

**Planning and Environment Act 1987**

**GREATER BENDIGO PLANNING SCHEME**

**Notice of Preparation of Amendment**

**Amendment C109**

**Authorisation A01153**

The Greater Bendigo City Council has prepared Amendment C109 to the Greater Bendigo Planning Scheme.

In accordance with section 8A(3)) of the *Planning and Environment Act 1987*, the Minister for Planning authorised the Greater Bendigo City Council as planning authority to prepare the amendment.

The land affected by the amendment varies over several zones and overlays.

The amendment proposes to implement the recommendations from a report "Efficiency Review of the Greater Bendigo Planning Scheme". This report reviewed all the planning scheme controls and identified a number of streamlining recommendations that focussed on:

- Increased permit exemptions for minor buildings and works in zone and overlay schedules;
- A new and consistent approach to the application of Development Plan Overlays;
- Removal of redundant provisions; and
- Reducing duplication of controls.

You may inspect the amendment, any documents that support the amendment and the explanatory report about the amendment, free of charge, at the following locations:

- During office hours, at the office of the planning authority, City of Greater Bendigo, Planning and Development Unit, 15 Hopetoun Street, Bendigo.
- At the Department of Planning and Community Development web site [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection).

Any person who may be affected by the amendment may make a submission to the planning authority.

The closing date for submissions is 4.00 pm Monday 4 May 2009. A submission must be sent to the City of Greater Bendigo, PO Box 733, BENDIGO VIC 3552.

For further information, contact Dale Sampson at the Council Offices, 15 Hopetoun Street, Bendigo or phone 5434 6319 or email [d.sampson@bendigo.vic.gov.au](mailto:d.sampson@bendigo.vic.gov.au).

**Craig Niemann**  
**Chief Executive Officer**

**GREATER BENDIGO PLANNING SCHEME**

**AMENDMENT C109**

**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been initiated and prepared by the City of Greater Bendigo, which is the planning authority for this amendment.

**Land affected by the amendment.**

The amendment applies to land affected by the following zones and overlays:

**1. Zones**

- Residential 1
- Low Density Residential Zone
- Rural Living
- Rural Conservation
- Farming Zone
- Industrial 1
- Public Conservation and Resource Zone
- Public Park and Recreation Zone
- Special Use Zone 1 (Private educational or religious institutions)
- Special Use Zone 8 (Showgrounds)
- Public Use Zone 1 (Service and utility)
- Public Use Zone 3 (Health and Community)
- Public Use Zone 4 (Transport)
- Public Use Zone 7 (Other public use)

**2. Overlays**

- Schedule 1 to the Vegetation Protection Overlay (Wildlife corridor protection)
- Schedule 2 to the Vegetation Protection Overlay (Significant vegetation)
- Schedule 1 to the Significant Landscape Overlay (Bush Garden and Semi-Bush Garden Residential areas)
- Schedule to the Heritage Overlay
- Schedule 1 to the Development Plan Overlay (Environmental Management Plans)
- Schedule 2 to the Development Plan Overlay (Epsom and Ascot)
- Schedule 3 to the Development Plan Overlay (Residential 1 Zone – Density Management Areas)
- Schedule 4 to the Development Plan Overlay (Low Density Residential Zone – Density Management Areas)
- Schedule 6 to the Development Plan Overlay (Townships)

## Zone Changes

Implement the recommendations from the *Efficiency Review of the Greater Bendigo Planning Scheme* as follows:

Change	Explanation
<b>MAPPING</b>	
Rezone land from Residential 1 Zone to Low Density Residential Zone:	<p>Rezone the following land from Residential 1 Zone to Low Density Residential Zone due to removal of DPO, to reflect the current subdivision pattern and development pattern:</p> <p><u>Eaglehawk / Myers Flat:</u></p> <ul style="list-style-type: none"> <li>• 173-189, 200-202 and 208-232 Loddon Valley Highway</li> <li>• 250 Sailors Gully Road</li> <li>• 1-7, 2-22 Dempsey Street</li> <li>• 245 Thompsons Road</li> <li>• 2-6 Dalton Street</li> <li>• 6-12 Veale Street</li> <li>• 2-4, 52, 54, 68-76 and 45-99 Williams Road</li> <li>• 20 and 73 Allies Road</li> <li>• 50-56 Lougoon Drive</li> <li>• 1-5 and 6 Durham Street</li> <li>• 4-8, 3-19 Hopkins Street</li> <li>• 10-20, 26-32, 31-35 McCormacks Road</li> <li>• 16-18 York Street</li> <li>• CA 133P Belmont Drive</li> <li>• 3-7, 6-8 Clarke Street</li> <li>• 2-8, 11, 13, 13A, 12, 16-18 James Street</li> </ul>
Rezone land from Residential 1 Zone to Public Conservation and Resource Zone	<p>Rezone the following land from Residential 1 Zone to Public Conservation and Resource Zone to reflect the public ownership of the land:</p> <ul style="list-style-type: none"> <li>• Part 70 Morrison Street, Bendigo between Needlewood Drive and Wesley Street.</li> </ul>
Rezone land from Residential 1 Zone to Special Use Zone 3 (Television or Radio Station)	<p>Rezone the following land from Residential 1 Zone to Special Use Zone 3 (Television or Radio):</p> <ul style="list-style-type: none"> <li>• Part of 401 High Street, Golden Square</li> </ul>
Rezone land from Industrial 1 Zone to Business 3 Zone	<p>Rezone the following land from Industrial 1 Zone to Business 3 Zone to reflect the current use of the land:</p> <ul style="list-style-type: none"> <li>• 73 Short Street, Kangaroo Flat</li> </ul>
Rezone land from Public Use Zone 4 (Transport) to Residential 1 Zone	<p>Rezone the following land from Public Use Zone 4 (Transport) to Residential 1 Zone to reflect the current use and private ownership of the land:</p> <ul style="list-style-type: none"> <li>• Rear of 197-273 King Street, Bendigo and adjacent to the railway line</li> <li>• 137-139 Wills Street, Bendigo</li> </ul>
Rezone land from Public Use Zone 4 (Transport) to Business 3 Zone	<p>Rezone the following land from Public Use Zone 4 (Transport) to Business 3 Zone to reflect the use and private ownership of the land:</p> <ul style="list-style-type: none"> <li>• Part 70 Breen Street, Bendigo</li> <li>• 180, 180A and 182 Breen Street, Golden Square</li> </ul>
Rezone land from Residential 1 Zone	Rezone the following land from Residential 1 Zone

Rezone land from Special Use Zone 8 (Showgrounds) to Special Use Zone 6 (Tourism facility)	<ul style="list-style-type: none"> <li>• 9 Hunter Place, Heathcote</li> </ul> Rezone the following land from Special Use Zone 8 (Showgrounds) to Special Use Zone 6 (Tourism facility): <ul style="list-style-type: none"> <li>• 76 Violet Street and part of 80 Creek Street North, Bendigo.</li> </ul>
<b>ORDINANCE</b>	
Insert a new Schedule to the Low Density Residential Zone	To reflect the existing minimum lot sizes provided in the current DPO3 and apply it as a schedule requirement of the LDRZ by applying a minimum subdivision area of: <ul style="list-style-type: none"> <li>• 0.8ha for Epsom/Huntly corridor</li> <li>• 0.4ha and 1.0ha for North Huntly</li> <li>• 1.0ha for Huntly area</li> <li>• 1.0ha for Racecourse Road/Golf Course Road area</li> <li>• 1.0ha for Heinz Street and South area</li> <li>• 1.0ha for Junortoun area</li> <li>• 2.0ha for White Hills</li> <li>• 2.0ha for Heathcote area</li> <li>• 2.0ha for Strathfieldsaye</li> <li>• 2.0ha for Diamond Hill Road/Woodward Road area</li> <li>• 2.0ha for Edwards Road, One Tree Hill</li> <li>• 2.0ha for Mandurang; and</li> <li>• 1.5ha and 2.0 for Eaglehawk/Myers Flat.</li> </ul>
Insert a new Schedule to the Rural Living Zone	Addition of a 10m and 50m standard for a permit exemption for minimum setback from a boundary and a dwelling not in the same ownership, respectively
Insert a new Schedule to the Rural Conservation Zone	Addition of a 100m <sup>2</sup> standard for a permit exemption for extensions to dwellings and agricultural buildings
Insert a new Schedule to the Farming Zone	Addition of a 100m <sup>2</sup> standard for a permit exemption for extensions to dwellings and agricultural buildings
Amend Incorporated Plan Overlay 1 (Strathfieldsaye Township Structure Plan 2001 - Revised April 2006)	Allows discretion to consider applications for residential and commercial development where all reticulated services are not available.

### Overlay Changes

Implement the recommendations from the *Efficiency Review of the Greater Bendigo Planning Scheme* as follows:

Change	Explanation
<b>DEVELOPMENT PLAN OVERLAY - MAPPING</b>	
Delete Development Plan Overlay 1 (Environmental Management Plans)	<ul style="list-style-type: none"> <li>• Currently applies to all Rural Conservation and Rural Living zoned land;</li> <li>• Inappropriate use of the DPO;</li> <li>• The need for an environmental management plan is to now be a requirement of the rural dwelling and rural subdivision local planning policies</li> </ul>
Amend Development Plan Overlay 2	<ul style="list-style-type: none"> <li>• Delete DPO2 from land already developed for</li> </ul>

Road)	
<b>VEGETATION PROTECTION OVERLAY - MAPPING</b>	
Delete Vegetation Protection Overlay 2 (Significant Vegetation)	To reflect the fully developed nature of the land for residential purposes the VPO2 will be deleted from: <ul style="list-style-type: none"> <li>• Edwina Court, Spring Gully;</li> <li>• Broad Parade, Spring Gully;</li> <li>• 67-69 Keogh Drive, Spring Gully;</li> </ul>
<b>HERITAGE OVERLAY - MAPPING</b>	
Amend the Heritage Overlay	<ul style="list-style-type: none"> <li>• Delete HO6 from 104-108 Garsed Street, Bendigo;</li> <li>• Delete HO50 from part 96 Myrtle Road, Ascot;</li> <li>• Delete HO114 from 198 Don Street, Bendigo and apply to 206 Don Street, Bendigo;</li> <li>• Delete HO230 from 112-114 Pall Mall and apply to 116 Pall Mall, Bendigo;</li> <li>• Delete HO448 from 316 MacKenzie Street and apply to 318 MacKenzie Street, Golden Square;</li> <li>• Delete HO452 from 27 Panton Street, Golden Square and apply to 29 Panton Street, Golden Square;</li> <li>• Delete HO494 from 19 Nettle Street, Ironbark and apply to 50 Lilac Street, Ironbark;</li> <li>• Delete HO500 from 2 Webster Street, Ironbark and apply to 27, 29 &amp; 31 Eaglehawk Road, Ironbark.</li> </ul>
<b>DESIGN AND DEVELOPMENT OVERLAY - MAPPING</b>	
Apply Design and Development Overlay 6 (Ascot)	<p>Apply Design and Development Overlay 6 (Ascot) to land in the following streets in Ascot:</p> <ul style="list-style-type: none"> <li>• Melita Court;</li> <li>• Peake Court;</li> <li>• Forest Drive;</li> <li>• Conboy Street;</li> <li>• Cedar Drive;</li> <li>• Nation Court;</li> <li>• Cahills Road;</li> <li>• Ash Court;</li> <li>• Fairway Drive;</li> <li>• Christovic Place;</li> <li>• Tchumlock Court;</li> <li>• Corella Court;</li> <li>• 119-133, 130-162 Taylor Street; and</li> <li>• 85-107 and 62-112 Strickland Street</li> </ul>
<b>OTHER OVERLAYS - MAPPING</b>	
Apply the Neighbourhood Character Overlay 1 (Bendigo Early Settlement Residential Character)	Apply the Neighbourhood Character Overlay 1 (Bendigo Early Settlement Residential Character) to reflect current use of land at 257, 259, part 261 and part 265 Wattle Street, Ironbark.
Apply the Environmental Audit Overlay	Apply the Environmental Audit Overlay to 17-35 Poplar Street, California Gully.

Plans is a blunt tool and inappropriate use of the DPO. The rural dwelling policy at clause 22.02 has been amended to ensure Council has the discretion to require an environmental management plan.

The amendment will have positive social and economic outcomes as it reduces or eliminates unnecessary matters and removes duplication.

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

The amendment is affected by Minister's Direction No. 6 – Rural Residential Development under section 12 of the Planning and Environment Act 1987. Some land is to be rezoned to Low Density Residential Zone (Ascot) from Residential 1 Zone in Eaglehawk/Myers Flat and Marong. The current minimum lot size has been translated from the DPO3 as it relates to Residential 1 land and inserted into the schedule for the Low Density Residential Zone. This results in no net increase in development potential as the subdivision controls remain unchanged.

See Appendix A for "Requirements to be met under Ministerial Direction No.6".

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

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

The amendment has no effect on the State Planning Policy Framework as the focus of the amendment is to reduce unnecessary permit triggers in the planning scheme, while remaining policy neutral.

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

The amendment makes a minor date correction to the reference document list and a reference in the rural dwelling policy to the need for an environmental management plan. The bulk of the statutory changes are minor in nature and policy neutral.

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

The amendment makes proper use of the Victorian Planning Provisions by removing the inappropriate use of the Development Plan Overlay to control subdivision lot size and utilises the schedule to the Low Density Residential Zone to achieve the same outcome.

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

The preparation of the efficiency review has involved discussion with referral authorities and other government agencies.

# GREATER BENDIGO PLANNING SCHEME

## AMENDMENT C109

### EXPLANATORY REPORT

#### APPENDIX A

#### **Ministerial Direction No.6 - Rural Residential Development:**

The amendment is affected by Minister's Direction No.6 - Rural Residential Development under section 12 of the **Planning and Environment Act**, 1987. Land is proposed to be rezoned from Residential 1 Zone to Low Density Residential north of Ironstone Road at Ascot (50 ha) and at Eaglehawk/Myers Flat (84 ha). The minimum lot size for each area has been translated from the DPO3 as it relates to Residential 1 land and inserted into the schedule for the Low Density Residential Zone. This results in no net increase in development potential as the subdivision controls remain unchanged.

Ministerial Direction No.6 generally relates to the rezoning of rural land to rural residential, however, amendment C109 is a rezoning land from one urban zoning to another of equivalent density. Therefore, much of the justification required by the Direction does not directly apply.

#### **1. Introduction**

##### **Ironstone Road, Ascot Area:**

The area is currently zoned Residential 1 with a DPO3, minimum lot size 0.4 (ha) (schedule 3 to clause 43.04, MAP 3).

The *Northern Corridor & Huntly Local Structure Plan 2005*, is a Reference Document in the Greater Bendigo Planning Scheme (clause 21.10). The scheme recommends the implementation of the recommendations of the *Northern Corridor & Huntly Local Structure Plan 2005*, in particular, to rationalise the Development Plan Overlay provisions that apply to residential land, following a review of the Low Density Residential Zone (clause 21.06-4).

The *Northern Corridor & Huntly Local Structure Plan 2005* states that "rezoning of this area to Low Density Residential and removal of the overlay will simplify current planning controls" (page 66) and delineates the land for a Low Density Residential zone in the Structure Plan (Figure 1, page 7).

##### **Eaglehawk/Myers Flat Area:**

The various areas are currently zoned Residential 1 with a DPO3, minimum lot size 1.5 (ha) (schedule 3 to clause 43.04 MAPs 1 & 2).

- It is part of urban Bendigo and can readily access social and community infrastructure e.g., there is a new sub-regional shopping village to the south and a new recreation reserve to the north within walking distance; and
- The area can be fully serviced with extensions to existing engineering infrastructure.

#### **Eaglehawk/Myers Flat Areas:**

These areas are also within the UGB, however, the same caution about assuming all infill sites are suitable for residential development at normal urban densities is highlighted. The subject areas are low density in nature with a minimum lot size of 1.5 (ha), however, capable of sustaining viable communities because:

- The areas benefit from social and community infrastructure, being on the periphery of urban Eaglehawk; and
- The areas are already established, low density residential settlements forming part of Eaglehawk.

- **Does the proposal compromise the sustainable future use of existing natural resources, including productive agricultural land, water, mineral and energy resources?**

#### **Ironstone Road, Ascot Area:**

The land has an area of 50.82 (ha) in 13 allotments containing 6 houses. The land is generally fragmented, although the largest 3 parcels are within family ownership with a combined area of 31 (ha). The land is rural residential in nature, abutting the Wellsford Forest (part of the Bendigo Regional Park) and is bisected by Back Creek (Huntly).

The proposal will not compromise agricultural land, water, mineral and energy resources because:

- The land is already fragmented into unviable units, incapable of sustaining commercial agriculture.
- The land is of poor agricultural quality requiring broad-acres to be sustainable; and
- The location is bounded by forested Crown land to the north and east and urban development to the south and west and therefore, incapable of consolidation into a large agricultural parcels.

#### **Eaglehawk/Myers Flat Areas:**

These are older, established areas already committed to low density development. The areas are fragmented into separate landholding of poor agricultural quality:

	No. of allotments	No. of houses	Total Area
Area 1	40	36	40.48 (ha)
Area 2	31	29	36.63 (ha)
Area 4	14	12	36.39 (ha)

Source: Efficiency Review 2008, page50.



- The Urban/Forest interface policy (clause 22.01) protects and maintains the environmental values of adjoining forested areas.
- **Does the proposal avoid predictable adverse environmental processes and effects, such as flooding, erosion, landslip, salinity or wildfire?**

**Ironstone Road, Ascot Area:**

The subject land has a high water-table<sup>2</sup>, which is an indicator of potential salinity problems. It is also bisected by Back Creek and parts of the land are subject to inundation<sup>3</sup>.

The *Northern Corridor & Huntly Local Structure Plan*, 2005, states the following:

The area north of Ironstone Road is affected by the flood-plain of Back Creek (west side) and has an extensive boundary to the Wellsford Forest (east side). A Development Overlay applies to the area, restricting development to lots of 4,000m<sup>2</sup>. Development of the land at a low density is compatible with its location and character. Rezoning of this area to Low Density Residential and removal of the overlay control will simplify current planning controls (page 66).

There are predictable environmental issues effecting the subject land, however, the proposal is supported because:

- Any future subdivision layout will be required to address and be responsive to servicing, environmental, contamination, cultural heritage and location and character issues; and
- Engineering solutions will address flooding issues with design and management solutions for other environmental constraints.

**Eaglehawk/Myers Flat Areas:**

Similar issues effect the subject areas, including previous mining activity and unavailability of reticulated sewerage. The current zoning of Residential 1 (R1Z), is not an accurate reflection of the current use and ownership pattern.

There are predictable environmental issues effecting the subject areas, however, the proposal is supported because:

- The rezoning to Low Density Residential with a scheduled 1.5 (ha) minimum allows for better management and environmental outcomes, particularly drainage and domestic wastewater management.

<sup>2</sup> <2 metres in Draft, Depth to Watertable Model for Bendigo Urban Growth Area, May 2006

<sup>3</sup> *Back Creek Flood Study*, 2008, Earth Tech, Figure 4.1