

**CENTRAL GOLDFIELDS  
PLANNING SCHEME  
AMENDMENT C18**

**PANEL REPORT**

**OCTOBER, 2008**

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A handwritten signature in black ink, appearing to read 'M. Marsden', written in a cursive style.

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Mark Marsden, Chair

**OCTOBER, 2008**

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# 1. Summary

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Amendment C18 to the Central Goldfields Planning Scheme proposes to apply new zones and overlays to a number of properties in the Maryborough township to facilitate major development opportunities.

The sites were identified in the Maryborough Urban Design Framework (UDF) and the *Maryborough Urban Prospects* projects, and aim to promote economic development and achieve planning, built form and social outcomes.

The properties include the Maryborough Railway Station common, four former school sites, two former church sites, a former TAFE building, a service station and a dwelling.

The former school sites have become available for development opportunities as a result of a State Government initiative to construct a new school in Maryborough which combines early learning, primary, secondary and other specialist educational needs. The former school sites are therefore surplus to the Department of Education and Training's needs.

Development Plans for two of the former school sites - Maryborough High School and Maryborough East Primary School - were exhibited with the Amendment. The Development Plans show that both sites will be developed with retirement villages.

Submissions received from local residents to the Amendment concerned the Development Plan that has been prepared for the former Maryborough High School site and the rezoning of the former Maryborough Primary School site and two former church properties.

Submissions in response to the Development Plan for the former Maryborough High School site raise issues in relation to traffic, loss of amenity and water supply.

Submissions made in relation to the rezoning of the former Maryborough Primary School site and the two former church properties concern traffic, loss of open space, impact on heritage and excess residential land supply.

The Panel considers the concerns expressed in the submissions are unfounded and that the Amendment should be approved.

The Panel also suggests that proposed Clause 22.06 should be deleted and that changes be made to Clause 21.12 of the MSS and the schedule to the Development Plan Overlay.

The Panel commends Council for the initiative to stimulate economic development and encourage development that meets the future housing and civic needs of the municipality. The Panel supports Council's submission that Amendment C18 is a text book example of good strategic planning.

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## 2. Background

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### 2.1 The Amendment

Amendment C18 to the Central Goldfields Planning Scheme, as exhibited, proposes to:

- rezone the former Maryborough High School site (including tennis court site) at 19-35 Palmerston Street from the Public Use Zone 6 to the Residential 2 Zone;
- rezone the former Maryborough Primary School at 65-71 Inkerman Street site from the Public Use 6 Zone to part Business 5 and part Residential 2;
- rezone the former 4<sup>th</sup> Wesleyan Church at 65 Inkerman Street from the Public Use 6 Zone to the Business 5 Zone;
- rezone the former church building at 63 Inkerman Street from the Residential 2 Zone to the Business 5 Zone;
- rezone the former Maryborough East Primary School site from the Public Use 6 Zone to the Residential 1 Zone;
- rezone 65 Victoria Street and 59-63 Victoria Street North from the Public Use 6 Zone to the Mixed Use Zone;
- rezone 1 Tuaggra Street from the Public Use 6 Zone to the Mixed Use Zone;
- apply the Development Plan Overlay, Schedule 2 to the former Maryborough High School site (excluding the tennis courts site), former Maryborough Primary School site and former Maryborough East Primary School site;
- apply the Development Plan Overlay, Schedule 3 'Railway Station Precinct' to 65 Victoria Street, 59-63 Victoria Street North and 1 Tuaggra Street;
- apply the Environmental Audit Overlay to 65 Victoria Street; and
- introduce Local Planning Policy Clause 22.06 'Maryborough Urban Prospects'.

The planning authority is Central Goldfields Shire Council.

A request to approve a Development Plan applying to the former Maryborough High School site was made by Havilah Hostel Inc. and a request to approve a Development Plan applying to the former Maryborough East Primary School site was made by NDH Developments Pty Ltd.

The Development Plan of the former Maryborough High school site shows a proposed Residential Village with both independent and assisted living units and the Development Plan for the former Maryborough East Primary School shows a proposed Retirement Village.

## 2.2 The Panel

This Panel was appointed under delegation on the 25 August, 2008 pursuant to Sections 153 and 155 of the *Planning and Environment Act 1987* to hear and consider submissions in respect of the Amendment.

The Panel consisted of:

- Chairperson: Mark Marsden

### **Procedural issues**

Jenny Moles was originally appointed to chair the Panel hearing. Due to Ms Moles' unavailability, she was replaced by Mark Marsden.

Ms Virginia Cox contacted Planning Panels Victoria requesting an adjournment of the Hearing due to her unavailability on 26 September, 2008. She also claimed she received incorrect advice from Council as to the date of the Hearing.

Following consideration of her request, the Panel advised Ms Cox that given the late request for the adjournment and the clear indication in the letter advising of the Hearing date that it would not be reasonable to grant the request.

### **Hearings and inspections**

No Directions Hearing was held.

The Panel Hearing was held on 26 September, 2008 at Maryborough Town Hall, 71 Clarendon Street, Maryborough.

The Panel inspected the site and surrounding areas, making unaccompanied visits to the following locations:

- the former Maryborough High School, 19-35 Palmerston Street;
- the former tennis courts, 19-35 Palmerston Street;
- the former Maryborough Primary School 404, 65-71 Inkerman Street;
- the former Maryborough East Primary School 2828, 60-62 Gillies Street;
- the former 4<sup>th</sup> Wesleyan Church, 65 Inkerman Street;
- the Railway Station precinct; and

- the Tren DuBourg Hall, 3 Neill Street.

### Submissions

The Amendment was exhibited for four weeks between 12 June, 2008 and 14 July, 2008.

A total of nine submissions (include one submission with 12 signatures) were received. None of the referral authorities objected to the Amendment.

The objecting submissions related to the following four properties affected by the Amendment:

- 19-35 Palmerston Street (former Maryborough High School site);
- 65-71 Inkerman Street (former Maryborough Primary School site);
- 65 Inkerman Street (former 4<sup>th</sup> Wesleyan Church); and
- 63 Inkerman Street (former church site).

The issues raised in submissions included:

- traffic;
- loss of amenity;
- water supply;
- open space;
- impact on heritage buildings; and
- excess supply of residential land.

The Panel have considered all written and oral submissions and all material presented to it in connection with this matter.

The Panel heard the parties listed in Table below.

**Table 1 List of parties heard by Panel**

Submitter	Represented By
Central Goldfields Shire Council	Ms Jessica Hurse, Technical and Development Services project officer, assisted by Ms Miriam Smith, Town Planner
Ms Juliet Sheed	
NDH Developments Pty Ltd c/ Contour Consultants	Mr Tim Burgess
Havilah Hostel Inc c/ GHD	Mr Matthew Payne, who called Mr Uwe Paffrath, traffic engineer, of GHD

A list of all written submissions to the Amendment is included in Table 2.

**Table 2 List of submitters**

<b>Submitter</b>	<b>Organisation (if any)</b>
Ms N Trudgeon	
Ms V Cox (on behalf of 12 signatories)	
J Stokkel	
J & S Sheed	
Mr B Young	Department of Sustainability and Environment
Mr D O'Sullivan	VicRoads
Mr D Clements	Central Highlands Water
Mr R Tonkin	Heritage Victoria

### 3. What is proposed?

#### 3.1 The subject site and surrounds

Amendment C18 affects a number of separate properties all contained within the Maryborough township. The properties include:

**Table 3 Properties included in Amendment C18**

Property	Former/current use and current zoning	Proposed zoning and overlay
59-63 & 65 Victoria Street, and 1 and 5-7 Tuaggra Street, Maryborough (Railway Station precinct)	Former service station, TAFE building, former Hotel and private residence Public Use Zone 6	Mixed Use Development Plan Overlay – Schedule 3 Environmental Audit Overlay
19-35 Palmerston Street, Maryborough.	Former Maryborough High school Former tennis courts Public Use Zone 6	Residential 2 Zone Development Plan Overlay – Schedule 2
65-71 Inkerman Street, Maryborough.	Former Maryborough Primary School Public Use Zone 6	Business 5 Zone Residential 2 Zone Development Plan Overlay – Schedule 2
65 Inkerman Street, Maryborough	Former 4 <sup>th</sup> Wesleyan Methodist Church Public Use Zone 6	Business 5 Zone
63 Inkerman Street, Maryborough	Former Church Residential 2 Zone	Business 5 Zone
6-62 Gillies Street, Maryborough	Former Maryborough East Primary School Public Use Zone 6	Residential 1 Zone Development Plan Overlay – Schedule 2

In addition, the Amendment proposes to introduce a new local policy into Clause 22 – the *Maryborough Urban Prospects* policy.

## 3.2 Background to the proposal

The Maryborough Urban Design Framework (UDF) was adopted by Council in 2006. A key outcome of the UDF was a recommendation that Council purchase the former four school sites to ensure:

- appropriate use;
- timely development; and
- appropriate built form.

The school sites were sold to Council by the Department of Education and Training (DET) in 2006. DET has developed a new school in the northern parts of Maryborough that combines education for early learning, primary, secondary and special learning.

A condition of the sale was that the sites be zoned Public Use 6 (PUZ – Local Government) six months after the sale. The rezonings occurred through Amendment C15 approved in January 2008.

Council's intention is to sell the former school sites to facilitate residential development projects that meet Maryborough's emerging housing needs, particularly for the ageing population.

The former Maryborough High School site in Palmerston Street and the former Maryborough East Primary School in Gillies Street are in the process of being sold to individual private developers who propose a retirement village on each site.

Development plans for each site have been submitted and were exhibited as part of the Amendment.

Key features of the former Maryborough High School site Development Plan are:

- 90 units of accommodation, including 30 bed residential aged care facility and up to 60 units for retirement living;
- aged care facility comprising studio apartments with single bedroom, lounge, kitchenette, concealed laundry, patio and secure access to Community Centre;
- Independent/Assisted Living Units comprising dwellings between 100<sup>m</sup><sup>2</sup> to 120<sup>m</sup><sup>2</sup> plus single car garage;
- redevelopment/refurbishment of heritage-listed 'Spanish Mission' former school building for communal facilities; and
- associated open space/landscaping, car parking and driveways.

Key features of the former Maryborough East Primary School site Development Plan are:

- 50 independent living units;
- redevelopment/refurbishment of heritage-listed gothic-style former school building for communal facilities and café; and
- associated open space/landscaping, car parking and driveways.

Another feature of the UDF was the Maryborough Civic and Community project, which involves the redevelopment of four hectares of land on the Railway Station common to establish new Council offices, recreational and entertainment areas and facilities, open space and car parking.

The purpose of the Victoria Street North/Tuaggra site zoning is to facilitate an integrated development that would complement the Civic and Community project.

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## **4. Planning policy context**

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Council's submission provides a concise summary of the relevant State and local policies relevant to this Amendment.

### **4.1 Policy framework**

#### **4.1.1 State Planning Policy Framework**

Relevant clauses of the SPPF include:

- Clause 14 – Settlement
- Clause 15 – Environment
  - Clause 15.11 – Heritage conservation
- Clause 16 – Housing
  - Clause 16.02 – Medium density housing
- Clause 19.03 – Design and Built Form

The Panel considers that Amendment C15 supports the thrust of the above policies.

#### **4.1.2 Local Planning Policy Framework**

##### **Municipal Strategic Statement**

- Clause 21.06 – Residential Development
- Clause 21.10 - Heritage
- Clause 21.12 – Strengthening the Regional Role of Maryborough

##### **Local planning policy**

- Clause 22.01 – Urban design
- Clause 22.03 – Heritage

The relevant objectives under Clause 21.06 include:

Objective 1 - to develop a settlement pattern based on population being directed to Maryborough as a sub-regional centre and to limit new residential development to in-fill areas.

Objective 3 – provide opportunity for residential development in a range of types, lot sizes and costs.

A key strategy of this objective is to identify locations for future retirement and aged persons accommodation.

The Urban Design and Heritage objectives include strategies to encourage sympathetic development and to conserve and enhance buildings and assets of historic interest or special or cultural value.

The Panel supports Council's submission that the sites are ideal locations for high quality medium density in-fill development and that the rezonings will create new opportunities for retirement living.

## **4.2 Planning scheme provisions**

### **4.2.1 Zones**

Current zones affecting the various sites include:

- Public Use Zone 2 – Education;
- Public Use Zone 6 – Local Government;
- Residential 2 Zone.

Proposed zones are:

- Business 5 Zone;
- Mixed Use Zone;
- Residential 1 Zone;
- Residential 2 Zone.

### **4.2.2 Overlays**

Current overlay affecting the various sites include:

- Heritage Overlay;
- Land Subject to Inundation Overlay.

Proposed zones are:

- Development Plan Overlay;
- Environment Audit Overlay.

## **4.3 Other planning strategies**

Council has prepared the Maryborough Urban Design Framework (UDF) (2005) which includes recommendations to develop the former school sites for a range of potential uses including medium density housing.

## 4.4 Issues from the Strategic Assessment Guidelines

The purpose of the Strategic Assessment Guidelines is to provide a consistent framework for the evaluation of a proposed planning scheme amendment and the outcomes it produces.

The Guidelines require the Panel to consider:

- Is an amendment necessary?
- Does the Amendment comply with the requirements of the Planning & Environment Act?
- Does the Amendment support or implement the SPPF?
- How does the Amendment support or implement the LPPF, and specifically the MSS?
- Does the Amendment make proper use of the VPP?
- How does the Amendment address the views of relevant agencies?
- Have the resource and administrative implications of the Amendment for the responsible authority been properly considered?

The Panel has considered the response to the Strategic Assessment Guidelines included in the exhibited Explanatory Report for the Amendment, together with submissions on the guidelines from Council. The Panel endorses Council's response and considers that no issues are raised by an assessment against the Strategic Assessment Guidelines.

## 4.5 Compliance with Practice Notes

The following Practice Notes are relevant to the consideration of this Amendment:

- Applying the Incorporated Plan and Development Plan Overlays;
- Biodiversity; and
- Vegetation protection in urban areas.

The Panel considers the Amendment complies with the relevant practice notes. It notes that an application for a planning permit to remove native vegetation on sites more than 0.4 ha will be required, which will trigger a net gain assessment under the *Native Vegetation Framework – A Framework for Action*.

## 4.6 Form and content

The Minister has made a direction under Section 7(5) in relation to the form and content of planning schemes that specifies:

- the format of the planning scheme;
- the need to write in plain English;
- the inclusion of schedules;
- the use of maps;
- the listing of certain uses in Section 1 of zones;
- the use a of the Special use Zone for extractive industry;
- that a planning scheme may only include land in a Public Use Zone, a Public Park and Recreation Zone or a Public Conservation and Resource Zone if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council;
- requirements relating to the City Link Project Overlay;
- that if a planning scheme includes land in an Airport Environs Overlay, the planning scheme must include a specified schedule; and
- that a road which is declared as a freeway or an arterial road under the Road Management Act 2004 must be shown as a Road Zone - Category 1 on the planning scheme maps.

In addition *Using Victoria's Planning System, Chapter 9: Plain English* provides advice on form and content as do the following practice notes:

- Writing schedules;
- Using maps in planning schemes;
- Applying the Public Land Zones;
- Writing a local planning policy;
- Format of Municipal Strategic Statements; and
- Incorporated and reference documents.

The Panel considers that Council has complied with the relevant Minister's directions, though makes comment on whether there is a need for proposed Clause 22.06 *Maryborough Urban Prospects*.

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## 5. Identification of issues

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### 5.1 Summary of issues

The key issues raised in the submissions of the various parties are briefly summarised as follows:

#### Planning authority

Amendment C18:

- presents a key rejuvenation opportunity for the Shire to complement and bolster industrial development occurring in the region;
- represents a once in 100+ year opportunity for high quality residential development;
- will ensure Council objectives for the redevelopment of the sites are fully implemented;
- heritage buildings on the sites will be retained and used for contemporary purposes;
- builds on early strategic planning tasks, most notably the Maryborough UDF;
- encourages the implementation of Council's corporate plan objectives in regard to improved employability, liveability and promotability; and
- utilises the planning scheme provisions to foster and encourage good development in terms of use, design and timing.

#### Government departments and agencies

The Department of Sustainability & Environment, Central Highlands Water and Heritage Victoria did not object to the Amendment.

#### Havilah Hostel Inc

- Proposed Development Plan of former Maryborough High School site is considered to have responded to the geometric layout of the site and the layout, setbacks, scale and bulk of the heritage precinct; and
- Forecourt to the heritage building is appropriately landscaped, and no communal car parking is to be located within the forecourt.

**Panel note: Havilah Hostel Inc's responses to the grounds of objection are summarised in Chapter 6 of this Report.**

### **NDH Developments Pty Ltd**

- the proposed new zoning and overlay controls for the former East Maryborough Primary School site are supported by State and local planning policy;
- the Strategic Assessment Guidelines are satisfied;
- Draft Development Plan for site have been formulated following a rigorous analysis of the site's opportunities and constraints;
- all relevant considerations have been addressed by suitably qualified experts; and
- if an alternative development scenario is proposed for the site, a new Development Plan would need to be prepared and this would need to go through a thorough assessment to ensure an acceptable outcome.

### **Individual submitters**

Five submissions from local residents were received. One of these submissions contained 12 signatures.<sup>1</sup>

The five submissions concern the former Maryborough High School site, the former Maryborough Primary School site, the former 4<sup>th</sup> Wesleyan Church site and the former Church building site in Inkerman Street.

The key issues raised in the submissions of the various parties are briefly summarised as follows:

- siting of entry/exit points for the proposed Retirement Village on the former Maryborough High School site, which will result in:
  - potential traffic conflict with vehicles exiting driveways on opposite side of road;
  - vehicle headlights into dwelling and yard; and
  - concentration of increased traffic in this part of the road.
- traffic conflict from the proposed Raglan Street entry/exit (Neill Street end) with vehicles turning into Raglan Street from Neill Street;
- location of proposed Palmerston Street entry/exit opposite the Masonic Lodge at the corner of Palmerston Street and Havelock Street;
- relocation of the Raglan Street entry/exit (Inkerman Street end) to opposite the Church in Raglan Street;
- need for the future developments on former Maryborough Primary School site, former 4<sup>th</sup> Wesleyan Church and former Church site in Inkerman Street to have public open space;

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<sup>1</sup> The Panel notes that the 12 signatures included the same signature to the main letter and a number of signatures of other submitters to Amendment C15

- 
- need to protect heritage significant Wesleyan church buildings with open grassed area, rather than introduction of Business 5 Zone; and
  - the redevelopment of the former school sites with residential uses will create an over supply of housing in Maryborough, particularly given the population of Maryborough is growing very slowly.

## **5.2 Issues dealt with in this Report**

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from inspections of specific sites.

The Panel identified two key issues that need to be addressed in consideration of Amendment C18. These can be summarised as follows:

- response to local resident submissions on traffic, amenity, open space, heritage and residential land supply; and
- whether there is a need for proposed Clause 22.06 Maryborough Urban Prospects given the opportunity to amend existing policies in the planning scheme.

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## **6. Response to local resident submissions**

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### **6.1 What is the issue?**

The submissions received to the Amendment raised concerns with the following properties:

- 19-35 Palmerston Street - former Maryborough High School site; and
- 65-71 Inkerman Street – former Maryborough Primary School site, 65 Inkerman Street – former 4<sup>th</sup> Wesleyan Church site and 63 Inkerman Street – former Church building site.

The concerns raised in relation to the former Maryborough High school site were in response to a Development Plan that has been prepared for the site, which was exhibited with the Amendment.

Specifically, the concerns related to traffic, loss of amenity and lack of water supply.

The concerns raised in relation to the Inkerman Street properties were about traffic, impact of new buildings on existing heritage buildings, need for public open space and over supply of residential land.

### **6.2 Evidence and submissions**

#### **6.2.1 19-35 Palmerston Street (former Maryborough High School site)**

##### **Traffic**

N Trudgeon expressed concern with traffic conflict from the proposed location of the Raglan Street crossover (Neill Street end) with vehicles turning into Raglan Street from Neill Street. The submitter said there was insufficient distance between the intersection and the proposed crossover.

J Stokkel expressed concern with the location of the proposed crossover in Palmerston Street opposite Havelock Street, and suggested that the crossover be relocated to the proposed pedestrian access point closer to Neill Street.

Ms Virginia Cox submitted that the proposed crossover in Palmerston Street between Inkerman Street and Havelock Street:

- obstructed a clear and safe exit/entrance from both her own and her neighbour's driveways;

- would result in vehicle headlights shining into and onto her property; and
- concentrated more traffic in this specific part of Palmerston Street.

In a subsequent written submission to the Panel, Ms Cox suggested that Neill Street should be considered as an entry/exit point to the site because it would not have an impact on residential properties and that encoded barrier gates could be installed to prevent unlawful entry to the site.

The proponent engaged Mr Uwe Paffrath, a civil engineer with GHD, to respond to the concerns with traffic issues.

Mr Paffrath's findings were that:

- whilst there would be some impact on the amenity of the affected properties from vehicle headlight glare, the impact will be relatively insignificant and is not sufficient to require a re-design of the proposed entry/exit points;
- given negligible increases of traffic volumes, traffic generation of the proposed development would not adversely impact on existing road network operation; and
- the proposed development would not generate a warrant for the provision of additional pedestrian facilities.

In response to the concern raised about the Raglan Street crossover, Mr Paffrath stated that traffic exiting the site from this point could be restricted to make a left hand turn only. He indicated that whilst the proponent was willing to make this change, it was not necessary to address a perceived traffic problem.

In response to the concern with the crossover in Palmerston Street opposite Havelock Street, Mr Paffrath did not consider there was a traffic safety issue and that relocating the crossover further to the east where the pedestrian access point is located could create an opportunity for a "rat run" through the site.

Mr Payne for Havilah Hostel Inc stated at the Hearing that providing a crossover along the Neill Street frontage was not supported by Council and did not need to be considered given the advice from the expert traffic engineer that the proposed crossovers in Palmerston Street and Raglan Street would not result in traffic safety concerns.

Council submitted that it was satisfied that traffic issues had been adequately addressed and did not consider changes to the Development Plan were required. However, it accepted the suggestion of the left out exit from the

Raglan Street crossover near Neill Street. It also agreed that a street tree between the proposed crossover and Neill Street could be removed to improve visibility.

### **Water supply**

Ms Cox's submission included a hand written addendum that expressed concern about the availability of water.

Council noted the Development Plan showed provision for water tanks and that Central Highlands Water did not object to the proposal.

## **6.2.2 65-71 Inkerman Street – former Maryborough Primary School site, 65 Inkerman Street – former 4th Wesleyan Church and 63 Inkerman Street – former Church building**

### **Traffic**

During the hearing, Ms Sheed expressed concern about the impact of traffic on Inkerman Street given that Inkerman Street was now the most direct route to the newly established combined school site to the north. Further, she raised concern with the number of accidents at the Inkerman/Clarendon Street intersection.

### **Open space**

Ms Sheed submitted that the sites should include provision for public open space. At the Hearing, Ms Sheed stated that the main public open spaces areas were on the south side of the township, and there was a need to have more open space on the north side.

### **Impact on heritage**

Ms Sheed was concerned that the Business 5 Zone would allow the construction of buildings in close proximity to existing heritage buildings thus distracting from their heritage significance. Ms Sheed also stated that providing open space around the buildings would ensure that the setting of the heritage buildings are protected.

### **Supply of residential land**

Ms Sheed referred to the Maryborough UDF, which stated that there would only be minimal growth in Maryborough over the next 20 years and that the sites could be put to better use than only medium density housing.

In response to the concerns raised, Council submitted that:

- Maryborough is well served by public open space, and that the priority of the recently completed Recreation Strategy Plan is to improve existing public open space than create new open space;
- however, new public open spaces areas will be created in Maryborough with the redevelopment the Railway Station common for recreational and entertainment areas and facilities and open space;
- there was a significant open space area three blocks north of the subject sites (California Gully Reserve);
- the built form and layout of any proposed future development will be sympathetic to the heritage area and neighbourhood character through the application of the Development Plan Overlay, the existing Heritage Overlay and the application of the new local planning policy;
- appropriate setbacks and design consideration for any development will be undertaken at the planning permit stage; and
- although population growth in Maryborough is not expected to grow significantly, there is a strong demand for new dwellings as household sizes decrease.

## **6.3 Discussion**

### **6.3.1 19-35 Palmerston Street (former Maryborough High School site)**

#### **Traffic**

The Panel considers that the concerns raised by submitters about the potential safety concerns with the proposed crossovers and the loss of amenity by vehicle headlights shining into properties and concentration of traffic at the proposed crossovers are unfounded.

In any typical residential area such as this one there are numerous crossovers which are successfully negotiated by motorists on a daily basis.

Of course motorists have to take care, but there is no reason why motorists accessing the subject site will not take care.

The Panel notes that the topography of the area is flat, the streets are straight and the pavement relatively wide, all of which are conducive to good visibility and ease of manoeuvrability.

The Panel also considers that the shining of headlights into private properties and concentration of traffic at the proposed access points will not cause unreasonable loss of amenity. As stated by the proponent's traffic engineer, traffic volumes for retirement villages are typically low and the shining of headlights into private properties will be relatively insignificant.

It is the Panel's view that the proposal to develop a retirement village on the subject site would result in a lower loss of amenity than a typical residential subdivision or medium density housing development. A typical residential subdivision would normally result in crossovers for each property and also result in higher traffic volumes than what could be expected for a retirement village, with aged persons who have lower rates of car ownership (as evident by the proposal to provide only one car space to each dwelling) and who are likely to drive less.

Given the above comments, the Panel does not consider that there is any justification for relocating the proposed crossovers at the subject site.

However, the Panel accepts the proposal to have the Raglan Street crossover at the Neill Street end to be limited to an exit left hand turn only movement (although it notes Mr Paffrath's comment that this is not required to address traffic safety concerns).

### **Water supply**

The Panel notes that Central Highlands Water, which is the authority for providing water supply, has not objected to the proposal. However, it would be appropriate for the proponent to pursue water conservation initiatives with Central Highlands Water and Council as part of the planning permit/building permit stages.

### **6.3.2 65-71 Inkerman Street – former Maryborough Primary School site, 65 Inkerman Street – former 4th Wesleyan Church and 63 Inkerman Street – former Church building**

#### **Traffic**

Whilst the Panel notes the concerns raised by Ms Sheed, Council has an on-going responsibility for traffic management and road safety on its local road network. Accordingly, Council will need to assess the traffic impacts of any future developments of the sites as part of the planning permit applications.

#### **Open space**

The Panel accepts Council's submission that Maryborough is very well served by public open space, and that the priority is to improve existing open space areas than create new ones. The Panel does not consider there is any need to provide public open space on the subject sites (though notes any future subdivision of the land may trigger a public open space contribution under the *Subdivision Act, 1988*).

## Heritage

The Panel accepts Council's submission that the impact of any future development on heritage buildings will need to be considered at the planning permit stage. The Panel agrees that the requirements of the Development Plan and existing Heritage Overlay will ensure due consideration will be given to impacts on heritage. The Panel notes by way of passing that the proposed development of Havilah Hostel Inc development on the former Maryborough High School site is a good example of a development responding to the heritage issues relevant to the site.

## Residential land supply

The Panel accepts Council's submission that additional dwellings need to be constructed to accommodate demand arising from smaller household size, and that different housing forms need to be constructed to meet the needs of an ageing population.

## 6.4 Conclusions

The Panel concludes that in relation to the former Maryborough High School site:

- the proposed development of the site with a retirement village will result in an negligible increase of traffic;
- the proposed location of the crossovers will not have an impact on road safety;
- the proposed location of the crossovers will not have an unreasonable impact on the amenity of existing residents; and
- the proposal to limit the Raglan Street crossover at the Neill Street end to a left hand turn exit only is acceptable.

The Panel concludes in relation the former Maryborough Primary School site and two former Church properties in Inkerman Street:

- traffic impacts as a result of future development will need to be assessed by Council;
- given extensive existing public open space areas in Maryborough, there is no need for land to be set aside for public open space;
- any future applications on sites with existing heritage buildings will need to be assessed against the requirement of the proposed Development Plan Overlay and the existing Heritage Overlay; and
- given the decrease in household sizes, future development of the Inkerman Street sites with residential uses will not result in an excessive supply of residential land in Maryborough.

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## **7. Is there a need for proposed Clause 22.06 given the opportunity to amend existing policies in planning scheme?**

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### **7.1 What is the issue?**

The Panel mentioned at the Hearing that the Department of Planning and Community Development (DPCD) was undertaking a project to reduce the size of local planning schemes, with a focus on reducing if not eliminating unnecessary policy.

The Panel indicated at the Hearing that it may not be necessary to pursue proposed Clause 22.06 *Maryborough Urban Prospects* because relevant provisions could be included in the existing planning scheme, including the Municipal Strategic Statement (MSS) - Clause 21.06 *Residential Development* or Clause 21.12 *Strengthening the Regional Role of Maryborough* and in the schedules to the Development Plan Overlay.

Since the Hearing, the Panel has examined the proposed policy in more detail.

### **7.2 Policy context of the issue**

The initiative to streamline planning schemes arose from the *Cutting Red Tape* review and *Making Local Policy Stronger* report. Both reports are available on the DPCD web site. As an outcome of the *Making Local Policy Stronger* report, DPCD is reviewing the structure of the Local Planning Policy Framework (LPPF) to reduce the extent of duplication that exists with the current structure.

### **7.3 Evidence and submissions**

Ms Hurse representing Council at the Hearing accepted there could be an opportunity to remove unnecessary policy, however stated that a benefit of the proposed policy was to have an integrated policy in the planning scheme that addressed all the sites subject to the Amendment. Further, she stated that it may not be possible to amend the MSS as part of this Amendment as it was not included in the exhibited documents.

## 7.4 Discussion

For the reasons set out below, the Panel considers that there is a strong case to delete proposed Clause 22.06 from the Amendment.

### Policy basis

The policy basis provides a fairly lengthy description of the sites. Such descriptions add unnecessary length to the planning scheme and are not needed to assist in the exercise of discretion.

The policy basis makes reference to the Maryborough UDF. However, the Panel notes that Clause 21.12 of the MSS includes a specific policy on the Maryborough township. It would be preferable that the *Strengthening the Regional Role of Maryborough* policy is updated to reflect the outcomes of the Maryborough UDF and the *Maryborough Urban Prospects* project.

An outcome of the proposed approach of inserting proposed Clause 22.06 and not updating Clause 21.12 is inconsistency in the planning scheme as it relates to Maryborough.

### Objectives

Four objectives are included in proposed Clause 22.06. The Panel makes the following comments in relation to each of the objectives:

- Objective 1 is more like a strategy that could be inserted into the list of strategies under Objective 3 in Clause 21.06 or Objective 1 in Clause 21.12. It may be more appropriate to include in Clause 21.12 because Clause 21.06 is limited to residential development;
- Objective 2 is similar to Objective 1 in Clause 21.12, and could be deleted;
- Objective 3 is more like a strategy that could be inserted into the list of strategies under Objective 1 in Clause 21.12. It may be more appropriate to include in Clause 21.12 because Clause 21.06 is limited to residential development; and
- Objective 4 is similar to Objective 1 in Clause 21.12, and could be deleted.

### Policy – Exercising discretion

Proposed Clause 22.06 has a number of provisions under the sub-heading of *Exercising discretion*.

The Panel considers that the provisions are generally acceptable, however there is no reason why the provisions could not be included in Schedule 2 of the Development Plan Overlay.

The Panel suggests that the provisions be inserted as Clause 4 *General Requirements*. The *Area Specific Requirements* could be renumbered to Clause 5 in the schedule.

### **Policy – Decision Guidelines**

Proposed Clause 22.06 also includes a number of Decision guidelines. The Panel notes that the guidelines are very similar to the decision guidelines in the schedules. It is suggested that Council review the two sets of decision guidelines and develop a consolidated set of decision guidelines suitable for inclusion in the schedules.

### **Implementation of Panel suggestions**

If Council accepts the Panel's suggestion to not proceed with proposed Clause 22.06 and consider reviewing sections of the MSS and the schedule to the Development Plan Overlay, a question arises as to whether changes could be made to the MSS without any further public exhibition.

In the Panel's view, its suggestions do not alter the strategic intent of Amendment C18 and Council should be able to seek approval of the Amendment without further exhibition.

However, the Panel is mindful that Council is about to commence a review of its planning scheme and it therefore may be appropriate that a more comprehensive review of Clause 21.12 is undertaken as part of that process.

Should the suggestions to amend the MSS be deferred as part of the planning scheme review, the Panel considers that the rezonings and the provisions of the schedules to the Development Plan Overlay will ensure Council's planning objectives for the sites subject to the Amendment are achieved.

## **7.5 Conclusions**

The Panel concludes that:

- Clause 22.06 could be deleted from Amendment C18; and
- changes should be made to Clause 21.12 and the schedules to the Development Plan Overlay as suggested in section 7.4 of this Report.

## **8. Recommendations**

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Based on the reasons set out in this Report, the Panel recommends:

Amendment C18 to the Central Goldfields Planning Scheme should be adopted subject to the following recommendations:

- Clause 22.06 be deleted from Amendment C18; and
- Changes be made to Clause 21.12 and the schedules to the Development Plan Overlay as suggested in section 7.4 of this Report.