

HEPBURN PLANNING SCHEME

AMENDMENT C87

PLANNING PERMIT APPLICATION PA2302417 and PA2302418

EXPLANATORY REPORT

Overview

Amendment C87 to the Hepburn Planning Scheme seeks to make the Minister for Planning the responsible authority for a combined planning scheme and planning permit(s) under Part 4, Division 5 of the *Planning and Environment Act 1987* (the Act) as it applies to land at 1 Raglan Street, Daylesford and 9 Raglan Street, Daylesford.

Three separate planning permit applications are associated with the amendment consisting of an application to subdivide land at 1 Raglan Street, Daylesford into multiple allotments and one 'superlot' (to be later subdivided) and separate permit to construct five dwellings on the existing allotment. An additional planning permit is sought to subdivide the land at 9 Raglan Street into 20 allotments.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Engage Victoria website at <https://engage.vic.gov.au/>

Submissions

Any person may make a submission to the planning authority about the amendment C87 and/or Planning Permits PA2302417 and 2302418. Submissions about the amendment and/or planning permits must be received by 11 September 2023.

A submission must be sent to: priority.projects@delwp.vic.gov.au

Panel hearing dates

Not applicable.

Details of the amendment

Who is the planning authority?

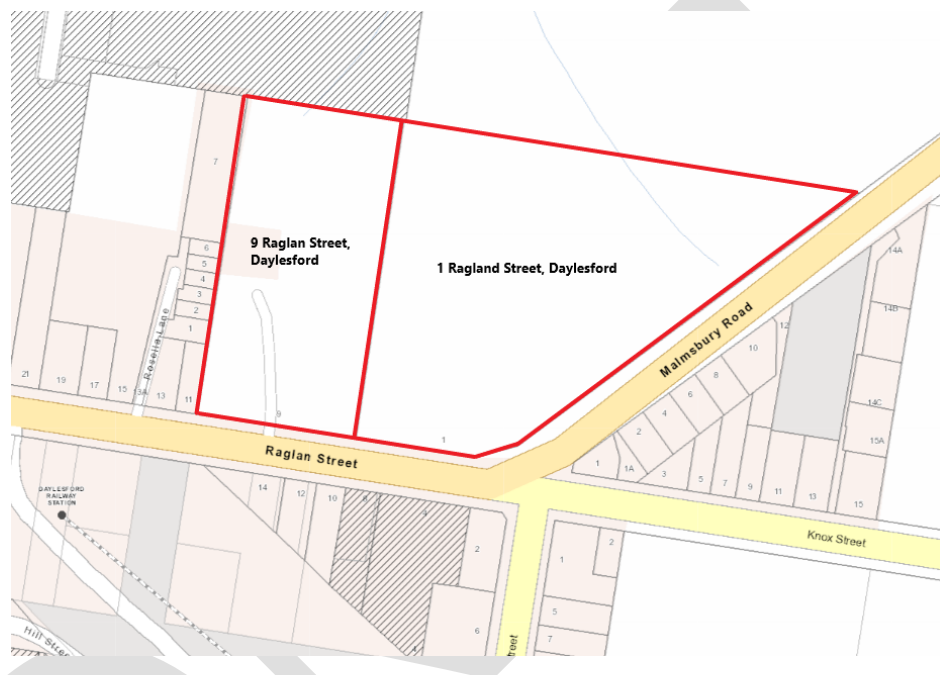
This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

The amendment has been made at the request of Smith Development Partnership Pty Ltd (Hygge Property).

Land affected by the amendment

The amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The amendment and planning permit application applies to land at 1 Raglan Street, Daylesford and 9 Raglan Street, Daylesford.



What the amendment does

The amendment seeks to make the Minister for Planning the responsible authority for the combined amendment and planning application.

The amendment allows:

- The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2, 3, and 5 of Part 4 and Division 2 of Part 9 of the Planning and Environment Act 1987 and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the land at:
 - 1 Raglan Street, Daylesford (Lot 2 of Title Plan 826164A)
 - 9 Raglan Street, Daylesford (Crown Allotment 35 Section 2 Parish of Wombat)

The planning permit applications seeks approval for:

Planning Permit No. PA2302418 – 9 Raglan Street, Daylesford

- The subdivision of the land into multiple allotments and associated works, the removal of vegetation, the demolition of a building in a heritage overlay, and the creation and alteration of access to a road in a Transport Zone 2.



Planning Permit No. PA2302417 – 1 Raglan Street, Daylesford

- The subdivision of land into multiple allotments (including a superlot) and associated works, the removal of vegetation and the creation of access to a road in a Transport Zone 2.



Planning Permit No. PA2302419 – 1 Raglan Street, Daylesford

- Buildings and works associated with the construction of five dwellings on a lot.



The planning permit is attached as a separate document to this Explanatory Report.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to facilitate the assessment, approval and administration of the proposed subdivision and development at 9 Raglan Street, Daylesford and 1 Raglan Street, Daylesford. The amendment is a combined amendment and permit application under Part 4, Division 5 of the *Planning and Environment Act 1987* (the Act).

The proposal was recommended for accelerated assessment and determination as part of the Development Facilitation Program (DFP) on the basis that it will deliver significant short to medium term economic outcomes and public benefit in the form of providing additional regional housing provision, aligns with government policy and priorities, is shovel ready, and has sufficiently addressed probity considerations. The DFP has been established by the Minister for Planning to speed up the assessment and determination of identified priority projects that deliver investment into the Victorian economy, keep people in jobs and provide a substantial public benefit.

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

The Amendment implements the following objective of planning in Victoria as specified in Section 4(1) of the Act.

- To provide for the fair, orderly, economic and sustainable use, and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To facilitate development in accordance with the above objectives; and
- To balance the present and future interests of all Victorians.

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

Environmental Effects

The amendment and combined permits seek to provide additional residential development within Daylesford that is within a lower risk and defensible area of the existing township.

The proposed development will direct all excess stormwater to the stormwater treatment system in

accordance with a submitted Stormwater Strategy. Sewerage is to be reticulated to minimise risk of entering the springs system. The proposed subdivision will ensure all stormwater and drainage associated with future development is directed away from the eye of a mineral spring or freshwater spring. The proposed subdivision will also include an effluent and wastewater treatment and disposal system that prevents effluent disposal entering groundwater sources - all stormwater generated by future development on the site is to be treated and returned to natural flow corridors at a pre-development quality. To facilitate this, the natural drainage lines have been conserved as part of the subdivision design.

The proposal seeks to minimise the removal vegetation and trees from the Avenue of Honour supported by a Preliminary Arboriculture Tree Assessment Report. An Avenue of Honour tree is proposed to be removed. This supported by a submitted Arborist Letter dated 13 July 2023.

Social Effects

The amendment and combined permits would provide positive social benefits in the form of additional residential allotment within the township boundary that will assist in meeting the demand for residential opportunities in Daylesford. Furthermore, the proposed subdivisions will provide a safe shared path network providing a walkable connection to the surrounding area, landscaping to reflect the leafy vegetated character of Daylesford township, proposed recreation reserves will contribute to the creation of a high amenity and accessible public realm.

Economic Effect

The amendment and combined permits would result in additional economic growth and jobs during the development of the subdivision that would generate positive economic benefits to Daylesford.

Does the amendment address relevant bushfire risk?

The subject land is not situated within a Bushfire Management Overlay, however is located within a Bushfire Prone Area.

The proposed subdivision of the land parcels direct development within the lower risk and defensible area of the existing township. Further, the proposed dwellings will be constructed to the relevant (Bushfire Attack Level) BAL requirements.

The views of the Country Fire Authority have been previously sought through a separate planning permit process which recommended conditions be included on any permits issued. Further views of the Country Fire Authority will be sought, and any recommended conditions will be included on any permit(s).

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

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

The amendment complies with Ministerial Direction 11 (Strategic Assessments of Amendments) under section 12 of the *Planning and Environment Act 1987*. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of the planning scheme amendment and the outcomes it produces is undertaken.

The amendment is also consistent with Ministerial Direction No. 15 (The Planning Scheme Amendment Process) under section 12 of the *Planning and Environment Act 1987*. The amendment is consistent with this direction which sets out time frames for completing steps in the planning scheme amendment process.

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

The amendment and combine permits are consistent with the intent of the State Planning Policy and supports its implementation as following:

Clause 11 - Settlement

- Clause 11.01-1R – Settlement-Central Highlands
- Clause 11.01-1L – Township and settlements

- Clause 11.02-1S – Supply of urban land
- Clause 11.03-6S – Regional and local places

Clause 11.01-1R (Settlement-Central Highlands) seeks to limit the outward growth of Daylesford to minimise environmental impacts and exposure to natural hazards. The proposed subdivisions are located with the existing township boundary would be situated on land zoned within the Neighbourhood Residential Zone.

Clause 11.01-1L (Township and settlements) seeks to achieve a sustainable urban form for townships by containing future development within township boundaries. The proposed subdivisions are situated on land identified within the exiting township boundary for Daylesford.

Clause 11.02-1S (Supply of urban land) seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational and other community uses. The proposed subdivisions would provide an additional 26 residential lots (combined) and 1 'superlot' (to be further subdivided in future) on land zoned within the Neighbourhood Residential Zone.

Clause 11.03-6S (Regional and local places) seeks to facilitate integrated place-based planning. The proposed subdivisions would provide large allotments that are generally consistent and reflective of the surround rural area and would create a transitional interface at the entrance to the township.

Clause 12 – Environmental and Landscape Values

- Clause 12.05-2S - Landscapes
- Clause 12.05-2R – Landscapes – Central Highlands
- Clause 12.05-2L – Landscape management

Clauses 12.05-2S (Landscapes), 12.05-2R (Landscapes – Central Highlands) and 12.05-2L (Landscape management) seek to protect and enhance landscapes and open spaces that contribute to character, identity and sustainable environments and enhance unique features of the landscape character area. The proposed subdivisions would be situated within the township boundary and would provide a clear delineation between the open rural landscape to the east and the urban area to the west.

Clause 13 – Environmental Risks and Amenity

- Clause 13.01-1S – Natural hazards and climate change
- Clause 13.03-1S - Bushfire planning

Clause 13.01-1S (Natural hazards and climate change) aims to minimise the impacts of natural hazards through risk-based planning. The subdivision and development sites are located within the Designated Bushfire Prone Area with the proposed subdivisions directing development within a lower risk and defensible area of the township. All lots would have access to the internal road network which provides direct access to the Raglan Street and Midland Highway.

Clause 13.02-1S (Bushfire planning) aims to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. The proposed subdivision directs development within lower risk and defensible area of the township. The applications were previously referred to the CFA, which had no objection to the subdivisions, subject to conditions.

Clause 14 – Natural Resource Management

- Clause 14.02-1S – Catchment Planning and Management
- Clause 14.02-1L – Catchment and land protection
- Clause 14.02-2L – Mineral Springs and Fresh Water Springs Protection – Hepburn

Clause 14.02-1S (Catchment Planning and Management) and Clause 14.02-1L (Catchment and land protection) seek to assist the protection and restoration of catchments, water bodies and groundwater; and ensure development in these areas enhances the quality and quantity of the natural resources and environmental systems for long term water supply. The subject site is identified within the Mineral Springs/Mineral Springs Protection Area. All stormwater generated by future development on the site is to be treated and returned to natural flow corridors at a pre-development quality. This system will serve to detain and regulate the flow of stormwater from the site. A Stormwater Strategy has been submitted with the proposal that further details the protection of the surrounding catchment and waterways.

Clause 14.02-2L (Mineral Springs and Fresh Water Springs Protection – Hepburn) seeks to enhance and protect the quality and quantity of mineral springs and fresh water springs while also not compromising aquifer integrity through development. The proposed development will direct all excess stormwater to the stormwater treatment system detailed in the submitted Stormwater Strategy.

Sewerage is to be reticulated to minimise risk of entering the springs system. The proposed subdivision will ensure all stormwater and drainage associated with future development is directed away from the eye of a mineral spring or freshwater spring. The proposed subdivision will also include an effluent and wastewater treatment and disposal system that prevents effluent disposal entering groundwater sources, with all stormwater generated by future development on the site is to be treated and returned to natural flow corridors at a pre-development quality. The natural drainage lines would be conserved as part of the subdivision design.

Clause 15 – Built Environment and Heritage

- Clause 15.01-1S – Urban design
- Clause 15.01-1L – Urban design
- Clause 15.01-2S – Building design
- Clause 15.01-2L – Environmentally sustainable development
- Clause 15.01-3S – Subdivision design
- Clause 15.01-3L – Subdivision in Hepburn Shire
- Clause 15.01-4S – Healthy neighbourhoods
- Clause 15.01-5S – Neighbourhood character
- Clause 15.01-5L – Neighbourhood character in Daylesford
- Clause 15.03-1S – Heritage conservation
- Clause 15.03-1L - Heritage

Clause 15.01-1S (Urban Design) and Clause 15.01-1L (Urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. The proposed subdivision and proposed development will contribute to the creation of a safe, healthy and functional environment through a layout which is responsive to, and integrated within the surrounding context; enhancing the existing connection to the Wombat Park view lines via the provision of a safe shared path network; landscaping to reflect the leafy vegetated character of Daylesford township; proposed recreation reserves contributing to the creation of a high amenity and accessible public realm; and lot sizes and layouts responsive to the transitional rural/township context.

Clause 15.01-2S (Building design) seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development. The proposed dwelling designs have considered contours, views and other site features to ensure that dwellings are orientated along contours, while retaining appropriate daylight exposure and energy efficiency. The energy performance of the dwellings has been considered through orientation (maximising northern exposure to living areas), window size and glazing, shading and wind protection techniques. Appropriate space for renewable energy and storage is incorporated into the building design while the outdoor spaces are to be appropriately landscaped with a mixture of native and exotic species appropriate to Daylesford's climate. The proposed designs respond to the existing and emerging urban character of the area, providing a careful balance between privacy needs of residents, open landscape character of the surrounds.

Clause 15.01-2L (Environmentally sustainable development) seeks to achieve best practice ESD from the design stage through to construction and operation. The proposed dwellings benefit from large surrounds, and relatively flat, open landscapes, meaning that there are no significant site constraints to achieving high quality, sustainable dwellings that can minimise environmental impacts through all stages of their lifecycle. The proposed dwellings would incorporate a range of ESD techniques and measures.

Clause 15.01-3S (Subdivision design) and Clause 15.01-3L (Subdivision in Hepburn Shire) seek to ensure the design of subdivisions achieve attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposed subdivision would facilitate the delivery of a high-amenity, safe and accessible neighbourhood that includes a landscaped street setting and shared path network that will provide connections to the recreation reserves will encourage the uptake of active transport modes and a lively public realm. The proposal will also ensure the provision of utilities, services and broader urban structure that ensures integrated water management and adherence to sustainability principles such as energy and resource efficiency and reduced waste and air pollution. At a local level, the proposed subdivision layout provides lots that respect the neighbourhood character of the area, which is a transitional rural-township character, will maintain the existing visual connection to Wombat Park and incorporate lot sizes that ensure visual amenity of both the rural hinterland and Avenue of Honour trees will not be negatively impacted.

Clause 15.01-4S (Healthy neighbourhoods) seeks to foster healthy and active living and community wellbeing. The proposed subdivision would facilitate a neighbourhood that encourages active transport modes and a lively public realm that fosters safety and community connectedness through shared path network and connectiveness to broader community. The proposal also includes provision of two recreation and drainage reserves with seating and landscaping that would ensure the community has access to high-amenity and safe spaces for recreation and leisure.

Clause 15.01-5S (Neighbourhood character) and Clause 15.01-5L (Neighbourhood character in Daylesford) seek to recognise, support and protect neighbourhood character, cultural identity and sense of place while also achieving the identified preferred character in Daylesford residential areas. The site is located within Precinct 11, which seeks to ensure development maintains the spaciousness for the dwelling settings and strengthens the definition of the entrance way to the town. The proposed subdivision incorporates large lot sizes reflective of the site's rural and township context. The proposed street trees will reflect the leafy, vegetated character of the existing area. A shared path network would provide an important connection to the Wombat Park view lines ensuring a strong sense of place and connection to the surrounding farming areas and natural environment that shape the identity of Daylesford. The proposed layout is designed to minimise the removal of trees in the Avenue of Honour and ensure lot sizes are generous and front internally so to avoid crossovers and maintain the goldrush character of the entrance to Daylesford. The proposed dwellings would support existing Daylesford built form structure and sense of place through referencing elements of rural, heritage and urban forms in this transition area from farmland to urban.

Clause 15.03-1S (Heritage conservation) and Clause 15.01-1L (Heritage) seeks to ensure the conservation of places of heritage significance. The proposed subdivisions seek to respect the significance of the heritage place in which it is located and will facilitate development that is appropriate to the heritage values identified in the area. The design of the subdivision would ensure future development is sympathetic to the heritage character of the Daylesford Railway Heritage Precinct by maintaining the views to Wombat Park and minimising the removal of Avenue of Honour trees. The proposed dwellings have been designed to blend into a rural landscape through the building design, appearing as a cluster of farm buildings. The spacing of the proposed dwellings would reflect future subdivision greater than the average lot size, facilitating a rural character and a smooth transition to the town centre. These larger blocks would also encourage additional landscaping, appropriate to the rural context, with both exotic and native flora species.

Clause 16 - Housing

- Clause 16.01-1S – Housing Supply

Clause 16.01-1S seeks to facilitate well-located, integrated and diverse housing that meets community needs. The proposed subdivisions would deliver 26 (combined) lots and 1 'superlot' to be later subdivided into smaller lots. The proposed lots are well located within the township boundary and would contain direct access to the primary roads of Raglan Street and Midland Highway.

Clause 18 – Transport

- Clause 18.02-1S – Walking
- Clause 18.02-2S – Cycling
- Clause 18.02-4S - Roads

Clause 18.02-1S (Walking) and Clause 18.02-2S (Cycling) seek to facilitate an efficient and safe walking network and bicycle network. The proposed subdivision incorporates a shared path network that will provide connections to the recreation reserves will encourage the uptake of active transport modes

Clause 18.02-4S (Roads) seeks to facilitate an efficient and safe road network and makes best use of existing infrastructure. The proposed subdivision will incorporate an internal road network that will provide connection to Midland Highway and Raglan Street.

Clause 19.03 - Development Infrastructure

- Clause 19.03-2S – Infrastructure design and provision
- Clause 19.03-2L – Infrastructure design and provision
- Clause 19.03-3S – Integrated water management
- Clause 19.02-6L – Open space

Clause 19.03-2S and 19.032L (Infrastructure design and provision) seek to provide timely, efficient, and consistent development infrastructure that meets the needs of the community. The proposed subdivision would provide appropriate infrastructure that is designed in accordance with the relevant clauses of the Hepburn Planning Scheme, and the Infrastructure Design Manual adopted by Hepburn Shire.

Clause 19.03-3S (Integrated water management) seeks to sustainably manage water supply through an integrated water management approach. All stormwater generated by future development on the sites is to be treated and returned to natural flow corridors at a pre-development quality. This system will serve to detain and regulate the flow of stormwater from the site. The proposal would incorporate a reticulated sewerage and stormwater treatment system in accordance with the objective of this policy, as outlined in detail within submitted the Stormwater Strategy and Servicing Report.

Clause 19.02-6L (Open space) seeks to develop open spaces networks in towns around creeks, drainage lines, existing native vegetation, parks and recreation areas; and develop safe and accessible walking pathways within public open space with links to key community facilities. The proposed subdivision will provide an open space network through the two recreation and drainage reserves. The location of these reserves are based on the existing drainage lines that run down the western portion of the site, and towards the north-eastern portion of the site. Seating and shelter will be provided in these reserves to enhance community access to these landscaped areas and encourage outdoor activities. The subdivision will also provide safe and accessible shared paths between the recreation and drainage reserves, providing a key community link to the view lines of Wombat Park.

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

The proposed amendment and combined permits are consistent with the intent of the Municipal Planning Strategy and support its implementation as following:

- Clause 02.03-1 (Settlement) seeks 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 and consolidate development in Daylesford within the designated township boundary. As discussed above, the proposed subdivisions are situated within the township boundary and within lower risk and defensible area of the township.
- Clause 02.03-2 (Environmental and landscape values) seeks to protect and enhance significant natural, Aboriginal and post contact cultural and heritage landscapes across the Shire. The proposed subdivision would ensure future development is sympathetic to the heritage character of the Daylesford Railway Heritage Precinct by maintaining the views to Wombat Park and minimising the removal of Avenue of Honour trees. The proposed dwellings have been designed to blend into a rural landscape through the building design, appearing as a cluster of farm buildings.
- Clause 02.03-2 (Environmental risks and amenity) seeks to contain future growth within township boundaries to protect environmental values and to limit the risk to life and property from bushfire. As discussed above, the proposed subdivisions are situated within the township boundary and within lower risk and defensible area of the township.
- Clause 02.03-4 (Natural resource management) seeks to minimise landscape and water quality impacts on the catchments through careful location and design of development and wastewater systems while also protecting water resources in the Shire through integrated water and catchment management including stormwater and protect mineral springs, their aquifers and environs from the impacts of waste disposal and drainage. As discussed above, the proposed subdivision would direct all excess stormwater to the stormwater treatment system detailed within the submitted Stormwater Strategies. Sewerage is to be reticulated to minimise risk of entering the springs system. The proposed subdivision will ensure all stormwater and drainage associated with future development is directed away from the eye of a mineral spring or freshwater spring. The proposed subdivision will also include an effluent and wastewater treatment and disposal system that prevents effluent disposal entering groundwater sources with all stormwater generated by future development on the site is to be treated and returned to natural flow corridors at a pre-development quality. The natural drainage lines on the land would be conserved as part of the subdivision design.
- Clause 02.03-5 (Built environment and heritage) seeks to 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. It also seeks to support development, including new residential areas and infill development, that responds to its setting and surrounds as well as the historic,

landscape and neighbourhood character of townships and settlements. Furthermore, it seeks to ensure development does not obstruct significant views to prominent hilltops, ridgelines and landmarks and encourages built form that has been designed to both mitigate bush fire risks and minimise vegetation loss. The proposed subdivision and development is located within the Daylesford Railway Heritage Precinct. The proposed subdivision incorporates large lot sizes reflective of the site's rural and township context. The proposed street trees will reflect the leafy, vegetated character of the existing area. It also seeks to protect the role of the Wombat Park view lines and Avenue of Honour Trees to the heritage precinct, and thereby maintains community access to these view lines and proposes a layout that minimises the removal of Avenue of Honour trees.

- Clause 02.03-6 (Housing) seeks to support infill housing development and promote and facilitate residential development and housing diversity in established townships to meet community needs. The proposed subdivision would provide additional housing supply within the township.
- Clause 02.03-9 (Infrastructure) seeks to ensure development is directed into townships with reticulated water or capacity for alternative potable water sources, and reticulated sewerage while also supporting community infrastructure including open space, health, education and cultural facilities into townships to support community needs. The proposed subdivisions and development would include reticulated sewerage to minimise risk of entering the springs system. Additionally, the subdivision would include a public open space contribution.

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

The proposed amendment makes appropriate use of the Victoria Planning Provisions by making the Minister for Planning the responsible authority for the combined permit application to facilitate the development that is consistent with the purpose of the zone applying to the site.

The amendment makes proper use of the Victoria Planning Provisions to facilitate the assessment, approval, and administration of the proposal. The amendment amends the Schedule to Clause 72.01 to make the Minister for Planning the responsible authority for matters under Divisions 1, 1A, 2, 3 and 5 of Part 4 and Division 2 of Part 9 of the PE Act and any matters required by a permit or the scheme to be endorsed, approved, or done to the satisfaction of the responsible authority, in relation to the land at 1 Raglan Street, Daylesford and 9 Raglan Street, Daylesford. The Hepburn Shire Council will remain the responsible authority for enforcement.

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

The views of relevant agencies have been previously sought and considered as part of Hepburn Shire Council's (council) consideration of planning permit applications submitted to council. This included:

- Head, Transport for Victoria (TfV), Goulburn-Murray Water, North Central Catchment Management Authority, Central Highlands Water, Country Fire Authority, Citipower and Powercor, AusNet and Tesltra.

The views of the above relevant agencies on the amendment and combined permits will be sought during the preparation of the amendment. In addition to the above agencies the views of the following agencies will be sought:

- Dja Dja Wurrung Clans Aboriginal Corporation and Returned and Services League Club (RSL).

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

The objectives of the Transport Integration Act 2010 relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety, health, and wellbeing. The proposed amendment and permit do not significantly impact the transportation network.

Resource and administrative costs

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

It is not expected that the proposed amendment and permits will have any significant resource or administrative costs on the responsible authority.

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