyle choice.

Ms Semple submitted that infrastructure design, as referenced in Clause 2.03, should be reflective of the local area and not a standard city design.

The Victorian Farmers Federation, Mr Tom Toose, Mr David Toose and Ms Burns submitted that there needed to be greater recognition of farming as an economic driver in the Shire. These submissions are considered relevant for the content of the MPS, although this was not necessarily referenced by all submitters.

Coliban Water, through its submissions in relation to the FZ schedules, implicitly raised concerns regarding the minimum lot size and settlement strategy for land close to protected water catchments.

Mr Sloyan, through his submissions in relation to the Restructure Overlays, implicitly raised concerns about the lack of clarity in the Planning Scheme about the timing for restructure.

#### **(v) Discussion**

##### **Scope of Panel’s consideration**

The Panel has accepted that this review is ‘step 1’ in a longer process. Further strategic work will be required to change the policy settings across the municipality. In this section of the report the Panel has considered whether the MPS is sufficiently coherent as a springboard for future strategic work. Chapter 4.1. discussed inconsistencies between exhibited version of the Planning Scheme and the stated land use objectives in the MPS and PPF (and the consequence of this from a State policy perspective).

##### **Key policy themes**

Submitters raised general concerns about the policy settings in the MPS, and the Panel notes that in response to questions from the Panel the Council acknowledged that there was still some lack of clarity around some of the strategic directions in the MPS.

The Panel has reviewed the key strategic directions and structure of the MPS on the basis of these submissions. The Panel has identified key areas which need to be revisited.

The Panel acknowledges the resources required for such a comprehensive review of the Planning Scheme. The Panel understands it is challenging to alter policy settings, particularly around settlements without a strategic basis. However, there are some strategic directions in the MPS which appear inconsistent with State and regional policy (or earlier studies). It is considered these directions should be tightened up to ensure the MPS meets the *Ministerial Direction on the Form and Content of Planning Schemes*.

The Panel accepts the principles behind a policy neutral review, but sees a danger that outdated policy might be seen as having been ‘refreshed’ because it has been part of a recent Amendment.

### Settlement

The strategic directions for settlement appear to mirror the current policy settings rather than addressing (or flagging an intention to address) key constraints influencing existing settlements.

Clause 2.03-1 describes the Shire’s settlement patterns as follows:

The Shire’s settlement pattern consists of a range of distinct townships and settlements set within the landscape. The townships are Clunes, Creswick, Daylesford, Hepburn Springs and Trentham. Settlements are scattered across the municipality including Allendale, Broomfield, Bullarto, Coomoora, Glenlyon, Muskvale, Newlyn and Smeaton. Other settlements exist in rural areas, many of which are former goldfields townships.

The term ‘settlement’ and ‘township’ are used in the MPS to reference residentially zoned land. In response to questions from the Panel, the Council explained that ‘settlements’ has a broad meaning and can include land in historical settlements and other ‘residentially zoned land’ such as zoned RLZ and LDRZ. The Panel considers that the terminology is problematic because it does not distinguish between rural living locations (where development is likely to be constrained<sup>2</sup>) and urbanised areas (where development is likely to be encouraged).

For example, one of the strategic directions for settlement at Clause 2.03-1 is to:

Support residential development in settlements within existing residentially zoned boundaries.

Based on the current zoning controls (which could take some time to review) this could include RLZ or LDRZ land in in appropriate locations, further fragmenting the landscape.

The MPS needs to more clearly decouple legacy ‘rural living’ land (that is LDRZ and RLZ) from the term ‘settlement’. This will enable the MPS to include a specific strategic direction for these legacy locations.

The MPS should be more directive about legacy rural living areas. Clause 2.03-1 acknowledges LDRZ areas to an extent, however it does not address RLZ land or townships in the Restructure Overlay (RO):

There are extensive tracts of low-density zoned land between and around the edges of Clunes and Creswick. Development capacity within these settlements is limited due to servicing requirements, on site effluent disposal, and surface and groundwater quality and quantity concerns. A number of settlements have high risk of bushfire requiring restructuring and potentially abandonment to reduce the threats to life and property.

This part of the MPS also fails to more broadly identify other constraints that would influence settlement patterns, including flood risk, biodiversity values, high quality agricultural land, water catchment protection or cultural heritage values.

The MPS should be more explicit about the significant constraints affecting many legacy settlements in the Shire. The MPS should set Council’s vision for the future settlement strategy across the Shire. The Council could rely on previous regional studies such as the

<sup>2</sup> By factors such as bushfire risk, flood risk, biodiversity values, high quality agricultural land, water catchment protection or cultural heritage values

Regional Growth Plan and the Regional Bushfire Planning Assessments (2012) to inform the key strategic directions.

### **Environmental risks and amenity**

Clause 2.03-3 described environmental risks facing the Shire, which are expected to be influenced by the effects of climate change. This part of the MPS does not address amenity and therefore the Panel considers that the heading could be simplified.

State bushfire policy at Clause 13.02 (Bushfire) is very explicit about how bushfire risks should be addressed as part of a planning scheme amendment. Clause 13.02 applies to all land within the BMO and to any decision made under the PE Act that may increase bushfire hazard. It states that:

Identify bushfire hazard and undertake appropriate risk assessment by:

- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.

In relation to settlement planning, Clause 13.02 states:

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).
- ...
- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).

As outlined above, Council has indicated that the review is a 'policy neutral' translation of the Planning Scheme into the current format. As it relates to bushfire risk, Clause 13.02 is very explicit in that planning schemes should not be approved if they will allow the intensification of development in areas exposed to a radiant heat flux of more than 12.5 kilowatts/square metre under *AS 3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009).

Clause 2.03-3 explains that there is a bushfire risk however, it is quite vague about which areas are at greatest risk and what action is required:

Bushfire risk is exacerbated by topography, dispersed townships, ad-hoc development and lack of infrastructure in some locations. There are some locations where residential land uses have been allowed that with current knowledge are unsuitable for settlement and suggest the need for review of boundaries through structure planning. Potential development of existing small lots dispersed across rural landscapes and on the edges of towns are at highest risk from bushfires.

The strategic directions at Clause 2.03-3 includes:

- Avoid development that through its location or design increases exposure to bushfires.
- Limit development outside townships by minimising future subdivision of rural land to address bushfire risk.



The description of the risk and strategies in Clause 2.03-3 are incoherent when read with the strategic framework plan at Clause 2.04 and directions in Clause 2.03-2. The framework plans show extensive bushfire hazard around Creswick and many existing settlements. The strategic direction in the MPS is to 'facilitate growth in Creswick' and to support 'development in within existing residentially zoned boundaries' (for example, Bullarto, Coomoora, Glenlyon, Musk, Hepburn). In response to Panel questions, Council accepted that the Clause did not clearly articulate which particular areas were unsuitable for development.

The Panel considers that the MPS, when read as a whole, does not meet the objectives at Clause 13.02 of the Planning Scheme. The MPS needs to be more explicit about which townships are exposed to bushfire risk and revisit the settlement strategy (including some of the existing strategic directions) to ensure communities are resilient to bushfire.

Flooding and soil management risks are also described in general terms. As with the description of bushfire risk, when read with the framework plans at Clause 2.04 there is a lack of certainty about how to implement the strategic directions. For example, the framework plans identify flooding risk around Clunes but this is also identified as preferred location for development. The MPS needs to more clearly explain how these risks will inform the future settlement strategy.

### **Natural resource management**

The strategic directions in Clause 02.03-4 generally seek to reduce the impacts of climate change, protect catchments and waterways (including mineral spring resources) and protect high quality agricultural land.

The Panel considers that the objectives are sound but there is quite significant repetition in the strategic directions. This may have the effect of watering down the core objectives.

The Panel considers that the strategic directions should acknowledge the existing settlement patterns represent a risk to catchment protection and agricultural pursuits if *ad hoc* development continues.

### **Built environment and heritage**

Clause 2.03-5 includes strategic directions relating to cultural heritage, landscape value and built form objectives. The Panel notes that many submitters supported heritage policy objectives, particularly those relating to the protection of the landscape and cultural heritage values of Mt Franklin. Other submitters raised concerns, relevant for the MPS regarding the scope of landscape controls on agricultural activities.

### **Housing**

Clause 2.03-3 acknowledges the changing housing needs within the Shire. There are two strategic directions proposed for housing:

Support infill housing development in townships that respects and complements neighbourhood character.

Promote and facilitate residential development and housing diversity in established townships to meet community needs, including affordable housing and aged care accommodation.

These directions appear sound and consistent with State housing policy. However, when read in conjunction with Council's decision to rezone land within existing settlements to from GRZ or TZ to NRZ there is a contradiction. The Panel considers that the introduction of more

restrictive zoning in the limited number of townships in the Shire that do not face other constraints, does not meet State policy objectives in relation to housing supply. These decisions pre-empt decisions that should be taken as part of a broader settlement strategy for the Shire, which takes account of different housing demand and supply.

The Panel supports the omission of references to ‘settlements’ in this Clause.

### **Economic development**

Clause 2.03-7 identified key economic drivers for the Shire including rural enterprises, tourism, manufacturing and industry, retail and community services.

Some of the key strategic directions include avoid fragmentation of rural land, support economic stability in townships, locate tourist facilities in ‘main townships’ and facilitate a greater range of economic activity in townships and settlements. When these directions are read in conjunction with the rezoning proposed in the Amendment there is a degree of inconsistency. As with housing supply, on one hand the MPS encourages commercial activity in townships at the same time a more restrictive zoning is imposed in several townships. For example, if Trentham is rezoned from TZ to NRZ land uses such as office, industry (other than car wash) and many forms of retail would become prohibited.

### **Strategic framework plans**

Clause 02.04 provides plans that are intended to spatially represent the strategic directions in other parts of the MPS. Council explained to the Panel that there have been no changes to the policy settings in terms of settlement patterns. As illustrated in the discussions above, this creates a disconnect with the written aspects of the MPS and the representation in the framework plans.

The Panel is concerned that decision makers would rely on the framework plans too heavily, assuming they had recently been reviewed and therefore consistent with current State and regional planning policy. The Panel considered that a settlement strategy needs to be prepared before the MPS provides clear direction on which locations are preferred for growth.

### **Other aspects**

The Panel agrees with the submissions from Ms Semple that the implicit link between sexual preference and ‘alternative lifestyle communities’ is problematic at Clause 02.01.

### **(vi) Conclusions and recommendations**

The Panel concludes that there are some aspects of the MPS which are inconsistent with State policy. There is also some inconsistency between different clauses in the MPS. These aspects should be revisited to ensure that the MPS provides a strategically sound springboard for future strategic work.

The Panel recommends that:

- 3. Review the Municipal Planning Strategy to ensure that the strategic direction, particularly as those relate to settlement planning, bushfire hazards, housing supply and economic development are consistent with State policy.**
- 4. Review the Municipal Planning Strategy to:**
  - **clarify the distinction between ‘established townships’, ‘main townships’ and ‘settlements’**

- delete any policy support directing growth to parts of settlements within the Low Density Residential Zone or Rural Living Zone where such development might run counter to State policy on bushfire and protection of natural values.
5. In Clause 02.01 delete the reference to ‘alternative lifestyle communities’.
  6. At Clause 02.03, redraft the Clause to more precisely define locations (or ‘settlements’) constrained by bushfire risk, including those areas which are currently affected by a Restructure Overlay (or should be considered for such an approach).

### 4.3 Native vegetation

Submission 13 from DELWP Environment supported the Amendment. It suggested several changes to a number of policies to support the retention of native vegetation and biodiversity. In particular a number of suggestions were made to bolster Clause 12.01-1L Native vegetation and habitat protection to ensure that both *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* and *Flora and Fauna (FFG) Act 1988* species were better protected.

Council advised:

As a result of this submission, a number of changes have been made to the following Clauses:

- Clause 02.03.9 of the MPS
- Clause 12.01-1L Native vegetation and habitat protection
- Clause 14.01-1L Protection of agricultural land
- Clause 19.02-6L Open space See Appendix V for these changes.

Changes were not made to 02.04 Strategic Framework Plan (which would reduce map are legibility), 02.03-8 Transport (covered in other clauses), Clause 72.04 Further Strategic Work and Clause 11.01-1 Trentham Township Plan as this will be investigated as part of future structure planning.

The Panel supports these changes.

## 5 Specific clauses

### 5.1 Introduction

The Amendment replaces Clauses 20 to 23 with the MPS and new or revised policy at:

- Clause 11.01-1L – Townships and settlements
- Clause 12.01-1L – Native vegetation and habitat protection
- Clause 12.05-2L – Landscape management
- Clause 14.01-1L – Protection of agricultural land
- Clause 14.01-2L – Sustainable agricultural enterprises
- Clause 14.02-1L – Catchment and land protection
- Clause 14.02-2L – Mineral springs and fresh water springs protection
- Clause 15.01-1L – Urban design
- Clause 15.01-3L – Subdivision
- Clause 15.01-5L – Neighbourhood character in Daylesford
- Clause 15.01-5L – Neighbourhood character in townships and settlements
- Clause 15.01-6L – Central Springs and Lake Daylesford, Hepburn Springs Reserve and Jubilee Lake Reserve Environs
- Clause 15.02-1L – Environmentally sustainable development
- Clause 15.03-1L – Heritage
- Clause 15.03-2L – Aboriginal cultural heritage
- Clause 16.01-4L – Affordable housing
- Clause 17.01-1L – Diversified economy
- Clause 19.02-6L – Open space
- Clause 19.03-2L – Infrastructure design and provision.

Many of the proposed changes are uncontroversial.

### 5.2 Townships and settlements

#### The issue

Clause 11.01-L ‘Township and settlements’ refers to growth in settlements where development in some of these settlements would appear contrary to broader state policy.

As discussed in Chapter 4 the Panel has concerns about the settlement strategy implied by the Amendment. In Chapter 4.2 the Panel made recommendations on changes to the MPS. Changes to Clause 11.01-L are also required.

Clause 11.01-L includes:

#### Objective

To achieve a sustainable urban form for townships and settlements by containing future development within the township boundaries shown on the township and settlement structure plans.

#### Strategies

Encourage limited development in settlements that are not identified for restructuring.

As discussed above ‘settlements’ in the Hepburn context could be taken to include areas of LDRZ and RLZ land. These may no longer be seen as suitable for further development given

changes in State policy and so a strictly policy neutral approach to translating policy into the PPF could support inappropriate planning outcomes.

Council pointed out that the 'Town centre activities' area in Hepburn has been included the structure plan in the scheme but without notation. The notation should be included.

DELWP pointed out that on the Creswick map to remove reference to two parcels of Crown land being (3~77\APP5211 in Bloomfield Road and 1~78\PP5211 in Pasco Street) should be removed from the 'residential infill opportunity'. Council supported this.

### **Recommendation**

The Panel recommends:

#### **7. In Clause 11.01-L delete:**

- **the reference to settlements in the objective**
- **the strategy: 'Encourage limited development in settlements that are not identified for restructuring'**
- **on the Hepburn map annotate the yellow rectangle in the centre of Hepburn to indicate 'Town centre activities'**
- **on the Creswick map remove reference to two parcels of Crown land being (3~77\APP5211 in Bloomfield Road and 1~78\PP5211 in Pasco Street) as 'residential infill opportunity'.**

## **5.3 Significant Landscapes PPF**

### **The issue**

A number of submissions (178, 186, 192, 194, 205, 219, 221, 225, 268, 274) requested Council undertake further work on significant landscapes particularly around Mount Franklin, Lady Franklin and other key Aboriginal sites and the application of the HO or SLO to protect these sites. Submitters were concerned that the Amendment does not signal that these landscapes are important and should be protected. Landscape protection was a key message from the community and identified in the engagement undertaken in the Planning Scheme Review.

### **Submissions**

Council submitted that it intends to commit funds at the 2020-21 mid – year budget with the intention of protecting additional sites of significance to the Dja Wurrung Clans Aboriginal Corporation including Lalgambook (Mt Franklin) and surrounds in 2021.

Council proposed a number of small changes to the MPS and local policy to reflect the importance of significant landscapes in additional areas highlighted in submissions. These were presented in Appendix V of Council's Part C submission.

### **Discussion**

The Panel (as does Council) supports the intent of many of these submissions and supports the proposed changes to the Amendment presented by Council. The Panel has already recommended the adoption of Council's post exhibition changes.

## 5.4 Natural Resource Management

### 5.4.1 Clause 14.01-1L – Protection of agricultural land and Clause 14.01-2L – Sustainable agricultural enterprises

#### (i) The issue

A number of submissions (130, 173, 202, 209, 221) requested Council make some changes to the wording of local policies related to agriculture, respond to a desire to subdivide land, promote regenerative farming practices and exempt all agricultural buildings and works from ESO, VPO and SLO controls.

#### (ii) What is proposed

In relation to Clause 14.01-1L – Protection of agricultural land Council submitted:

This policy retains and supports agricultural and farming activities with strategies and policy guidelines (with complementary existing minimum subdivision areas in rural zones) to reduce amenity and operational conflicts. [Part A 2.6.1]

The policy provides a local response to complement State policy that seeks to protect productive agricultural land and is based on the existing policy titled “Rural Land” currently at Clause 22.04 and the current MSS (Clause 21.08) to ensure the Shire’s high quality agricultural land is not encroached upon by incompatible use and development. [Part A 2.6.2]

In relation to Clause 14.01-2L – Sustainable agricultural enterprises Council submitted:

This policy provides a local response to the Victorian government’s direction to respond to local ‘value adding’ and to continue to attract investment. New local policy content supports small agricultural enterprises in rural zones including the Rural Living Zone and provides a local response to complement State policy that supports agricultural enterprises. [Part A 2.7.1]

The policy is based on the existing policy titled ‘Rural Land’ currently at Clause 22.04 and the current MSS (Clauses 21.03, 21.07 and 21.08) to ensure agricultural land remains viable and supports businesses. [Part A 2.7.2]

Submitter 130 noted the changes that have occurred in the Shire:

As members of the Ullina Landcare Group, we have enjoyed since 1994 the interchange of information and assistance from neighbours and others, together with the Department of Agriculture, other land care groups and farming consultants. The landscape resulting from our activities is substantially changed and improved since that date in the hands of owners who care about their farming venture and its continuance.

Some submitters sought greater flexibility to further support innovation and diversification of agricultural enterprises suggesting that the policy to *“Discourage the use and development of rural land for accommodation, food and drink premises, place of assembly or shop”* should not apply to when these are directly related to an agricultural enterprise.

#### (iii) Submissions

Council advised that the Council Report on the Amendment recommended that Council officers work with peak bodies such as the VFF and farmers to refine planning scheme clauses and to ensure alignment with the Victorian Government’s Agricultural Land Review and the Planning Scheme Review recommendations.

Council is considering the potential establishment of an agriculture working group with the VFF, Agriculture Victoria and DELWP Planning (Agriculture). This could be pursued to establish a more collaborative working relationship between Council, the VFF and Agriculture Victoria.

Council supported the intent of many of these submissions and made a small number of post-exhibition changes to the Amendment as a result of submissions.

#### **(iv) Discussion**

The Panel broadly agrees with submitters that the policy basis around agricultural land needs to be reviewed. The Panel sees this as part of the need for broader settlement strategy that looks at how agriculture, peri-urban pressures and tourism can be managed in the Shire. This is a more extensive strategic piece work than this policy neutral planning scheme amendment.

The Panel has previously recommended that Council prepare a settlement strategy as a priority.

### **5.4.2 Clause 14.02-1L – Catchment and land protection**

#### **(i) What is the issue**

Coliban Water requested minor revisions to Clause 14.02-1L of the Planning Scheme.

#### **(ii) What is proposed**

Council submitted:

This policy applies to all land within the municipality for the protection of soil and water quality within the special water supply catchment based on regional catchment management strategies. [Part A 2.8.1]

The existing policy titled “Catchment and Land Protection” currently at Clause 22.01 has been revised and updated following consultation with water and catchment management authorities, and to meet drafting requirements of the PPF translation.[Part A 2.8.2]

#### **(iii) Submissions**

Coliban Water acknowledged the post exhibition changes to Clause 14.02-1L and agreed with all proposed changes.

Coliban Water suggested the additional inclusion of the word ‘all’ after the words ‘To ensure that’ at the start of the Objective. Coliban Water’s suggestion would mean that the objective would read as follows (inclusions shown with underlying):

To ensure that all use and development in a special water supply catchment protects, restores and enhances the quality and quantity of the natural resources and environmental systems for the long term supply of quality water for future generations.

Coliban Water submitted that the inclusion of the word ‘all’ would act as a prompt to ensure that all use and development, regardless of whether a permit is required or not, considers the quality and quantity of the natural resources and environmental systems.

The Panel does not support the inclusion of ‘all’. The issue is not so much the impact on this Clause but on how other clauses that do not include ‘all’ might be read in the future. It may imply a lesser strength to those other strategies because they do not include ‘all’ as this strategy does. Having said that the Panel agrees that the protection of water supply



catchments is extremely important and potentially warrants controls that require permits for a greater range of activities than areas outside of catchments.

## 5.5 Built Environment and Heritage

### 5.5.1 Clause 15.03-1L – Heritage

#### (i) The issue

A number of submissions (41, 186, 192, 194, 205, 219, 230, 241, 274, 275) supported Council in preparing a Heritage Local Policy, providing greater clarity on application requirements in the Schedule to the Heritage Overlay. A number of submissions would have liked Council to provide further heritage protection to a number of sites and landscapes.

#### (ii) Submissions

Council submitted that:

- the new local policy aims to fill a substantial planning gap for heritage policy in Hepburn.
- builds on content from the current MSS (Clause 21.09), the *Hepburn Heritage Strategy 2020-2030* and new content that provides improved guidance for signs, demolition and relocation, gardens, trees and landscape features, subdivision and prohibited uses.

#### (iii) Discussion and conclusion

The Panel notes the submissions in support of heritage and the requests for further heritage protection. The Panel notes that the further work section includes further heritage work in the Shire. The Panel supports the proposed changes to the heritage policy in the Amendment.

### 5.5.2 Clause 15.03-2L Aboriginal cultural heritage

#### (i) The issue

A number of submissions (20, 194, 219, 225, 274) believed that the Amendment should make greater reference to the aboriginal cultural heritage of the Shire and the Dja Dja Wurrung as the first nations people.

#### (ii) What is proposed

A new local policy is proposed to specifically recognise and protect Aboriginal cultural heritage, building on Council's commitments in its *Reconciliation Action Plan, 2018*. This will help to fill identified planning gaps in Hepburn's indigenous cultural significance particularly for the Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC).

#### (iii) Submissions

The DDWCAC submission requested that the Schedule to the Heritage Overlay should note all aboriginal sites in the Shire in the Aboriginal heritage place column of the HO Schedule. In principle, Council supports the request but does not have the information to undertake the request at this time and hence does not support the request. Future strategic work identified will provide suitable justification for this to be included at a later date.

The DDWCAC provided a detailed submission on how the Planning Scheme can strengthen protection of significant sites and bring to the forefront the importance of the Dja Dja Wurrung in the history and the future of the shire. They provided a range of changes, the most important being the need to reflect the Dja Dja Wurrung in the Aboriginal Cultural Heritage local policy and undertake further work to support protection of cultural heritage.

Council supported these submissions and believed that some changes can be made to the MPS and Aboriginal Cultural Heritage Local Policy which were included in the post-exhibition version of the Amendment.

Council proposed:

Protect ~~and~~ conserve and enhance identified pre and post contact indigenous ~~cultural~~ heritage places ~~and values of cultural and spiritual value to the Dja Dja Wurrung Clans Aboriginal Corporation~~ as decided by in partnership with traditional owners in caring for Country ~~Aboriginal people~~.

Ensure pre and post contact tangible and intangible Aboriginal cultural heritage values are considered in land use and development and the management of ~~use and development of land~~ environment and water resources.

Ensure that new uses, development and works do not adversely impact on sites, vegetation, wetlands and features of the Aboriginal peoples' cultural and archaeological significance.

Policy guidelines

Consider as relevant:

- The ~~indigenous~~ Dja Dja Wurrung Clans Aboriginal Corporation traditional knowledge of the Aboriginal people in providing for the conservation and enhancement of places, sites, vegetation and objects of cultural value.
- Any Aboriginal cultural heritage study documents from the Dja Dja Wurrung ~~people~~ Clans Aboriginal Corporation and other relevant organisations when considering a planning scheme amendment or an application for use, buildings or works or subdivision of land.
- A land use activity agreement prepared for an application on existing or unalienated Crown land.

The Panel supports the proposed changes.

## 6 Broad zoning changes

### 6.1 Introduction

The Amendment does not seek to make broadscale zoning changes to address key issues around settlement patterns in the Shire. Rather it seeks to translate existing zones and schedules into the new PPF format and address specific urban design matters in several townships.

Where the rezoning of land or new schedules are proposed, this flows from:

- existing strategic planning work (for example, 2006 structure planning work)
- usability and translation (for example the Farming Zone schedule)
- identified mapping anomalies.

### 6.2 Issues

The issues for the Panel are whether the:

- Changes to zone schedule are appropriate.
- Site specific rezoning changes proposed as part of the Amendment are appropriate.
- Site specific rezoning changes requested by individual submitters are appropriate (dealt with in the next chapter).

The Panel has already discussed the threshold issues regarding the limited number of changes to the underlying zoning from a State policy perspective. In this section of the report the Panel addresses the more specific aspects of the proposed rezoning changes, and has made a distinction between the general changes (that affect townships more broadly) and the site specific rezoning proposals or requests.

### 6.3 Changes to zone schedules

The Amendment proposed to redraft Schedule 1 to the TZ to add character objectives, application requirements and decision guidelines. The revised Schedule will affect land that remains in the TZ.

The Panel supports these changes.

Schedule 1 to the GRZ is proposed to be redrafted to include clear application requirements and decision guideline.

In relation to the revised Schedule to the GRZ Council submitted that:

The Amendment amends Clause 32.08, Schedule 1 (General Residential Zone) with a new Schedule 1 that includes clear application requirements and decision guidelines to the Creswick township.

The Schedule content was drawn from the existing MSS (Clause 21.05) and the *Hepburn Structure Plan Review, 2006*.

The Panel supports these changes.

#### 6.3.1 Neighbourhood Residential Zone

##### (i) The issue

The issue is whether rezoning land the NRZ is appropriate.

**(ii) What is proposed?**

The Amendment proposed to reduce the amount of GRZ land within the municipality. Daylesford and Hepburn Springs are proposed to be rezoned from GRZ to NRZ, but Creswick township is proposed to remain in the GRZ.

Residential areas in Clunes and Trentham are proposed to be rezoned from the TZ to NRZ.

Schedules are proposed which specify the preferred character in each precinct. The Schedules do not change the default requirements under the NRZ and will have the effect of:

- In TZ replacing a discretionary 9 metre building height with a mandatory 9 metres and 2 storeys limit
- In the GRZ replacing a mandatory 11 metres and 3 storeys height with a mandatory 9 metres and 2 storeys limit.

**(iii) Submissions**

Council explained that when the new residential zones were introduced in across the State in 2014, all residential zones in the Shire's townships were converted to the GRZ.

Council submitted:

New residential zones were introduced into the *Scheme* in 2014 based on the state-wide review conducted in 2012/13. All residential zones in townships were converted to the General Residential Zone. To reflect the low growth scenario identified for the townships of Clunes, Daylesford, Hepburn Springs and Trentham in the Regional Growth Plan, *Review* and the built form outcomes identified in the *Hepburn Structure Plan Review, 2006*, the Neighbourhood Residential Zone is deemed the most appropriate residential zone to be applied to residential areas within these townships.

Using the principles from PPN91, the application of the NRZ for the townships of Clunes, Daylesford, Hepburn Springs and Trentham better represents the guidance provided in PPN91, more accurately reflects existing development patterns and expectations, and better articulates and clarifies Council's position on 'low scale' development of between one and two storeys in residential areas.

In relation to the retention of the GRZ in Creswick, Council submitted that:

As Creswick is identified as a township for growth, the application of the General Residential Zone is deemed the most appropriate zone for residential areas within the township.

Meetings were also held with DELWP Planning Systems who provided advice on the application of the residential zones and neighbourhood character controls. Advice also pointed to considering the application of the Neighbourhood Residential Zone to townships given the existing structure plans, low growth settings and guidance included in the recently released Planning Practice Notes 91 – Using the residential zones.

**Daylesford and Hepburn Springs**

Several submitters supported the rezoning of GRZ land to the NRZ. However, a number of submissions (10, 90, 96, 134, 229, 262) opposed the introduction of NRZ or raised concerns regarding its impact on different sites. A number of other submissions supported the rezoning of residential land to the NRZ.

Ms Gervasoni submitted that:

I support the use of the Neighbourhood Residential Zone but I am reminded of my circa 1996 submission to the first 'Hepburn Planning Scheme' which was not recommended for approval. At that time when we still had the abattoirs and the timber industry

employing locals I raised the need to attempt to maintain diversity in the local economy (the area has been devastated by two long 'busts' in tourism) and to realise that the lifestyle, serenity, cultural heritage setting and key natural attractions were critical to the tourism economy – but that those elements needed to be protected.

Ms Mok, on behalf of Hyde Custodian Pty Ltd, submitted that the rezoning the site at 114 Main Road, Hepburn Springs to NRZ3 was inconsistent with the strategic direction identified in the maps in the exhibited version of Clause 11.01 and the policy at Clause 15.01-1L. Ms Mok submitted that it was not consistent with State policy to apply a more restrictive zone to a site in an existing commercial centre.

Mr Tsourounakis made submissions on behalf of the owners of 15 King Street in Daylesford. He submitted that the structure plan which formed part of the basis for the Amendment did not contemplate the application of the NRZ to the land which is currently zoned GRZ1. Mr Tsourounakis submitted that the Daylesford Character Study (2002) was not a sufficient basis to apply a more restrictive control to the land.

Mr Tsourounakis submitted that neither the *Daylesford Neighbourhood Character Study 2002* nor the *Daylesford Structure Plan 2006* recommended changes to the current residential zone for the land. He submitted that both studies were outdated and should not be relied upon for the application of the NRZ. He submitted that the rezoning of the township to the NRZ would impact on future housing supply and impact on the local economy.

Council acknowledged that both the *Daylesford Neighbourhood Character Study 2002* and the *Daylesford Structure Plan 2006* need to be updated, as well as a range of other studies. It submitted that structure planning is proposed for Daylesford in the near future as outlined in Clause 74.02 Future Strategic Work.

### **Trentham and Clunes**

Several submissions raised general concerns regarding the consequences of applying a more restrictive zone in townships, compared with the existing TZ.

Council submitted that the rezoning of Trentham and Clunes was an interim measure, pending a more detailed settlement strategy and structure planning exercise.

Mr Scarpaci submitted that the proposal to rezone the Trentham to NRZ was inappropriate as a matter of principle. He submitted that the blanket application of the NRZ to the Shire's largest settlement was inappropriate:

... it is our view that the proposed blanket NRZ rezone in the municipality's largest activity centres (as proposed by Amendment C80hepb) is a blunt and unsophisticated measure that is not compatible with a number of strategies of the proposed Clause 11.01-L, including to provide for urban development and economic growth in the main townships based on the structure plans, to locate new dwellings and residential subdivisions within township boundaries, and to provide urban infill and consolidation opportunities in townships that utilise existing infrastructure.

17. The contradictory policy positions are compounded by a lack of proper strategic justification, and it is submitted that Council's reliance on Hepburn Structure Plan Review (2006) to support less intense zoning in existing settlements is clearly insufficient in the context of a planning scheme amendment that affects such a large and important part of the municipality.

#### **(iv) Discussion**

The decision to rezone land to the NRZ does not appear to have been informed by any assessment of land supply or a broader review of the settlement patterns in the Shire. Furthermore, the structure planning work conducted in the context of different State policy priorities. Mitigating the risk of bushfire was not afforded the same policy priorities as it was after 2013.

The Panel considers that applying the NRZ ahead of a proper consideration may inhibit strategic planning aims in the future. It is not considered that it is appropriate to apply the NRZ, even as an 'interim' measure.

The majority of submitters who opposed changes to the GRZ, did so on the basis that they opposed the implications of the NRZ on individual sites.

The Panel is concerned about Council's rationale for reducing the extent of GRZ. It is based on structure planning work dating back to 2006. This work predated the current residential zones as well as key policy changes in relation to bushfire risk and the preparation of Regional Growth Plans. The rezoning of Hepburn Springs and Daylesford does not appear to have been informed by any assessment of land supply or a broader review of the settlement patterns in the Shire.

As discussed in Chapter 4, the Panel considers further strategic work is required to confirm the new settlement patterns (including the extent of GRZ land required). Any changes to the GRZ needs to be consistent with the proposed MPS and State policy.

As a matter of principle, the Panel does not oppose the reduction in GRZ land, however the key issue is whether new zoning selected is strategically justified. The Panel considers that it is premature to rezone Hepburn Springs and Daylesford.

The Panel also has concerns with the application of the NRZ in township areas.

There are some practical differences between rezoning existing TZ to NRZ and rezoning existing GRZ to NRZ. The TZ is a more expansive zone which allows a range of commercial and residential activities. The GRZ is more restrictive and focuses on residential development. Therefore, there is a more significant difference between the conversion of TZ to NRZ compared to GRZ to NRZ.

Council's rationale for rezoning townships to NRZ is based on structure planning work dating back to 2006. The Panel agrees with the thrust of submissions that the strategic justification for the NRZ is limited, particularly in townships currently in the TZ.

The rezoning will alter the type of uses allowed within Trentham and Clunes, introduce minimum garden requirements for dwellings and new height limits. The most significant change is the reduction in the scope of commercial uses permitted within the township areas, when compared with the existing TZ.

The Panel considers that applying a more restrictive zone in townships designated for a mix of commercial and residential purposes would be inconsistent with Council's proposed MPS. As discussed in Chapter 4, there is an inconsistency between the written policy objectives and the proposed zoning controls.

**(v) Conclusions and recommendation**

The Panel concludes that it is acceptable, as a matter of principle to convert GRZ land to an alternative zone. However, the new zoning selected needs to be strategically justified.

Further strategic work is required to confirm the preferred settlement patterns in the Shire before NRZ is applied to residential areas in Clunes, Daylesford, Hepburn Springs and Trentham.

- 8. Abandon the proposal to rezone land in Clunes, Daylesford, Hepburn Springs and Trentham to the Neighbourhood Residential Zone until a settlement strategy for the Shire has been completed.**

**6.3.2 Clause 35.03 Rural Living Zone****(i) What is proposed?**

The Amendment proposes changes to the Schedules to the RLZ:

- a new Schedule 1 is proposed to apply to all RLZ land in the Shire, other than the land at 145 Trentham- Kyneton Road, Trentham
- a new Schedule 2 is proposed to apply to land at 145 Trentham-Kyneton Road, Trentham and the three lots which resulted from Amendment C36.

**(ii) Evidence and submissions**

Council submitted that the changes to the Schedules would create clarity regarding the minimum subdivision areas in the RLZ and were consistent with the Ministerial Direction on Form and Content.

**(iii) Discussion**

The changes proposed to the Schedules in the RLZ are largely policy neutral and do not alter minimum lot sizes in the land zoned RLZ.

As discussed in Chapter 4 of this report, the decision to retain significant amounts of RLZ land across the municipality raised separate policy issues. However, the specific change to the Schedules is not considered to be of significant consequence.

**(iv) Conclusion**

The Panel concludes that the changes to the Schedule are relatively inconsequential.

**6.4 Clause 35.07 Farming Zone and Clause 35.06 Rural Conservation Zone****(i) What is proposed**

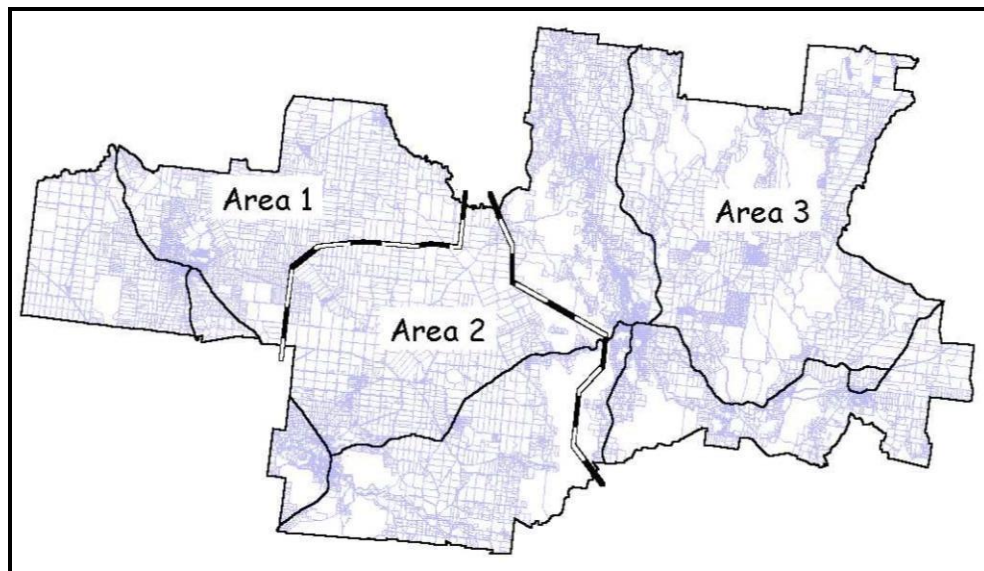
The Amendment replaces the existing FZ and Rural Conservation Zone (RCZ) Schedules with:

- A new Schedule 1 that applies to Areas 1 and 2 on the map to the existing Schedules which currently has a minimum lot size of 40 hectares. No permit is required to use land for a dwelling if the lot is greater than 40 hectares. This is consistent with the standard VPP requirement in the FZ.



- A new Schedule 2 that applies to Area 3 which currently has a minimum lot size of 20 hectares. No permit is required to use land for a dwelling if the lot is greater than 20 hectares. This is a smaller minimum than what exists in the VPPs.

**Figure 4: Existing Farming Zone Schedule and Rural Conservation Zone Schedule map**



#### (ii) Relevant policies, strategies and studies

State policy seeks to protect high value agricultural land and to protect water catchments. These are significant issues that are relevant for the Shire and are picked up in the MPS.

#### (iii) Submissions

Council submitted that providing one minimum subdivision area in each Schedule created clarity and was consistent with the Ministerial Direction on Form and Content. Council submitted that this was a policy neutral change. It submitted that the change did not alter the existing policy settings or minimum lots sizes in the FZ or RCZ.

Coliban Water submitted that Schedule 2 to the FZ, with a minimum lot size of 20 hectares, should be removed. It submitted that:

Coliban Water recognise the Council response that the schedule is a direct translation of existing controls to comply with Ministerial Direction 19 on the Form and Content of Planning Schemes which requires a new schedule for each minimum lot size.

However, it is Coliban Waters position that the current Schedule 2 to Clause 35.07 Farming Zone shown as on the planning scheme map as FZ2 would appear to be inconsistent with the general policy theme of the Planning Scheme, particularly:

- Clause 02.03-4 Natural resource management, which seeks to:
  - *Minimise landscape and water quality impacts on the catchments through careful location and design of development and wastewater systems.*
  - *Protect streamsides, catchments, flood plains and wetlands from the impacts of development.*
  - *Protect water resources in the Shire through integrated water and catchment management including stormwater.*
  - *Protect high quality productive agricultural land for agricultural uses over the long term.*
  - *Protect rural land for agricultural uses and compatible rural uses.*

- Clause 02.04 Strategic Framework Plan and Economic development plan which identifies High to Very High agricultural Land.
- Clause 14.01-1L Protection of agricultural land, which seeks the objective:
  - *To protect the Shire's high quality productive agricultural land from the encroachment of incompatible use and development.*

The removal of the schedule FZ2 would remove the minimum lot size of 20 hectares. This would provide greater consistency for the protection of agricultural land and water supply in the upper Coliban catchment by preventing the ability to create smaller allotments which could have a potential impact on the supply of quality drinking water.

Ms Gould submitted that the minimum lot size of 20 hectares should be increased to 40 hectares. Ms Gould referred to the minimum lots sizes in neighbouring municipalities which ranged from 40 hectares to 80 hectares. She submitted that:

In the western side of the shire the minimum subdivision in the rural area is already now 40 hectares, considered a minimum size to be viable for most farming. In the wooded eastern side it needs to be changed to 40 hectares also, because half of a farm might be un-farmable high biodiversity land on the forested rocky outcrops which you need to protect, and therefore you can't farm it.

History made it to be 20 hectares, but we're in a very different time now with bushfire and biodiversity loss, and the break up of viable farming land, and as I said, the neighbouring shires all have this minimum of 40 hectares.

The reason you have to protect the landscape is that the land is going out of agriculture because, from the outside it appears a size of 20 hectares is small enough for most people to cope. If it's double the size it's more daunting for people who are not seriously doing agriculture. It's a lot of work to manage land and what often is the result is that the land reverts to weeds, gorse, becomes scrubby, fire prone and a bushfire risk.

The Victorian Farmers Federation (VFF) submitted:

The '20 hectare' schedule should be removed as it is not an appropriate lot size to sustain modern agriculture and leads to a proliferation of 'rural living' style development in the farming zone

#### **(iv) Discussion**

The Panel agrees with the submissions of Coliban Water, Ms Gould and the VFF. The retention of a lower minimum lot size in the FZ is inconsistent with State policy and appears incongruous with other policy objectives relating to the protection of agricultural land, water catchments and biodiversity values. Submissions did not address the RCZ but similar issues would apply in respect of water catchments, but perhaps not agriculture.

The Panel acknowledged that the existing minimum lot sizes reflects historical circumstances, however this does not make it acceptable in the current State policy context. As discussed in Chapter 4 of this report, a comprehensive settlement strategy is required to determine the future of many rural areas. It is expected that the minimum lot sizes would be revisited as part of that process, for the Rural Conservation Zone land.

Because this change was not exhibited further notice to affected parties would be required. This could take place as part of the process for this Amendment, or as part of a separate Amendment. The critical issues is that this change is made sooner rather than later.

#### **(v) Conclusions and recommendation**

The Panel considers that the policy neutral approach of the Council in respect of the Farming Zone land raises broader policy questions. Given the policy settings of the scheme in relation

to Farming Zone land the Panel believes that the smaller lot size cannot continue to be justified.

The Panel recommends:

- 9. Subject to further notice to affected properties, apply a minimum lot size of 40 hectares to land in Area 3 of the current Farming Zone Schedule.**

## 7 Site specific zoning changes

### 7.1 Overview

There are a number of site specific rezonings proposed as part of the Amendment to tidy up existing zoning anomalies. No submitters opposed these changes.

Twelve submitters requested site specific rezonings. Two of these requests were supported by Council and nine were not supported.

Council submitted that site specific rezonings were not encouraged and that a more holistic process should inform rezoning proposals. Council submitted that rezonings in townships should be considered as part of structure plan for townships and that rural rezoning should await the outcomes of the Victorian' Government's Agricultural Land Review and a potential Shire Rural Review.

### 7.2 Council initiated changes

#### Site specific rezoning the Lost Children's Cairn Memorial Reserve

The Amendment proposes to rezone the Lost Children's Cairn Memorial Reserve at 4360 Midland Highway, Daylesford from GRZ Schedule 1 to the Public Park and Recreation Zone (PPRZ).

Council submitted that this change was proposed to ensure that the zoning of the land reflects the existing land use and most appropriate zoning for land in public ownership.

The Panel supports this change.

#### Site specific rezoning at Hepburn Mineral Springs Reserve

The Amendment proposed to rezone land at the Hepburn Mineral Springs Reserve from SUZ Schedule 1 to the Public Park and Recreation Zone.

Council submitted that this change was proposed to ensure that the zoning of the land reflects the existing land use and most appropriate zoning for land in public ownership.

The Panel supports this change.

#### Site specific correcting mapping of Road Zones in and around Trentham

The Amendment proposes to correct the location of mapping of Road Zones in and around Trentham based on designations under the *Road Management Act 2004*.

The Department of Transport (DoT) provided advice on four sites in the municipality that were incorrectly zoned and evidence to support their inclusion. These sites were:

- Trentham Falls Road (Daylesford-Trentham Road) to be zoned RDZ1 from Glenlyon Little Hampton Road (Roths Road) to Kyneton-Trentham Road.
- Kyneton-Trentham Road to be zoned RDZ1 from Victoria Street, Trentham to Springhill Road, Tylden (Shire boundary).
- Cosmo Road/Blackwood Road (Myrniong-Trentham Road) to be zoned RDZ1 from High Street Trentham to Blue Moon Road.
- Blue Moon Road and High Street (west of Cosmo Road) to be rezoned appropriately to remove the RDZ1.

Submission (212) from Regional Roads Victoria supported the changes to the application of the Road Zone – Category 1.

The Panel supports this change.

### 7.3 Rezoning requests initiated by submitters

#### 7.3.1 3535 Midland Highway, Blampied

Ms Howards (Submitter 216) requested that site be rezoned from FZ to RLZ.

Council did not support the proposed rezoning on the basis that the site is currently in a FZ with a minimum lot size of 40 hectares. Council submitted that the site was outside of any defined settlements and that there was inadequate justification for the rezoning. Council submitted that site had other constraints, such as the BMO which applied to approximately half of the site.

The Panel considers that this rezoning request lacks strategic justification to proceed as part of this Amendment. However, the Panel notes that the site is no less constrained by environmental risk than many other existing RLZ land in the Shire.

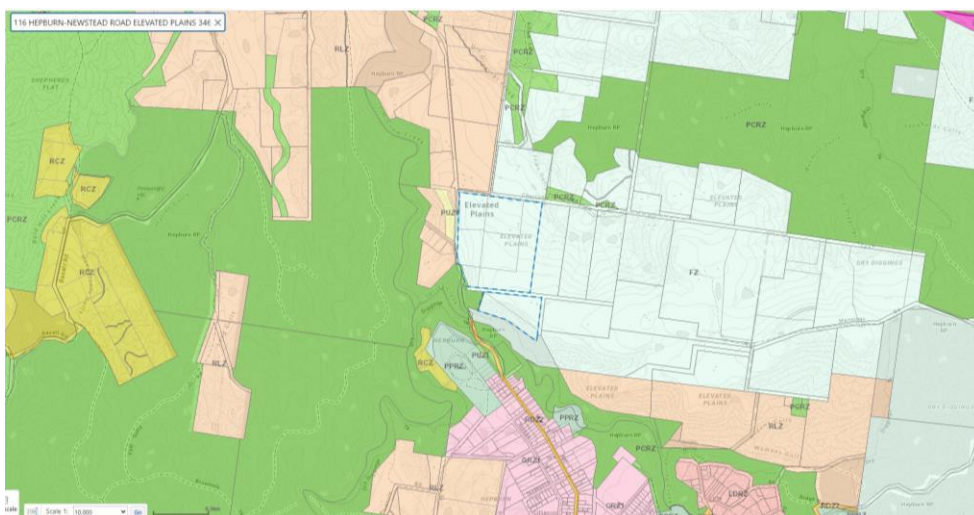
The Panel has previously recommended that Council prepare a settlement strategy as a priority.

#### 7.3.2 116 Hepburn-Newstead Road, Elevated Plains

Mr Phillips and Mr Papapostolou requested that the site be rezoned from FZ to RLZ. They submitted that the site, which comprised 7 lots contained low quality agricultural land and that the RLZ would better reflect the site's context and character. They referred to a 2016 Tribunal decision (VCAT ref P285/2016) in which they had made significant investment. The Panel reviewed the decision and note the discussion on the agricultural values of the land.

Mr Phillips and Mr Papapostolou submitted that there was already RLZ land in Elevated Plains and Shephards Flat that had similar characteristics to the site at 116 Hepburn-Newstead Road. They submitted that an equivalent zoning should be applied to their site on the basis of its current conditions.

**Figure 5: 116 Hepburn-Newstead Road, Elevated Plains**



Council opposed the proposed rezoning on the basis that it lacked strategic justification. Council explained that the site was already constrained by the BMO and ESO.

The Panel considers that this rezoning request lacks strategic justification to proceed as part of this Amendment. However, the Panel notes the submissions of Mr Phillips and Mr Papapostolou which highlight some of the existing incoherence between the zoning, on-ground conditions and strategic intent in the MPS.

The Panel has previously recommended that Council prepare a settlement strategy as a priority.

### **7.3.3 36 Johns Road, Creswick**

Ms Moyle (Submitter 131) sought to rezone the site at 36 Johns Road Creswick from RLZ to LDRZ.

Council submitted that it did not support the request on the basis that the site is subject to RLZ with a minimum lot size of 8 hectares. Council submitted that the site was outside the Creswick township boundary with inadequate strategic basis to justify rezoning to another zone but could be considered in future structure planning for the Creswick township.

The Panel considers that this rezoning request lacks strategic justification to proceed as part of this Amendment. However, the Panel notes that the site appears far less constrained than many other parts of the municipality which are currently zoned for residential purposes.

The Panel has previously recommended that Council prepare a settlement strategy as a priority.

### **7.3.4 Broomfield Rural Living Zone land**

Ms Merritt (Submitter 141) sought to rezone a number of parcels of land surrounded by McMillan Road, Acacia Road and Carter Street in Broomfield from RLZ to LDRZ.

Council submitted that it did not support the request on the basis that the site is subject to RLZ with a minimum lot size of 8 hectares. Council submitted that there was inadequate strategic basis to justify rezoning and significant constraints from a bushfire perspective.

Ms Merritt submitted that she represented a group of residents in relation to the rezoning. She submitted that the site abuts the TZ and that most of the land contains mining tails and is therefore not suitable for agriculture. Ms Merritt submitted that there was insufficient data on vacant land to inform the future zoning of the land.

The Panel considers that this rezoning request lacks strategic justification to proceed as part of this Amendment. However, the Panel notes that the site appears far less constrained than many other parts of the municipality which are currently zoned for residential purposes.

The Panel considers that any Shire wide land demand and supply assessment would need to account for constraints on the land, such as any historical contamination.

The Panel has previously recommended that Council prepare a settlement strategy as a priority.

### 7.3.5 6 Golf Links Road, Hepburn Springs

Mr Monaghan (Submitter 98) sought to rezone part of the site at 6 Golf Links Road Hepburn Springs from RCZ to NRZ to ensure the zoning reflected the UGB for Hepburn Springs.

Mr Monaghan explained that there is an anomaly in the Planning Scheme where part of the site (which is located inside the UGB introduced in 2013) but is still zoned RCZ. He submitted that the RCZ boundary should have been re-aligned to mirror the UGB when the UGB was adopted in 2013.

Council initially did not support the rezoning request and indicated that the rezoning should be subject to a future structure planning process. However, during the Hearing process, Council submitted that it supported the proposed rezoning. This was partly due to information about access to the site.

The existing RCZ that applies to part of 6 Golf Links Road is inconsistent with the UGB designation over that part of the site. The Panel considers that proposed rezoning is consistent with the Council's policy direction for Hepburn Springs.

The Panel concludes that the rezoning is strategically justified.

The Panel recommends:

- 10. Rezone that part of the land at 6 Golf Links Road, Hepburn Springs currently within the designed Urban Growth Boundary for Hepburn Springs but within the Rural Conservation Zone to the residential zone applying to the balance of the land.**

### 7.3.6 Clunes should be zoned from LDRZ to RLZ

Mr Curzon-Siggers (Submitter 223) requested the rezoning of land in Clunes currently in LDRZ to RLZ. He submitted that the rezoning would maintain the historic subdivision pattern of the municipality and reduce subdivision potential the outskirts of the township:

I raised this concern at the consult in Clunes last year. My concern is that there are parts of the LDRZ precinct in Clunes which should be rezoned RLZ to make subdivision less likely. For example, LDRZ properties in the Roses Lane, Clunes precinct where I live are 8 acre [-3.25 hectare] plus blocks and are too easy to subdivide as LDRZ titles.

These blocks have been intact since the land was first surveyed and sold in the late 1850s and early 1860s. They should be retained, not subdivided indiscriminately, as they have proven their value and ongoing popularity for rural and semi-rural uses.

Council submitted that there was inadequate strategic justification to rezone existing LDRZ lots to RLZ within the Clunes township. Council submitted that any alternative zone could be considered as part of a future strategic planning process.

The exhibited version of Clause 11.01-L seeks to provide for urban development and economic growth in the townships of Clunes. However, other parts of the exhibited Planning Policy Framework identify a number of constraints, including a lack of servicing, flooding and bushfire.

As discussed in Chapter 4 of the report, the MPS needs to more clearly describe the strategic intention for Clunes. Until a clear strategic direction for Clunes has been resolved, the Panel considers that it would be premature to rezone LDRZ land within the settlement to a more restrictive zoning.



The Panel agrees that the future zoning of the LDRZ land should be confirmed once the settlement strategy and structure planning has been resolved.

The Panel concludes that the rezoning is not strategically justified at this time.

The Panel has previously recommended that Council prepare a settlement strategy as a priority.

### **7.3.7 128 Ajax Road, Hepburn Springs**

Mr Tsourounakis submitted, on behalf of Alan Stevens and Dale Cherrie (Submitter 251) that the RLZ Schedule should be varied to enable a 4 lot subdivision at 128 Ajax Road, Hepburn Springs. The site is approximately 8 hectares in area and contains 6 self-contained units used for tourist accommodation. The Schedule to the RLZ currently has a minimum lot size of 8 hectares.

Council submitted that there was no justification to reduce the minimum lot size in RLZ at the site. It submitted that there is no strategic basis to all 4 smaller 2 hectare lots, particularly given the existing constraints on the land. Council submitted that the site could be considered as part of the future structure planning to be undertaken for the Hepburn Springs township.

The Panel agrees with Council. The site is located outside of the existing settlement of Hepburn Springs and is subject to several constraints, including bushfire risk. Given the broader strategic issues in the Shire regarding settlement patterns an intensification of the subdivision at this location is not strategically justified. To allow a more intense lot density at this location is likely to be inconsistent with current State policy relating to consolidation of settlements and environmental hazards. The future of the site would more appropriately be considered as part of a Shire wide settlement strategy.

The Panel concludes that that the RLZ Schedule should not be altered.

### **7.3.8 114 Main Street, Hepburn Springs**

Ms Mok submitted (on behalf of Submitter 190) that 114 Main Street should be rezoned from GRZ to C1Z. Council is proposing to rezone the site from GRZ to NRZ as part of the Amendment, which the Panel does not support.

#### **Submissions**

Ms Mok submitted that the site is located with the Hepburn Springs main centre and has been identified for potential commercial expansion. Ms Mok submitted that rezoning of the site to NRZ was contrary to Council's stated strategic intent. She submitted that:

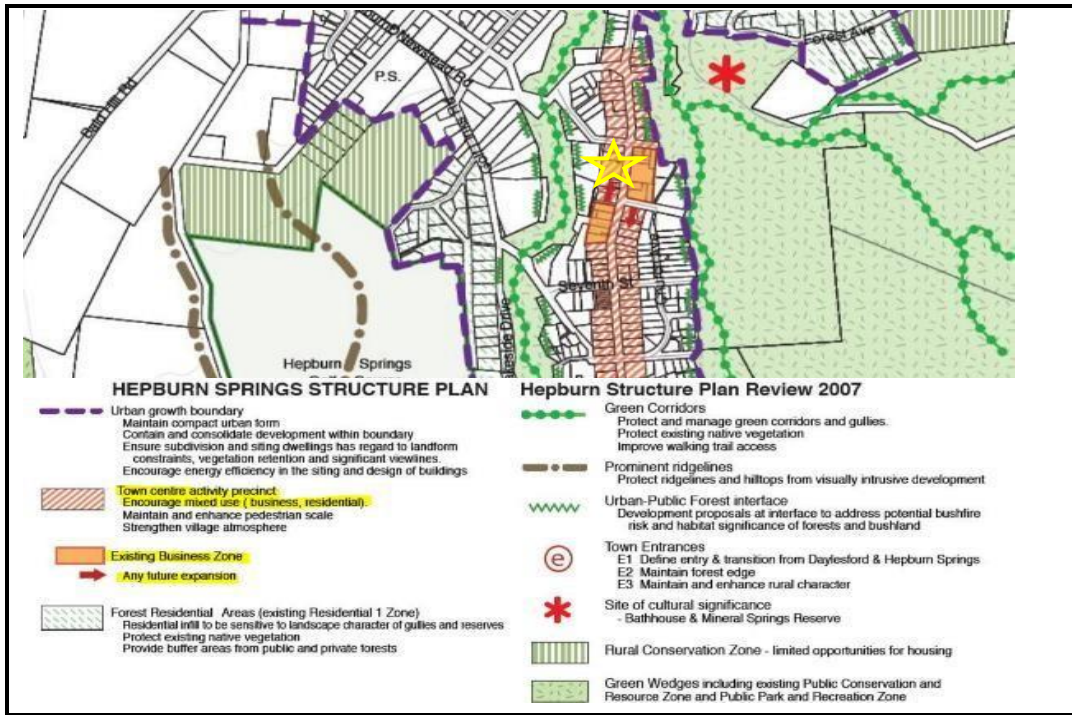
Hepburn Springs is identified as a service town within the Hepburn Structure Plan Review (2006).

Within this document, the role and function of Hepburn Springs is described as providing district level retail, business, employment and cultural facilities with limited comparison shopping. Hepburn Springs functions to strengthen the role of the Daylesford township. The 2006 Review recognised that the proximity to Daylesford means Hepburn Springs can sustain more tourism retailing than would be possible for other towns of its size.

The Hepburn Springs Structure Plan earmarks land abutting Main Road for future extension of the existing business zone to form a commercial spine. The structure plan outlines that mixed use (retail, commercial and residential) and active street frontage need to be encouraged in this proposed precinct, and that strategic work is required prior to any planning scheme amendment to rezone land.

Ms Mok provided an extract from the Structure Plan.

**Figure 6: Hepburn Springs Structure Plan Review**



Ms Mok took the Panel to the exhibited version of Clause 11.01-L which seeks to provide for urban development and economic growth in the townships of Clunes, Creswick, Daylesford, Hepburn Springs and Trentham. The Hepburn Township Map identifies 114 Main Street within the commercial area of the town centre activity precinct.

Ms Mok submitted that the rezoning of the site to C1Z was consistent with Council’s more recently adopted Economic Development Strategy 2016-2021 in which Council sought to:

... attract and develop business opportunities in the area to further enhance the Hepburn Springs experience<sup>3</sup>

Ms Mok provided extracts from the Strategy that anticipated that rezonings in Hepburn Springs may be required to encourage economic activity.

Council submitted that there was inadequate strategic basis to currently justify rezoning to a C1Z at this stage. Council acknowledged that the site was in a commercial area but that rezoning should be considered once a municipal wide industrial, commercial and residential land demand study was undertaken. Council submitted that there are additional sites along Main Road, Hepburn Springs that should also be considered for a C1Z such as the Hepburn Springs Hotel and existing and former shops dotted along the road. Council submitted that this required a strategic approach for the township, rather than an ad-hoc approach.

Council submitted that any rezoning to NRZ would not negatively impact previously permitted development or the existing use rights at the site.

<sup>3</sup> Hepburn Mineral Springs Revitalisation, Hepburn Shire Council Economic Development Strategy 2016-2021, pg. 63

## Discussion

The Panel agrees that there is inconsistency between Council's stated strategic intent for the Main Street in Hepburn Springs and its proposal to rezone the township to NRZ. Council has relied on its 2006 structure planning work as justification for the NRZ, however Mr Mok provided examples where that same structure plan also indicated that some areas should be zoned for more intense purposes. As outlined in Chapter 4 the Panel does not think it is appropriate for Council to cherry pick only parts of its previous strategic work.

As outlined in in Chapter 4 of this report, there is a discrepancy between the policy direction in the Planning Policy Framework and the underlying zoning provisions.

The Panel agrees with Council's concerns with site specific rezonings. The Panel has agreed with Mr Mok's submission that there is no strategic justification to apply the NRZ. It is considered that the site should remain in the GRZ until further strategic work has been completed to inform the vision for Hepburn Springs.

## Conclusions

The Panel has already recommended that Hepburn Springs remain in the GRZ until further strategic work has been completed.

That Panel concludes that the site should not be rezoned to C1Z at this time and that the township should remain in the GRZ.

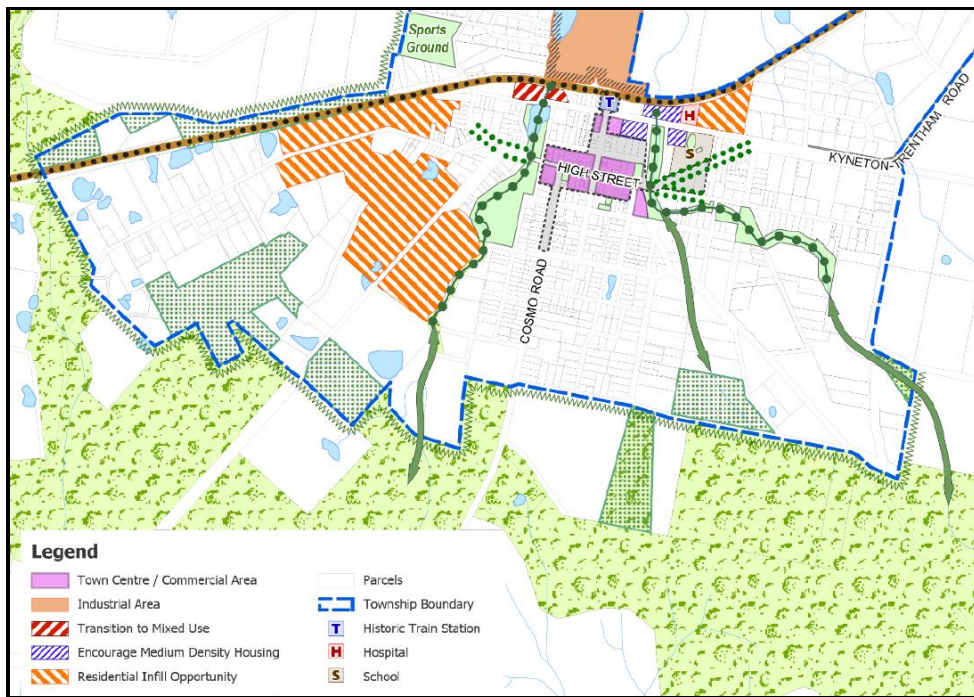
### 7.3.9 6 Victoria Street, Trentham

Mr Scarpaci, on behalf of Pachhe Family Trust (Submitter 269), submitted that the site should be rezoned from Industrial 1 Zone (INZ1) to TZ. He explained that the site was used for industrial purposes and is close to other land known to be contaminated.

Mr Scarpaci submitted that two preliminary contamination assessments have been completed for the site, one in 2015 and another in 2020. A copy of the 2020 assessment was provided to the Panel. The author of that report concluded that the site was potentially contaminated and that either an environmental audit should be completed or an EAO should be applied to the land before a sensitive use was permitted.

Mr Scarpaci submitted that there was sufficient strategic justification to rezone the land to TZ. He referred to the Trentham Structure Plan that identified the site as a candidate for mixed use zoning. Mr Scarpaci provided an extract from the exhibited version of maps at Clause 11.01-L (Figure 7) which identified the site should transition to mix use.

Figure 7: Trentham Structure Plan



Council supported the rezoning of the land in principle, but submitted that it was premature to introduce a new zone. Council submitted that the site should remain in the INZ1 until a full environmental audit was completed.

Council submitted that a contamination assessment must be carried out on the land to confirm its suitability for residential use and that any rezoning should take account of the Major Hazard Facility on the neighbouring site.<sup>4</sup> Council submitted that any development at the site should need to meet the requirement at Clause 53.10 and Ministerial Direction 19. It submitted that any rezoning to a sensitive use in close proximity to a Major Hazard Facility (Arch Wood Protection wood treatment facility on land to the north) would require consultation with the EPA. Should the adjacent land not be rezoned residents would then face the risk of the potential of a new industrial operation being established in this part of Trentham.

### Discussion

The Amendment includes a structure plan which earmarks the site for transition to mixed use zoning. The exhibited policy at Clause 11.01-L suggests that development should be directed to Trentham as one of the key townships in the Shire. On the face of the Planning Policy Framework, it appears that the site should be rezoned to Mixed Use Zone (MUZ). However, the Panel notes that there are several constraints affecting the development potential of the site, including its own level of potential contamination and proximity to a Major Hazard Facility to the north.

The Panel notes Council's submissions in relation to coordinating a contamination assessment for this site and the land to the north. However, this may not be practical as the future plans for the Major Hazard Facility are not clear to the Panel.

<sup>4</sup> The site to the north is also identified as potentially contaminated and would presumably also require an environmental audit to be completed

There is justification to rezone the site to an alternative zone. However, the most appropriate zone is likely to be mixed use rather than TZ. In line with *Ministerial Direction 1 – Potentially Contaminated Land* and the recommendations of the 2020 contamination assessment, the Panel considers that an EAO is an appropriate tool to manage the risks of contamination at the site.

The implications of rezoning the site on the operational of the Major Hazard Facility were not fully ventilated at the Hearing. The Panel considers that further discussion with the EPA should occur.

### **Conclusion and recommendations**

That the most appropriate zoning for the property is likely to be MUZ. However, given the existing contamination on the site and proximity to a Major Hazard Facility further consultation with the EPA should occur.

The Panel recommends:

- 11. Subject to advice from the Environment Protection Authority on the constraint imposed by the Major Hazard Facility, rezone 6 Victoria Street, Trentham to Mixed Use Zone and apply an Environmental Audit Overlay.**

#### **7.3.10 Site specific request at 94 Mossops Road, Bullarto**

Ms Fallshaw (270) submitted that the site at 94 Mossops Road Bullarto should be rezoned from FZ to RLZ. Ms Fallshaw submitted that the RLZ would align with neighbouring properties in Bullarto. She submitted that she intended to apply for a tourist facility at the site in the future.

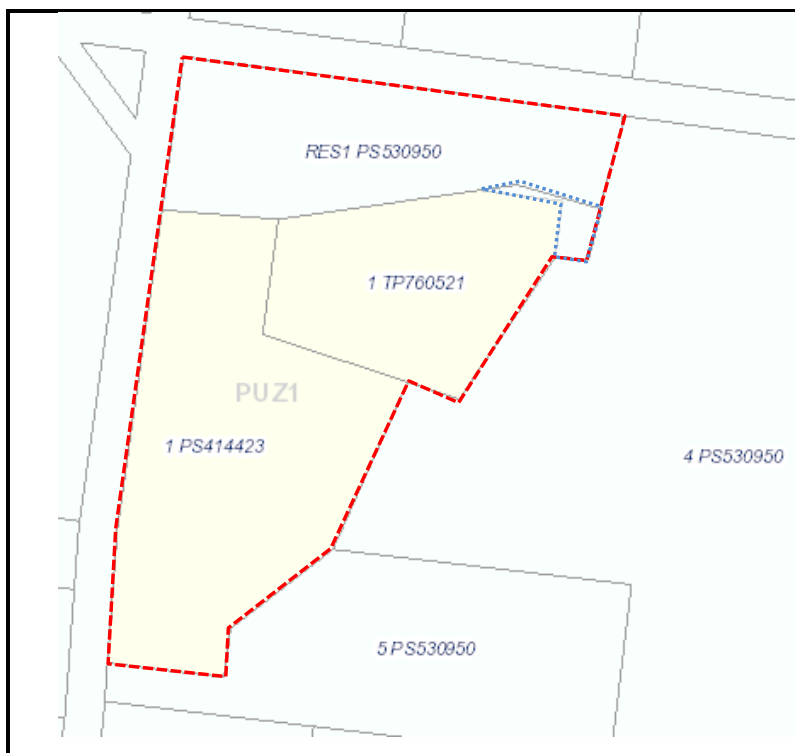
Council submitted that there was insufficient strategic support for this rezoning request. It submitted that the land is outside any defined townships or settlements. It submitted that the land is constrained by the ESO and the BMO which would make achieving the requirements of the BMO challenging.

The Panel agrees with Council. The site is located outside of existing settlements and is subject to several constraints, including bushfire risk and environmental values. Given the broader strategic issues in the Shire regarding settlement patterns, an intensification of the subdivision at this location is not strategically justified. A rezoning at this location is likely to be inconsistent with current State policy relating to consolidation of settlements and environmental hazards.

The Panel concludes that no change is required.

#### **7.3.11 191 Lagoon Road, North Blackwood**

The parcels sought to be rezoned (Part of TP760521 and Reserve 1 PS530950 in Figure 8) are owned by Coliban Water and associated with the Trentham potable water treatment plant. Coliban Water requested that the land should be rezoned from FZ to Public Use Zone 1 to better reflect the existing and future operations at the site.

**Figure 8: Trentham Potable Water Treatment Plant**

Coliban Water submitted that it acquired the land Reserve 1 PS530950 in 2005 to provide additional land for the expansion of the Trentham WTP. This reserve remains in the FZ. Coliban Water also submitted that there was a misalignment between the zoning layers and the title boundary on part of TP760521, dating back to 2002.

Council submitted that it supported the proposed rezoning. During the Amendment process Council asked Coliban Water to give further notice of the proposed rezoning to adjoining properties. Coliban Water advised that it sent letters to all adjoining property owners and encouraged them to make submissions to the Panel, if they had any concerns regarding the rezoning. The Panel has not been referred any submissions that oppose the rezoning.

This rezoning proposal is not considered controversial. The Trentham potable water treatment plant is a facility which services the needs of the existing community. If urban development is consolidated in settlement areas, infrastructure such as this facility will be necessary.

The Panel considers that the zoning anomaly should be corrected. The PUZ1 will enable the existing operations to continue and for future expansion in a manner consistent with the underlying zoning.

The Panel recommends:

- 12. Correct the minor zoning anomaly at the Trentham WTP on TP 760521 and the rezoning of Reserve 1 on PS530950 by rezoning the land from Farming Zone to Public Use Zone Schedule 1.**



**7.3.12 217 Ascot Road, Creswick**

Mr Austin on behalf of Mr Iles (Submitter 5) requested that the land shown in Figure 9 be rezoned from PUZ1 to RLZ. The land used to form part of the Creswick Wastewater Treatment Plant which has since been decommissioned.

Council submitted that it supported the rezoning on the basis that the PUZ1 is an anomaly.

**Figure 9: Creswick Wastewater Treatment Plant**



The site is in Creswick, which is identified as one of the townships where urban consolidation is encouraged in the exhibited version of the Planning Policy Framework.

The site is no longer used for a public purpose and the Panel agrees that the current PUZ1 is an anomaly. The Panel considers that it would be appropriate to rezone the land to RLZ given the surrounding zoning and context of the township. However, the Panel notes that the future zoning of the township is likely to be reviewed in a municipal wide settlement strategy.

The Panel recommends:

- 13. Rezone 217 Ascot Road, Creswick from Public Use Zone Schedule 1 to Rural Living Zone.**



## 8 Overlays and other controls

### 8.1 Removal of the Restructure Overlay

#### (i) The issue

A number of submissions (1, 9, 11, 187, 234, 263) requested the removal or resolution of the Restructure Overlay from Drummond (Schedule 1) and Sailors Falls (Schedule 2).

A Restructure Overlay applies to the settlements of Drummond, Sailors Falls and Wheatsheaf but no restructure plans have been prepared. This has created an impasse where landowners are unable to apply for planning permits in land within the Restructure Overlay.

#### (ii) What is proposed

No change to the Restructure Overlay is proposed as part of the Amendment.

#### (iii) Submissions

Council acknowledged the issues facing landowners in the Restructure Overlay. However, Council has determined to retain the Restructure Overlays and prepare the required restructure plans as a short-term action to ensure they are compliant. This work is identified in Clause 74.02 Further Strategic Work. Council submitted that it intends to commit funds at the 2020-21 mid – year budget with the intention of preparing restructure plans in 2021.

Council explained that in 2015 it sought authorisation for Amendment C60 to remove the Restructure Overlays. In November 2015, DELWP refused this request and asked Council undertake further work to consider bushfire requirements and justify the removal of these controls. This work has not been undertaken to date.

Mr Sloyan submitted the failure of Council to prepare restructure plans in Drummond had created significant uncertainty. He submitted that he was unable to apply for a planning permit on the basis that there was no restructure plan in place, effectively stalling any development proposals for his site.

Mr Sloyan referred to work previously completed by Meinhardt<sup>5</sup> which reviewed the restructure areas in 2013. He questioned why the restructure planning process had stalled and did not consider this was a priority for Council to resolve. He submitted that this created an impasse.

#### (iv) Discussion

Council has conducted a review of the Restructure Overlay areas in 2013 after receiving funding in 2012. In 2015 Council resolved to remove the Restructure Overlay and Sailors Falls through Amendment C60,<sup>6</sup> however this was not supported by the Department. There are no restructure plans for these areas.

The Panel reviewed the Meinhardt report referred to by Mr Sloyan. Meinhardt conducted a high level assessment of the bushfire risk and land capability in Wheatsheaf, Sailors Falls and

<sup>5</sup> Hepburn Shire's Restructure Plan Project, Meinhardt, March 2013 - <https://www.hepburn.vic.gov.au/hepburn/wp-content/uploads/2015/01/20-08-2013-Attachment7-HepburnRestructurePlanFinalReport-March2013.pdf>

<sup>6</sup> <https://www.hepburn.vic.gov.au/hepburn/wp-content/uploads/2015/07/21-07-2015-Council-Meeting-Agenda.pdf>

Drummond areas, all of which are affected by the Restructure Overlay. Meinhardt concluded that opportunities for restructure in Drummond and Sailors Falls would be limited given the number of dwellings. Meinhardt concluded that fire risk, land capability and relevant policy would strongly suggest that further subdivision was inappropriate and that any development would need to be carefully scrutinised.

The problems presented by the Restructure Overlays are indicative of a broader issue around settlement planning in the Shire. There are clear indications that the settlements currently affected by the Restructure Overlays are inappropriate for development, due to fire and land capability constraints. However, by retaining the underlying zoning and Restructure Overlays landowners face uncertainty about how (or when) they might be able to develop on their land.

It seems that the retention of the Restructure Overlays is providing false hope about the development potential in Sailors Falls and Drummond. By not preparing restructure plans for land in the Restructure Overlays Council have applied a default 'no go' on these settlements. If this is the strategic intention, Council needs to be more explicit about this in its PPF and through the selection of appropriate zones. This is an inequitable situation for landowners in these settlements.

The Panel considers that the future of the townships in the Restructure Overlay should be a priority for Council. The Panel has already recommended a municipal wide settlement strategy is required, however the Restructure Overlays present a unique challenge.

The purpose of the Restructure Overlay includes:

- To identify old and inappropriate subdivisions which are to be restructured.

- To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

The Panel considered there is a structural issue with the VPP in that a Restructure Overlay has been applied to land, with no commitment or urgency to prepare a restructure plan. There is no direction in the Practitioner's Guide in relation to the process or timing of restructure plans. By not preparing restructure plans, Council is able to halt development without an explicit policy direction suggesting that these areas should not be developed.

Section 25A(1) of the PE Act allows a Panel to recommend that an amendment be prepared to the VPPs. The Panel considers that the VPP should be amended to ensure that Restructure Overlays cannot sit dormant without the preparation of a restructure plan. The Panel considers that there should be a sunset clause introduced into the VPP which requires a planning authority to prepare a restructure plan within 3 years of imposing the Restructure Overlay. After the 3 year period, landowners should then be given the option of applying for a permit, which Council would be required to consider on its merits. This would provide an incentive for Councils to ensure restructure plans are prepared in a timely manner to provide the community certainty about development expectations in legacy subdivisions.

#### **(v) Conclusion**

The Panel concludes that it is unfair for the Restructure Overlay to continue to apply to land without the preparation of a requisite restructure plan.

The Panel records that it will write to the Department suggesting that the Minister prepare an amendment to the Restructure Overlay in the VPPs to introduce a sunset clause of 3 years in

which to prepare a restructure plan. That clause should allow landowners to submit planning applications after the 3 year period if a restructure plan has not been prepared.

## 8.2 Clause 42.01 Environmental Significance Overlay

### (i) The issue

The issue is whether the proposed changes to ESO1 and ESO2 are acceptable.

### (ii) What is proposed?

Schedules 1 and 2 to Clause 42.01 (ESO) are proposed to be revised to comply with the *Ministerial Direction on the Form and Content of Planning Schemes*.

#### ESO1 and ESO2

The ESO1 aims for the long-term plentiful supply of quality water within the special water supply catchments by protecting and enhancing natural resources and environmental systems and eliminating detrimental impacts on the quality and quantity of water in the catchments.

ESO2 aims to protect water quality and quantity of mineral springs, fresh springs and their aquifers from the impacts of effluent and drainage, water bores that provide town water supply and private domestic bores. The areas identified are usually within a 200 metre radius of the identified spring or aquifer, other than the Central Springs area in Daylesford and Hepburn Springs which is a more expansive area.

Both schedules require a permit for buildings and works, subdivision and vegetation removal to appropriately manage land within the catchment, subject to a range of permit exemptions that have been drafted with the relevant water authorities.

The existing schedules includes a number of mandatory requirements for the treatment of wastewater, development and management of stormwater that have been translated into the proposed Schedule. The schedules are drafted so that a permit must meet the requirements in the following documents:

- Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management (Publication 891.4, Environment Protection Authority, 2016).
- Planning Permit Applications in Open, Potable Water Supply Catchment Areas (Department of Sustainability and Environment, 2012).
- Domestic Wastewater Management Plan (Hepburn Shire Council, June 2014).
- Construction Techniques for Sediment Pollution Control (Environment Protection Authority, May 1991).
- Urban Stormwater Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).

#### Amendments unique to ESO1

ESO1 currently includes a notice and review exemption. Council has proposed to include this in the new Schedule despite there being no related provision in the ESO parent provision.

A post-exhibition version of the ESO1 Schedule was included in Council's Part A submission.

### (iii) Submissions

Council submitted that the ESO Schedules had been prepared based on feedback from the catchment management authorities, the relevant water authorities and DELWP.

Council submitted that the list of documents should be included at Clause 3.0 as permit requirements, rather than decision guidelines. It submitted that it was unnecessary to list the documents as decision guidelines given the documents are already listed as background documents at Clause 72.08.

Council has proposed to include the notice and review exemption as a permit requirement in ESO1. It submitted that there is no other area in which to include it within the ESO schedule template. Council submitted that it wanted to retain this exemption to assist in efficient and effective permit application processing and assessment but is aware that there is no head provision for this exemption.

Coliban Water made submissions in relation to ESO1. Coliban Water advised that it is seeking a consistent ESO across the Upper Coliban catchment to have a consistent approach across different municipalities that was modelled on the ESO1 proposed as part of the Amendment. It submitted that:

Coliban Water is currently working with Macedon Ranges Shire Council to provide an update to ESO4 in the Macedon Ranges Planning Scheme using essentially the same form ESO schedule as the post exhibition version of ESO1 proposed by Hepburn (save for the minor issues noted in this submission below). This reflects an agreed position of the Water Authorities.

...

By requiring all applications for works under ESO 1 to be referred to the relevant water authority, the ESO Amendment will ensure a consistent approach to assessing the potential impacts of development in the entire Catchment, balancing the reasonable needs of development with the effective protection and management of the catchment.

In relation to the drafting of Schedule 1 Coliban Water submitted that it agreed to the post exhibition changes to Clauses 1.0 and 2.0 of Schedule 1. However, it submitted that further revisions required.

Coliban Water submitted that the list of documents in Clause 3.0 would be more appropriately located in Clause 5.0 as decision guidelines have regard to the *Ministerial Direction on the Form and Content of Planning Schemes*. Coliban Water submitted that if that content was relocated to Clause 5.02 the following drafting should be included:

Whether the development is to be undertaken in accordance with:

- Any relevant catchment management plan, policy or strategy adopted by a relevant Water Authority or any relevant Ministerial Direction.
- The *Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management* (Publication 891.4, Environment Protection Authority, 2016).
- The *Planning Permit Applications in Open, Potable Water Supply Catchment Areas* (Department of Sustainability and Environment, 2012).
- The *Construction Techniques for Sediment Pollution Control* (Environment Protection Authority, May 1991).
- The *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- The *Domestic Wastewater Management Plan* (Hepburn Shire Council, June 2014).

Coliban Water acknowledge that the suggested first bullet point is arguably already covered in section 60(1A)(g) of the Act, however it submitted it should be included for the avoidance of doubt.

Coliban Water supported the continuation of the notice and review exemption in ESO Schedule 1. However, it acknowledged the form and content issues given the parent provision does not allow for such an exemption. Coliban Water noted that section 52(4) of the PE Act does permit a planning scheme to exempt any class of classes of application from all or any of the requirements of section 52(1) of the PE Act.

Coliban Water submitted that it supported the post exhibition changes at Clause 4.0. Coliban Water submitted that it would be assisted by this information when assessing referrals. It submitted that the post exhibition changes would aide applicants in the interpretation and understanding of the application requirements being requested within the geotechnical report or land capability assessment.

#### **(iv) Discussion**

There seems to be general agreement between the Council and Coliban Water in relation to ESO1. No specific submissions were received in relation to ESO2, however many of the same principles apply.

The Panel agrees that ideally the same ESO1 should be applied across the catchment, to ensure a consistent approach. However, the Panel needs to ensure the form and content in the ESO is consistent with the relevant Ministerial Direction and Smart planning principles.

The Panel considers including a specific list of documents with the requirement 'applications must meet' in Clause 3.0 is too vague. The documents referred to are guidelines published by other organisations outside of the control of the planning authority.

Furthermore, a new *Environment Protection Act* commences in July 2021, along with new guidance and controls for onsite wastewater treatment facilities. The Panel considered that it would be unwise to reference documents which are likely to become outdated in less than 5 months. However, the Panel agrees that onsite wastewater needs to be designed to meet industry standards.

Section 60(1A)(g) of the Act already requires Council to consider relevant guidance from the water authority. Similar guidance is also referenced in Clause 14.02-1S of the Planning Policy Framework. If additional policy guidance is proposed it could be included in the PPF.

If Coliban Water and Council are seeking to provide direction to landowners, it should provide separate guidance that it consistent with new environmental protection laws.

It is not clear that the Schedule can include notice exemptions as these are not provided for in the parent provision. If the Council receives a permit application, it could still form the view under section 52(1) of the PE Act that the grant of the permit would not cause material detriment to any person. If the Council formed that view it would not be required to give notice.

#### **(v) Conclusion and recommendations**

The Panel concludes that further changes are required to the drafting of ESO1 and ESO2 to meet the *Ministerial Direction on the Form and Content of Planning Schemes*.

The Panel recommends:

**14. In the Schedules to Clause 42.01 Environmental Significance Overlay:**

- In Clause 3.0 of Schedule 1 and 2 delete the text and documents listed, after and including the following text '*A permit must meet the following requirements*'.
- In Clause 3.0 of Schedule 1 delete the notice and review exemptions.

**8.3 Clause 42.03 Significant Landscape Overlay**

**(i) What is proposed**

The Amendment originally sought to extend the SLO1 mapping to more parts of the Shire. Council has abandoned this component of the Amendment until further strategic work and community consultation is undertaken.

SLO1 is proposed to be redrafted as part of the Amendment. This component was not abandoned by Council.

**(ii) Submissions**

Council submitted that the proposed changes to the drafting of the SLO1 would ensure it met the *Ministerial Direction on the Form and Content of Planning Schemes*.

Several submitters raised concerns regarding the extent of SLO1 mapping at the Hearing, even though this aspect of the Amendment was abandoned. Several submitters suggested that the extent of the SLO1 needed to be significantly expanded to provide greater protection for landscape values. Many submitters, including Ms Marshall, wanted the SLO1 to be expanded beyond the cones of the volcanic features, to ensure inappropriate development did not occur in the hinterland areas.

Mr David Toose, Mr Tom Toose and other submitters suggested that further discussion was required about the impacts of the SLO1 on farming. Mr Tom Toose submitted that there were many rich productive agricultural areas that could be adversely affected if onerous controls made farming difficult. Mr David Toose suggested that the landscape values needed to be considered in conjunction with other factors, such as land productively and proactive land management considerations.

**(iii) Discussion**

The Panel considers that the extent of the SLO1 mapping is an issue that needs to be resolved. Several submitters place a higher value on landscape and heritage values, whereas other submitters place a higher value on agricultural pursuits. These values are not necessarily always competing however the Council need to strike a balance.

The Panel has already recommended a Shire wide settlement strategy that accounts for different values and policy considerations. This work will be critical in informing the extent of the SLO1 in the future and the nature of the control.

Council has proposed significant changes as part of its post-exhibition version.

It is important to note that in the parent provision the requirement for buildings and works does not apply to:

To the conduct of agricultural activities including ploughing and fencing (but not the construction of dams) unless a specific requirement for that activity is specified in a schedule to this overlay.

In relation to fences:

- The existing SLO1 does not require a permit for a fence (by virtue of the parent provision)
- The exhibited SLO1 required a permit to construct a fence but not “To construct a fence that is a timber or metal post and wire, timber or metal post and railing, wire mesh, chainmesh or similar open rural style fence up to 1.8 metres in height.”
- The post-exhibition changes removed the requirement for a fence.

In respect to other works:

- The existing SLO1 does not require a permit for:
  - Emergency works.
  - Works associated with minor works, repairs and routine maintenance to existing buildings and works.
- The exhibited SLO1 does not require a permit:
  - To construct a farm access track.
  - For minor construction to existing buildings and works.
  - For the construction of a building or the construction or the carrying out of works less than 6 metres in height above natural ground level and not more than 100 square metres in additional floor area that are of muted, natural and non-reflective colours and materials.
  - For works undertaken by or on behalf of a public authority relating to watercourse management and environmental improvements.
- The post-exhibition changes proposed to leave the existing exemption unchanged.

In respect of vegetation removal:

- The existing SLO1 requires a permit to remove, destroy or lop native vegetation
- The exhibited SLO1 requires a permit to remove, destroy or lop vegetation (this includes more than native vegetation)
- The post-exhibition changes proposed to confine the permit requirement to native vegetation (that is vegetation native to Victoria).

On balance the Panel considers that the exhibited version of the SLO1 is superior to the current version or the post-exhibition version. There is the real prospect of adverse impacts on the landscape from inappropriate fencing and other works. The Panel does not consider that the SLO1 would adversely impact the operation of agriculture, though this is something that may need to be further reviewed as part of the broader settlement strategy and the potential wider application of the Schedule.

#### **(iv) Recommendation**

The Panel recommends:

- 15. Adopt the exhibited version of Schedule 1 to the Significant Landscape Overlay but limit the requirement for a permit to remove vegetation to native vegetation.**



## 8.4 Clause 43.02 Heritage Overlay

### (i) What is proposed

The Amendment redrafts the Schedule to Clause 43.01 to include application requirements. The Schedule currently does not specify any application requirements.

### (ii) Submissions

Council submitted that the revisions were proposed to comply with the *Ministerial Direction on the Form and Content of Planning Schemes* and *A Practitioner's Guide to Victorian Planning Schemes*, April 2020.

Council submitted that the inclusion of new application requirements in Clause 43.01 reflects the details of further information requests made by Council officers and Council's Heritage Adviser on heritage applications. Council submitted that these requests often cause significant delays to applicants and Council's administration of applications. With clearer Council expectations expressed in application requirements, applications received should be of a higher standard, processing of heritage applications should be improved and decision making delays minimised.

### (iii) Discussion

The Practitioner's Guide recognises that a local schedule can specify application requirements that are routinely requested for particular permit applications. The Practitioner's Guide states that the requirements included in the schedule must relate to the planning outcome of the parent provision.

The Panel has reviewed the application requirements in the revised HO Schedule. Notably the application requirements for subdivision proposals appears to duplicate requirements in other parts of the Planning Scheme that relate to subdivision proposals (for example, Clause 56.01). These application requirements do not appear to relate to the planning outcome sought by the Heritage Overlay. These requirements already exist and duplicating such requirement is not considered consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

The other application requirements proposed in the new Schedule relate to the planning outcomes sought by the HO. The Panel supports these changes.

### (iv) Conclusion and recommendations

The Panel concludes that the application requirements specified in the Schedule for subdivision applications are unnecessary and do not relate to the planning outcome sought by the Heritage Overlay.

The Panel recommends:

- 16. Revise the application requirements in the Heritage Overlay Schedule relating to subdivision to ensure they relate to planning outcomes of the Heritage Overlay and do not duplicate other requirements in the Planning Scheme.**

### **8.4.2 Heritage Overlay Potato Huts (HO988)**

The Amendment proposes to include the Potato Huts into the Heritage Overlay. The huts are proposed to be included through a new listing in HO988 for identified 'Potato Huts' in Little Hampton and Trentham.

A number of submissions (241, 258, 265) supported the inclusion of the Potato Huts into the Heritage Overlay. No submissions opposed their inclusion, although one submission was concerned about damage and vandalism that could result from their identification.

Council supports these submissions and believes that no changes are required to the Amendment as a result of submissions.

This component of the Amendment is not considered controversial. There is sufficient strategic justification to recognise the heritage values of the Potato Huts in the Planning Scheme.

The Panel concludes that the Potato Huts should be included in the Heritage Overlay.

## **8.5 Clause 43.02 Design and Development Overlay**

### **(i) What is proposed?**

The Amendment proposes to replace existing Schedules 1, 2, 3, 4 and 5 to Clause 43.02 with new Schedules 1, 2, 3, 4 and 5.

The mapped areas for Clause 43.02 Schedules 1, 2, 3 and 4 that overlap areas where the NCO is applied have been deleted.

This is to reduce the duplication of controls (Smart Planning principles) and apply the intent of advice in the new Planning Practice Notes 90 and 91.

### **(ii) Submissions**

Council submitted that the parts of DDO 1, 2, 3 and 4 that overlap with the NCO have been deleted to reduce duplication. Council submitted that the removal of duplication was consistent with Smart Planning principles the intent of advice in the new Planning Practice Notes 90 and 91.

Council submitted that the Schedules had been revised to provide improved clarity and guidance for decision making. Council submitted that these revisions were policy neutral.

### **(iii) Discussion**

These changes do not alter the design intent for the existing settlements. The Panel supports the proposal to remove duplication in the system. However, the Panel notes that the design expectations in some townships may be altered following the completion of a Shire wide settlement strategy. For example, a more intense form of development may be expected in commercial areas of townships earmarked for growth. The Panel expects that the DDO controls would need to be revisited once the settlement patterns are known.

### **(iv) Conclusions**

The Panel concludes that the alterations are acceptable at this time. The Panel expects that some of the design parameters would be revisited following a Shire wide settlement strategy.

## 8.6 Clause 43.02 Design and Development Overlay Schedule 6

Council originally proposed to apply Design and Development Overlay Schedule 6 (DDO6) to the Daylesford landfill site.

Council abandoned this component of the Amendment pending further strategic work and community consultation.

While this component of the Amendment had been abandoned, several submitters referred to it during the Panel hearing. For example, Mr Brownscombe submitted that the future controls over the landfill site needed to be reviewed and that the extent of the controls originally proposed was unnecessary.

The Panel did not receive any submissions from EPA regarding the removal of this component of the Amendment.

Given this component of the Amendment has been abandoned the Panel is not able to make any recommendations. However, the Panel notes that the future of buffers around the landfill facility are a live issue for many residents. Given the potential implications for future residents the Panel support Council's intention to resolve this matter in consultation with the EPA.

## 8.7 Clause 43.04 Development Plan Overlay

### (i) What is proposed

The Amendment proposed to delete Clause 43.04 and Schedules 1, 2 and 3 and associated mapping to remove the DPO from land at:

- The former Daylesford Abattoir at 57 Leitches Creek Road, Daylesford.
- WD Seeds at Creswick-Newstead Road, Smeaton.
- Creswick Golf Course Resort at 1500 Midland Highway, Creswick.

### (ii) Submissions

Council submitted that these controls are now redundant as development outcomes have been implemented or can be implemented in other ways.

Submissions were received in relation to the DPO3 which applies to the Creswick Golf Course Resort. The DPO3 currently applies to the site along with an approved Development Plan and an existing Section 173 Agreement. Council submitted that it is not necessary to retain the DPO3 in combination with the SUZ2 zoning, the approved Development Plan and Section 173 Agreement. Council submitted that requirements from the DPO3 (where relevant) have been included in the SUZ2 to give clear guidance to applicants which will continue to facilitate development of the land for a golf course and residential resort.

Tract Consultants made submissions on behalf of RACV (Creswick Resort) (submission 211). It opposed the removal of DPO3 from Creswick Resort on the basis that it still served a legitimate purpose. It raised three main concerns:

- Loss of existing notice and review exemptions under the DPO3.
- Lack of a suitable mechanism to amend the approved Development Plan.
- Inconsistency with Planning Practice Notes PPN03 'Applying the Special Use Zone' and PPN23 'Applying the Incorporated Plan and Development Plan Overlays'.

Tract submitted that the notice and review exemptions that currently operate under the DPO3 are broader than the exemptions that could be included in the SUZ2. Tract explained that the notice exemption in the DPO3 overrode all parts of the Planning Scheme. In contrast, any notice exemption in the SUZ2 would only override requirements in the SUZ2. Tract also acknowledged that other overlay controls and particular provisions already contain notice and review exemptions (for example, ESO, BMO and Clause 52.06).

Tract submitted that DPO3 contains a mechanism to review and amend the Development Plan. The Development Plan was most recently approved in 2008, therefore there is a reasonable expectation that further revision would be required. Tract submitted that it needs certainty in relation to the process for amending the Development Plan into the future.

Tract submitted that PPN03 and PPN23 clearly direct that the DPO is the preferred tool to support master planning processes.

No submissions were received in relation to the former Daylesford Abattoir at 57 Leitches Creek Road, Daylesford or WD Seeds at Creswick-Newstead Road, Smeaton.

### **(iii) Discussion**

The Panel agrees with the submissions of Tract that DPO3 still serves a purpose. The DPO is designed to be a flexible control that enables long term master planning to evolve over time.

The Panel considers that there is a legitimate expectation that the approved Development Plan would need to be amended given it was last approved in 2008. It considers that the DPO3 is the most appropriate mechanism for such a revision.

The Panel is unclear about some of Tract's submissions in relation to the notice and review exemptions. On one hand it submitted that the DPO3 exemptions should be retained as it has broader reach. Tract later submitted that including the exemption in the SUZ2 may be acceptable given the other overlay controls on the land already include a notice exemptions. The Panel considers that the notice exemption should remain in the DPO3. While the ESO, BMO and Clause 52.06 (which currently apply to the land) contain exemptions, other controls could be applied in the future.

The Panel considers that the DPO3 should be retained to enable the completion of the master planning process originally envisaged for Creswick Golf Course Resort.

### **(iv) Conclusions and recommendation**

The Panel concludes that:

- The DPO can be removed from the former Daylesford Abattoir at 57 Leitches Creek Road, Daylesford and WD Seeds at Creswick-Newstead Road, Smeaton.
- The DPO3 should be retained at the Creswick Golf Course Resort.

The Panel recommends:

- 17. Retain Development Plan Overlay Schedule 3 over the Creswick Golf Course Resort and abandon any changes made in the exhibited version of the Special Use Zone Schedule 2 that duplicate the Development Plan Overlay Schedule 3 requirements.**

## 8.8 Clause 43.05 Neighbourhood Character Overlay

### (i) What is proposed

The Amendment simplifies the application of the existing Neighbourhood Character Overlays (Schedules 1 and 2) by splitting each Schedule that contains two and four precincts respectively into an individual overlay for each precinct. Schedules 1, 2, 3, 4, 5 and 6 are proposed to apply respectively to existing Precincts 1, 2, 5, 9, 14 and 13 as detailed in the *Daylesford Neighbourhood Character Study, 2002*. This results in six Schedules for individual neighbourhood character precincts and provides clarity for end users.

### (ii) Submissions

Council submitted that other than simplifying Schedule content, there is no change to the intent of the permit requirements and content for the six neighbourhood character precincts.

### (iii) Discussion

No specific submissions were raised in relation to the change. However, several resident submitters supported the protection of neighbourhood character values in Daylesford.

The changes proposed are effectively policy neutral and do not alter the character policy settings for existing settlements.

The Panel notes that these changes rely on a 2002 study, drafted at a time when different State policy priorities existed. It is anticipated that as part of a municipal wide settlement strategy the neighbourhood character expectations may alter (for example, some townships may need to accommodate higher population densities).

### (iv) Conclusion

The Panel concludes that the changes to the Neighbourhood Character Overlay are acceptable.

## 9 Particular, general and administrative provisions

### 9.1 Clause 52.28 Gaming

The Amendment replaces the current Schedule with a new Schedule that Council submitted:

...includes clearer and more legible content based on its application to strip shopping centres in existing townships, identified through the Commercial 1 Zone.

Council submitted that this change provide clarity on where a gaming machine is prohibited and no additional land has been included in the Schedule.

This was not subject to discussion at the Hearing but the Panel notes there is a technical issue. In order to be 'prohibited' in Clause 52.28, an area must first meet the requirements of the parent provision as to what constitutes a strip shopping centre:

A strip shopping centre is an area that meets all of the following requirements:

- it is zoned for commercial use;
- it consists of at least two separate buildings on at least two separate and adjoining lots;
- it is an area in which a significant proportion of the buildings are shops;
- it is an area in which a significant proportion of the lots abut a road accessible to the public generally; ...

Whether the listed addresses are a strip shopping centre is a 'fact' that should be determined by the responsible authority (or by review, VCAT) considering the conditions at the time, and cannot not be fixed in the Schedule. The Panel has not reviewed whether the listed properties meet the requirements for a strip shopping centre.

The Panel recommends:

- 18. Review whether listing property addresses in the Schedule to Clause 52.28 has the potential to create uncertainty if the areas do not meet the requirements for a strip centre in the Clause 52.28-5.**

### 9.2 Clause 52.33 Post Boxes and Dry Stone Walls

The Amendment will apply the Schedule to Clause 52.33 to all land in the municipality. The Review identified that further heritage work was required to be undertaken to justify the inclusion of additional heritage sites.

Further heritage work was conducted with the *Hepburn Heritage Strategy 2020-2030* which was adopted by Council in June 2020. This strategy identified that there were significant gaps for the protection of dry stone walls in the Planning Scheme with the loss of these walls being a major threat to the Shire's heritage. Council endorsed the inclusion of Clause 52.33 in the Amendment to limit the losses of remaining walls across the municipality while undertaking further heritage work to identify precise locations of dry stone walls.

The Panel supports this change.

### 9.3 Clause 66.04 Referral of Permit Applications under Local Provisions

The Amendment will alter the Schedule to Clause 66.04 (Referral of Permit Applications under Local Provisions) to:

- include the relevant water authority as a determining referral authority for applications under Clause 42.01 Environmental Significance Overlay
- include the Country Fire Authority (CFA) as a determining referral authority under Clause 44.06 Bushfire Management Overlay for Schedules 1 and 2.

Coliban Water support the post exhibition changes to Clause 66.04 in relation to Clause 42.01. The way that the referral was originally drafted, Coliban Water (and all other Water Authorities) would have been excluded from considering most of the applications requiring a permit under the provisions of Clause 42.01.

This is proposed to be changed in the post-exhibition version. Coliban Water (and all other Water Authorities) prefer to see all applications that are not exempt under Clause 3.0 of Schedule 1 to the ESO and so welcome the post exhibition change.

The post-exhibition version of the ESO deals with the submitters concerns and is supported by the Panel.

The status of the CFA<sup>7</sup> in the decision making process was not discussed at the Hearing. However, the Panel questions the logic of making the CFA a ‘determining’ referral authority for dwellings in lower risk areas<sup>8</sup> and keeping the CFA as a ‘recommending’ referral authority in (arguably) higher risk locations. The Panel considers that it would be more logical to offer the CFA a higher referral status in higher risk parts of the Shire, particularly while settlement patterns need to be resolved as a key strategic priority.

The Panel recommends:

- 19. In consultation with the Country Fire Authority, review its referral status in the Bushfire Management Overlay, including whether it should be a recommending or determining referral authority.**

#### **9.4 Clause 72.08 Background Documents**

The Amendment will include all relevant and current background documents from Clause 21 of the LPPF and include new documents based on the Review. This will result in the removal of many outdated background documents and insertion of new documents necessary to support the updated Planning Scheme.

Council submitted that all background and reference documents were reviewed as part of the Review. Council submitted that there are some relatively old background documents, including water and heritage studies. These documents are still relevant until updated by new strategic work that is undertaken by Council or referral authorities in future years.

Submission 256 highlighted there is reference to the Wombat Hill Botanic Gardens Masterplan (Carl Mahoney and Associates, 1999) and that this document has been superseded by Wombat Hill Botanic Gardens Master Plan February 2017 (Laidlaw & Laidlaw Design).

Council supported this submission and proposed post-exhibition changes to address the issues. The Panel support this.

<sup>7</sup> Noting that now the relevant fire authority may include Fire Rescue Victoria

<sup>8</sup> In BMO schedule areas where predetermined bushfire protection measures can be achieved



## Appendix A Submitters to the Amendment

| No. | Submitter                           | No. | Submitter                              |
|-----|-------------------------------------|-----|--|
| 1   | Robert Campbell and Chao Ping Huang | 33  | Brendan Cook                           |
| 2   | Dr. Patrick Jones                   | 34  | James Thomas                           |
| 3   | Michelle and Jock Leishman          | 35  | Mark Stewart                           |
| 4   | David Toose                         | 36  | Lachlan McLennan                       |
| 5   | John Austin                         | 37  | Jo Kidd                                |
| 6   | Graeme Smith                        | 38  | Gregory Swan                           |
| 7   | Don Sargent                         | 39  | Gary Carter                            |
| 8   | Rob Alexander                       | 40  | Edward Manders                         |
| 9   | Ivan Carter                         | 41  | National Trust of Australia (Victoria) |
| 10  | Cliff Williams                      | 42  | Bruce Richardson                       |
| 11  | Lucas Carter                        | 43  | Tom Toose                              |
| 12  | DELWP (Fire and Water)              | 44  | Jess Murray                            |
| 13  | Sue Wright and Lisa Brophy          | 45  | Simon Rutherford                       |
| 14  | John Frost                          | 46  | Michael and Margaret Johnson           |
| 15  | Dimitra Frost                       | 47  | Dudley McArdle                         |
| 16  | Chloe Freyer                        | 48  | Danny Moynihan                         |
| 17  | Kim Gilliott                        | 49  | Marina Pribaz                          |
| 18  | Guillermo Orsellì and David Krelle  | 50  | Garry McKinnon                         |
| 19  | Justine and Gary Wilkinson          | 51  | Graeme Schultz                         |
| 20  | Gary and Robyn Lawrence             | 52  | Francois Laharrague                    |
| 21  | John Salter                         | 53  | Peter Sewell                           |
| 22  | John Roberts                        | 54  | Dawn Shultz                            |
| 23  | Victor Szwed                        | 55  | Phillip Gay                            |
| 24  | Friends of Ajax Road                | 56  | Colin Bickell                          |
| 25  | Ken Marshall                        | 57  | Margaret Bickell                       |
| 26  | Tania Petrini                       | 58  | Mary Megaera                           |
| 27  | Helen Tobias                        | 59  | Jennifer and Geoffrey Toose            |
| 28  | Aude Mallet                         | 60  | Graham Cronin                          |
| 29  | Garry Ralfs                         | 61  | Stephen Rieniets                       |
| 30  | Sharon Murray                       | 62  | Vincent Rieniets                       |
| 31  | Max and Ann O'Shea                  | 63  | Jenny Cronin                           |
| 32  | Michael De murashkin                | 64  | John McKinnon                          |

| No. | Submitter                | No. | Submitter                |
|-----|--------------------------|-----|--------------------------|
| 65  | Carol Collins            | 97  | Doug and Carolyn May     |
| 66  | Emily McGuire            | 98  | Michael Monaghan         |
| 67  | Annette Leary            | 99  | Angus and Jemma Holcombe |
| 68  | Nigel White              | 100 | Gareth Mizzeni           |
| 69  | Darryl Trewin            | 101 | David Wilson             |
| 70  | Peter Watt               | 102 | Sharon Murray            |
| 71  | Deb Hopwood              | 103 | Alison Tracksdorf        |
| 72  | Aron Marton              | 104 | Gabe Phillips            |
| 73  | Amanda Gray              | 105 | Wally Manders            |
| 74  | Andrew Fawcett           | 106 | Ian Johnson              |
| 75  | Nina Aburrow             | 107 | Natural Resource Link    |
| 76  | John and Kim Barter      | 108 | Marilyn Chatfield        |
| 77  | Bill May                 | 109 | Gary and Robyn Lawrence  |
| 78  | Darma Yeomans            | 110 | Marina Pribaz            |
| 79  | Priscilla Johnson        | 111 | Virginia Leopold         |
| 80  | Debra McKinnon           | 112 | Surinder Jan Alles       |
| 81  | Annette Brownscombe      | 113 | Nina Aburrow             |
| 82  | Allan Coon               | 114 | Sharon Widdis            |
| 83  | Wendy Avery              | 115 | Cazerine Barry           |
| 84  | James M Stewart          | 116 | Mary Love                |
| 85  | Craig Mumford            | 117 | Kristeena Saville        |
| 86  | Alexandra Rodriguez      | 118 | Stephen Carter           |
| 87  | John Matthews            | 119 | James Thomas             |
| 88  | Cameron Suckling         | 120 | Tania. M. Pedretti       |
| 89  | Cazerine Barry           | 121 | Jeff Brownscombe         |
| 90  | Trentham Community Forum | 122 | Mike Johnson             |
| 91  | Neville Pamment          | 123 | Keith Bradford           |
| 92  | Joanne Howes             | 124 | Shane Biggs              |
| 93  | Jack Leishamnn           | 125 | Aude Mallet              |
| 94  | Sharon Widdis            | 126 | Francois Laharrague      |
| 95  | Edward Nicholls          | 127 | John Roberts             |
| 96  | Tessa Halliday           | 128 | Helen Tobias             |

| No. | Submitter  | No. | Submitter                            |
|-----|--|-----|--------------------------------------|
| 129 | Stan Capp  | 161 | Wayne Cross                          |
| 130 | John Wallace   | 162 | Wayne Cross                          |
| 131 | Michelle Moyle   | 163 | Lily Andrew                          |
| 132 | Anthony Jansen   | 164 | Dr William Callaghan                 |
| 133 | Louise Charleson   | 165 | Deb Parkinson                        |
| 134 | Con Tsourounakis   | 166 | John Stockfeld                       |
| 135 | Glenda Rozen   | 167 | David Toose                          |
| 136 | John Cosgrave  | 168 | Ullina Landcare Group                |
| 137 | Sheri and Jim Tucker   | 169 | Jim Taylor                           |
| 138 | Douglas Strates  | 170 | Annabelle Geddes                     |
| 139 | Anna Szwed   | 171 | Country Fire Authority               |
| 140 | Leigh Morrish  | 172 | Kylie McMickan                       |
| 141 | Rhonda Merrit  | 173 | Vasko Drogriski                      |
| 142 | Caroline Harvey  | 174 | Mount Rommel Mining                  |
| 143 | Holly Scoble   | 175 | Ian MacBean                          |
| 144 | Beverly Smith  | 176 | Marg Toose                           |
| 145 | Sue Wright   | 177 | Kelly Connolly                       |
| 146 | James Thomas   | 178 | MairiAnne Mackenzie                  |
| 147 | Wendy Avery  | 179 | Tim and Jodie Barry                  |
| 148 | Yuge Bromley   | 180 | James Sewell                         |
| 149 | Allan Nicholson  | 181 | Lee, Danielle J                      |
| 150 | Aron Martin  | 182 | Natalie Store                        |
| 151 | Lynne Nicholson  | 183 | Casey Harper                         |
| 152 | Riding for the Disabled Association of Victoria – Daylesford | 184 | Rosemary McKinnon                    |
| 153 | Brett Gervasoni  | 185 | Russell Keith                        |
| 154 | Briony Fitzgerald  | 186 | Raia Faith & Valiant Halborg         |
| 155 | Allessandro Micheli  | 187 | Patrick Sloyan                       |
| 156 | Deb Parkinson  | 188 | Hans Tracksdorf                      |
| 157 | Margaret Barry   | 189 | Goulburn Murray Water                |
| 158 | Lyle Weatherson  | 190 | Hyde Custodian Pty Ltd               |
| 159 | J Chen   | 191 | Owner, 136 Raglan Street, Daylesford |
| 160 | Mark Stewart   | 192 | Sandeepa Gould                       |

| No. | Submitter                                    | No. | Submitter                          |
|-----|--|-----|------------------------------------|
| 193 | Peter Righetti                               | 224 | Sarah Teague-Jones                 |
| 194 | Dja Dja Wurrung Clans Aboriginal Corporation | 225 | Debora Mermade                     |
| 195 | John Rowlands                                | 226 | Melanie Cail                       |
| 196 | Laurel Lewis                                 | 227 | Richard Ansell                     |
| 197 | Maxine McMickan                              | 228 | John Norrish                       |
| 198 | Lynne Taylor                                 | 229 | Ray and Sonia Spiteri              |
| 199 | Steph Hodgins-May                            | 230 | Debra Rauber                       |
| 200 | Brian Rowe                                   | 231 | Ben and Jo Fawcett                 |
| 201 | Deb and Gerry Rauber                         | 232 | Fraser Family                      |
| 202 | Danny Kinnear                                | 233 | Coliban Water                      |
| 203 | Colleen Qerim                                | 234 | Nick Carter                        |
| 204 | Stacey Anderson                              | 235 | Rob Alexander                      |
| 205 | Jen Bray                                     | 236 | James Fawcett                      |
| 206 | Shani Clark                                  | 237 | Peter Watt                         |
| 207 | Pamela Lyons-Capp                            | 238 | Michael Eddy                       |
| 208 | Coliban Water c/-Holding Redlich             | 239 | Ian McAuliffe                      |
| 209 | Victorian Farmers Federation                 | 240 | Ian and Renee Miller               |
| 210 | Ann O'Rourke                                 | 241 | Michelle Porter and Geoff Phillips |
| 211 | Royal Automobile Club of Victoria            | 242 | Tom Spanos                         |
| 212 | Regional Roads Victoria                      | 243 | John Righetti                      |
| 213 | Jo-Anna Wood                                 | 244 | Environment Protection Authority   |
| 214 | Paul Burke                                   | 245 | Lachlan McLennan                   |
| 215 | Robert Simon Taylor, Lyndall Julie Biggar    | 246 | Dallas Kinnear                     |
| 216 | Tracy Howard                                 | 247 | Jan and Robert Jones               |
| 217 | Meg Richardson                               | 248 | SD and JL Smithard                 |
| 218 | Siobhan McHale                               | 249 | Jan Smith                          |
| 219 | Sambodhi Prem                                | 250 | Evelyn Wilson and Neville Wilson   |
| 220 | Megaera                                      | 251 | Alan Stevens and Dale Cherrie      |
| 221 | Tammi & Stuart Jonas                         | 252 | Edward Comelli                     |
| 222 | Trish Power                                  | 253 | Sally Neilson                      |
| 223 | James Curzon-Siggers                         | 254 | Peter Bainbridge                   |

| No. | Submitter  |
|-----|--|
| 255 | William Alexander Ross   |
| 256 | Susan Keys   |
| 257 | Debbie Gervasoni   |
| 258 | Mary Bignell   |
| 259 | Stan Capp  |
| 260 | Pamela Lyons-Capp  |
| 261 | Shani Clark  |
| 262 | Mia Pithie   |
| 263 | Ivan Carter  |
| 264 | Don and Faye Pollock   |
| 265 | Susie Spence   |
| 266 | Russell Keith  |
| 267 | Basil Maher  |
| 268 | Heather Mutimer  |
| 269 | Anthony Scarpaci   |
| 270 | Jo Fallshaw  |
| 271 | David Brown  |
| 272 | Lisa Gervasoni   |
| 273 | Ezaz Sheikh  |
| 274 | Yandoit, Clydesdale and Franklindale<br>Community Planning Group |
| 275 | Trevor Armstrong   |
| 276 | Liz Burns  |

## Appendix B Parties to the Panel Hearing

| Submitter   | Represented by   |
|---|--|
| Hepburn Shire Council   | Paul Buxton and Kellie Marks of Plan2Place Consulting            |
| Yandoit, Clydesdale and Franklinford Community Planning Group | Nikki Marshall   |
| Coliban Water   | Barry Floyd of Coliban Water and Nick Sissons of Holding Redlich |
|   | Trevor Armstrong   |
|   | David Toose  |
|   | Tom Toose  |
| Victorian Farmers Federation                                  | Lisa Gervasoni   |
| Lisa Gervasoni  |  |
| Patrick Sloyan  |  |
| Sandeepa Gould  |  |
| Mary Love   |  |
| Sambodhi Prem   |  |
| Jen Bray  |  |
| Heather Mutimer   |  |
| Debora Semple   |  |
| Hyde Custodian Pty Ltd  | Angela Moks of Clement-Stone Town Planners                       |
| Dr Gabriel Phillips and Mr Arthur Papapostolou                |  |
| Estate of Mary Margaret Monaghan                              | Michael Monaghan   |
| Rhonda Merritt  |  |
| David Spargo and Jo Fallshaw                                  | Jo Fallshaw  |
| Liz Burns   |  |
| Pachhe Family Trust   | Anthony Scarpaci of Clement-Stone Town Planners                  |
| Michelle Potter   |  |
| Con M. Tsourounakis   |  |
| Jeff Brownscombe  |  |
| Royal Automobile Club of Victoria Limited (RACV)              | Paul Lewis of Tract  |

## Appendix C Document list

| No. | Date     | Description   | Presented by  |
|-----|----------|---|---|
| 1   | 3/11/20  | Background documents referred to in Amendment documentation               | Paul Buxton on behalf of Council  |
| 2   | 5/11/20  | Submission materials  | Michael Monaghan  |
| 3   | 6/11/20  | Submission materials  | Paul Lewis of Tract on behalf of RACV   |
| 4   | 9/11/20  | Part A submission   | Paul Buxton on behalf of Council  |
| 5   | 12/11/20 | Supplementary information regarding 94 Mossops Road, Bullarto             | Jo Fallshaw   |
| 6   | 13/11/20 | Email withdrawing request to be heard                                     | Tessa Halliday  |
| 7   | 16/11/20 | Supplementary information regarding 6 Victoria Street, Trentham           | Anthony Scarpaci on behalf of Pachhe Family Trust   |
| 8   | 18/11/20 | Email regarding inability to attend hearing due to resourcing limitations | Rodney Carter on behalf of Dja Wurrung Clans Aboriginal Corporation                       |
| 9   | 18/11/20 | Email withdrawing submission  | Jen Bray  |
| 10  | 19/11/20 | Email withdrawing submission  | Trevor Armstrong  |
| 11  | 20/11/20 | Part B submission   | Paul Buxton on behalf of Council  |
| 12  | 22/11/20 | Email regarding submission  | Sambodhi Prem   |
| 13  | 23/11/20 | Hearing materials   | Nikki Marshall on behalf of Yandoit, Clydesdale and Franklinford Community Planning Group |
| 14  | 23/11/20 | Submission  | Nick Sissons on behalf of Coliban Water   |
| 15  | 24/11/20 | Submissions for 15 King Street, Daylesford and 128 Ajax Road              | Con Tsourounakis on behalf of landowners  |
| 16  | 24/11/20 | Submission materials  | Sandeepa Gould  |
| 17  | 24/11/20 | Submission materials  | Heather Mutimer   |
| 18  | 24/11/20 | Submission materials  | Michael Monaghan  |
| 19  | 24/11/20 | Submission materials  | Angela Mok on behalf of Hyde Custodian Pty Ltd  |
| 20  | 24/11/20 | Submission materials  | Lisa Gervasoni  |
| 21  | 24/11/20 | Submission material for VFF   | Lisa Gervasoni on behalf of the VFF   |
| 22  | 24/11/20 | Submission materials  | Patrick Sloyan  |



| No. | Date     | Description  | Presented by   |
|-----|----------|--|--|
| 23  | 24/11/20 | Final submission materials   | Nikki Marshall on behalf of Yandoit, Clydesdale and Franklinfoord Community Planning Group |
| 24  | 25/11/20 | Submission materials   | Gabe Phillips and Arthur Papapostolou  |
| 25  | 25/11/20 | Submission materials   | Anthony Scarpaci on behalf of Pachhe Family Trust  |
| 26  | 26/11/20 | Additional submission materials (plan of subdivision)                                      | Michael Monaghan   |
| 27  | 26/11/20 | Additional submission materials  | Gabe Phillips and Arthur Papapostolou  |
| 28  | 26/11/20 | Submission materials   | Paul Lewis of Tract on behalf of RACV  |
| 29  | 26/11/20 | Submission materials (photographs)   | Anthony Scarpaci on behalf of Pachhe Family Trust  |
| 30  | 26/11/20 | Email regarding non-attendance at hearing  | Con Tsourounakis on behalf of landowners   |
| 31  | 27/11/20 | Part C closing submission and version of Part A and B submission with clerical corrections | Paul Buxton on behalf of Council   |
| 32  | 30/11/20 | Submission notes and photographs   | Debora Semple  |
| 33  | 1/12/20  | Final version of Part C closing submission   | Paul Buxton on behalf of Council   |

**6 CLOSE OF MEETING**

The Meeting closed at 7:05pm.