

16 Implementation of the ODP

The primary implementation of the ODP will be via changes to the Macedon Ranges Planning Scheme. This section of the report outlines the recommended package of planning controls to be included in a Planning Scheme amendment.

The full implementation of the ODP will require further work in some areas (e.g. vegetation protection) and is likely to take place over a number of years. The key recommendations regarding 'further work' are also outlined.

16.1 Planning Scheme Amendment

The first recommendation is to introduce this report and accompanying plans into the Macedon Ranges Planning Scheme. Without including the report in this manner it will not have any statutory weight when considering permit applications, and thus cannot be relied upon by Council when making decisions.

16.2 Agreed Form of Amendment

The first series of recommendations include undertaking a Planning Scheme Amendment to implement the ODP. The following amendment format has been agreed to by Council and the Department of Planning and Community Development (DPCD):

- Update of the Municipal Strategic Statement (MSS) and Clause 22.02, incorporating a policy statement for Gisborne / New Gisborne and inclusion of the Gisborne / New Gisborne Structure Plan.
- The Gisborne / New Gisborne ODP included as a Reference Document in the MSS.
- Rezoning of land west of Station Road to Urban Growth Zone to facilitate urban development.
- Rezoning of land in the south Gisborne growth area from Residential 1 Zone to the Urban Growth Zone.
- Rezoning of Residential 1 Zone land to Low Density Residential Zone for areas that have an existing low density subdivision layout, significant vegetation, limited reticulated sewerage and are in landscape sensitive locations.
- Inclusion of a Schedule to the Low Density Residential Zone to set 0.6 ha as the minimum lot size for non-sewered lots for environmental reasons.
- Application of the Development Plan Overlay (DPO4) to identified growth areas. The DPO would be specific to Gisborne / New Gisborne.
- Removal of the Development Plan Overlay (DPO1) where land has been fully developed.

- Application of the Design and Development Overlay for the residential areas to the immediate south of the Gisborne Town Centre and Station Road, New Gisborne.

These items are explained in more detail below.

16.2.1 Municipal Strategic Statement and Local Planning Policy

The first series of recommendations relate to the need to amend the MSS and Local Planning Policy. Proposed changes to the MSS arising from the Gisborne / New Gisborne ODP will be influenced by the implementation of the current 4 year review of the Macedon Ranges Planning Scheme.

The current MSS format was introduced when the Macedon Ranges Planning Scheme was approved under the Victorian Planning Provisions (in 2000). Current formats have evolved over the past decade, and differ from the current framework.

DPCD has indicated that the references to the Gisborne / New Gisborne ODP should be prepared on the basis of the proposed incoming format, not the current scheme format.

Clause 21.07 of the Planning Scheme currently outlines seven key strategic directions. It is likely that this Clause will be updated and translated into a new format containing five key themes as a result of the Planning Scheme Review. "Settlement and Housing" is the relevant theme that will contain policy statements relating to the Gisborne / New Gisborne ODP and the Structure Plan.

Key policies in the revised Clause should provide direction regarding growth, densities and character. This is the key planning policy tool for Council to essentially outline its 'vision' for the towns, and indeed, many of the words and objectives will come from this report.

This policy can be as brief or detailed as Council desires. It must, however, include an updated framework plan (based on the Structure Plan accompanying this report) and this ODP report as a reference document. These two actions will then require any development, including subdivision, which requires a planning permit application to respond to the objectives of this Clause, plan and ODP report. Should a planning permit application not respond adequately and in accordance with expectations, Council will then have stronger grounds upon which to refuse it.

Clause 22.02-2 currently provides the strategic direction for growth in Gisborne and New Gisborne. This clause would become redundant and deleted from the Planning Scheme.

The timing of the planning scheme amendment to incorporate the changes to the Municipal Strategic Statement and Local Policies is unclear. As such, the proposed changes in the amendment incorporating the ODP should be set up in a way that can be easily transferred for both the current and proposed planning scheme formats.

16.2.2 Rezoning of Land

The second series of recommendations relates to the need for additional land rezoning.

First Planning Scheme Amendment

The following amendments are to be made with the inclusion of the ODP into the planning scheme:

1. The New Gisborne growth area – rezone to Urban Growth Zone.
2. Rezoning of Residential 1 Zone land to Low Density Residential Zone for areas where existing subdivision patterns are low density, significant vegetation constrains development, that are in landscape sensitive locations or unsewered.
3. Rezoning of land from Residential 1 Zone to Urban Growth Zone in the south Gisborne growth area.

Future Planning Scheme Amendments

The following amendments are proposed to be made at a later date following detailed investigation and primarily instigated by the proponent:

1. Incorporation of a schedule to the Urban Growth Zone and relevant Precinct Structure Plan for the New Gisborne growth area.
2. Additional industrial land south and east of the existing Gisborne Industrial Estate - consideration should be given to the Industrial 1 and 3 Zones, plus the Business 4 Zone for land adjacent to Saunders Road. This rezoning will also require a DPO particularly relating to the area's interface with residential development and Magnet Hill (refer to discussion below).
3. Consideration should also be given to the most appropriate zoning of the existing Gisborne Industrial Estate. The Industrial 3 Zone may potentially better reflect its location adjacent to residential development at Chessy Park. This change in zoning would not impact upon the continued use of existing businesses within the Estate, and essentially only encourages greater consideration of the sensitive residential interface.
4. The local activity centres in south Gisborne and west Gisborne will likely require a zone other than a Residential Zone, with the final zone

chosen to be tailored to the specific uses proposed.

New areas of open space do not necessarily need to be rezoned to Public Park and Recreation Zone, though this may be needed at the appropriate time. There are also a number of anomalies in zoning of existing parks and reserves that should be rectified through a separate amendment process. For example, part of Dixon Field is currently zoned Rural Conservation Zone, yet is public land.

16.2.3 Application of Overlays

The final series of recommendations relates to the application of overlays to manage specific development issues rather than the overall implementation of the ODP. Some of these recommendations are likely to be included within the first significant Planning Scheme Amendment to ensure a thorough and progressive set of planning controls are provided.

Development Plan Overlay (DPO)

The first consideration is the use of the Development Plan Overlay (DPO).

The DPO is currently contained within the Macedon Ranges Planning Scheme across most of Gisborne and New Gisborne's current growth areas.

The use of the DPO is to specify the form and conditions for the detailed development of parts of the site or individual development stages.

The DPO requires a Development Plan to be prepared prior to subdivision or other development of the land (as specified by Council). A development plan can be introduced or changed 'to the satisfaction of the responsible authority'. A planning scheme amendment is not needed to change a development plan.

The DPO schedule will need to specify particular elements which must be completed in preparation of the development plan. It is of particular importance that the following further assessments are included in the schedules as appropriate:

- Traffic impact assessment
- Flora and fauna assessment
- Arboriculture assessment
- Infrastructure and stormwater assessment
- Servicing and stages of development

Some areas have specific issues that need to be further investigated at the development plan stage and these have been addressed in the ODP. Regard to these issues is required when preparing the DPO schedules.

The end development plan must demonstrate how it responds to each of these.

Design and Development Overlay (DDO)

The Design and Development Overlay over the residential areas immediately south of the Gisborne Town Centre will ensure that the development of this area responds to the design principles outlined in the ODP and addresses development needs of this centre.

The Design and Development Overlay over Station Road, New Gisborne will protect heritage and streetscape character.

16.3 Further Work Required

16.3.1 Precinct Structure Plans

New Gisborne

Preparation (or coordination) of a PSP for the New Gisborne growth area is considered a high priority for Council. As part of the PSP process Gisborne the following key issues must be addressed:

- Drainage and environmental strategy, including protection measures for GRMR. This strategy must identify the appropriate interface to the reserve including open space, residential lot sizes, buildings and works, fencing, and weed, pest and pet management.
- Landscape and visual impacts of development from the Calder Freeway and Railway Corridor.
- Interfaces and connections with existing residential areas and Primary School.
- Location, size and development principles for commercial, mixed use and recreation/community facilities.
- Development Contributions Plan.
- Traffic Impact assessment.
- Staging and servicing of development.

South Gisborne

Growth in south Gisborne is considered a long term option and therefore a PSP for this area is not considered a priority.

16.3.2 Vegetation Protection

Various measures can be used to protect vegetation in urban areas. The planning scheme is one way that significant or important vegetation can be identified and protected with the VPPs providing the following tools:

- Vegetation Protection Overlay
- Environmental Significance Overlay
- Significant Landscape Overlay
- Heritage Overlay

The overlay selected should accurately reflect the identified objectives.

The ODP does not provide sufficient analysis and therefore strategic justification to recommend applying any of these overlays.

The VPP Practice Note 'Vegetation Protection in Urban Areas' outlines a detailed strategy for vegetation protection which includes undertaking a vegetation survey and determining its significance.

This work is clearly beyond the scope of the ODP. It does, however, identify vegetation and landscape as key elements of the study area's character and the application of the UGZ/DPO increases the importance of developments to respond appropriately.

16.3.3 Heritage Protection

The review of the existing heritage study formed an important part of the development of the ODP. It is understood its implementation has been slow as a result of the significant administrative tasks associated with identifying, mapping and assessing numerous heritage places throughout the Shire not currently covered by the HO.

Similar to vegetation protection, the ODP does not provide sufficient analysis and therefore strategic justification to recommend specifically further applying the Heritage Overlay to places identified in the study, other than supporting its continued implementation.

The ODP does, however, recognise and respond to specific features, particularly the Station Road precinct. A specific heritage study for this precinct has been completed though is now in need of review and updating in light of current heritage practices. It is recommended this review take place and then consideration be given to the application of the Heritage Overlay.

16.3.4 Significant landscapes

The site analysis plans and issues papers identified several significant landscapes through the study area.

The Significant Landscape Overlay provides the appropriate VPP tool to protect these, but the ODP does not provide sufficient justification to apply it now.

The ODP provides the basis for a more refined and detailed landscape study which would contain the necessary justification to apply the overlay if so desired.

Again, however, the application of the DPO in particular will afford additional protection to the landscapes identified in the issues papers. The DPO schedules should be prepared to include appropriate mention of landscapes as appropriate, and thus require an appropriate response.

Neighbourhood character

The ODP and DPO will provide additional protection to neighbourhood character, though the ODP is not able to recommend the application of a Neighbourhood Character Overlay or the like.

Again, to provide a medium level of control, a specific Neighbourhood / Township Character study must be completed. The ODP will provide the basis for such a study.

16.3.5 Development Contributions

Development contributions exist in most growth areas and assist in equitably providing key infrastructure items including major road and public transport facilities, community facilities and the provision of open space.

A DCP is properly implemented via a Development Contributions Plan Overlay (DCPO) which refers to the DCP and specifies an amount payable per hectare developed. Should the works (for a major intersection for example) or land (for designated open space for example) be provided by the developer then their value is deducted from the contribution to be required. In some instances where, for example, large areas of open space are required in a particular area, it may be that the developer is actually 'owed' money. As the contributions are spread equitably, the money 'owed' is collected from other contributions.

A draft DCP is being prepared for Council by SGS Economics and Planning. Application of the DCPO should be implemented to ensure that applicable costs are made to Council by developers.

It is understood that recent Council practice has been to require small per lot contributions as conditions of subdivision permits. The Victorian and Civil Administrative Tribunal (VCAT) have been particularly critical of this method generally on the basis that the process is not accountable or transparent. The DCP overcomes this issue and when implemented via a DCPO legitimately allows Council to demand development contributions.

In relation to open space, the open space identified in the ODP is not the only space able to be provided in developments but may be the only space that is credited towards the development contribution or open space contribution. This is to ensure the proper operation of the DCP – should additional land be credited then the monies relied upon to compensate some developers will not be available.

Payment of development contributions is to be made in cash. Council, at its discretion, may consider accepting works or land in lieu of cash contributions, provided the value of the works / land in question does not exceed the cash liability of the proponent under this DCP (unless the proponent agrees). Payment for Development Infrastructure is payable at either planning permit or building permit

stage, at Council's discretion. Payment for Community Infrastructure is to be made at the building permit stage.

It is also common for 'planning' to be a DCP item with contributions covering the costs of, for example, the preparation of Precinct Structure Plans and Development Plans.

16.3.6 Development Plans

The best case scenario would be for Council in consultation with the community, landowners, referral and servicing agencies to prepare Development Plans for key growth areas. However, it is acknowledged that Council has limited resources and an ambitious strategic planning work program, which may make this difficult to achieve.

16.4 Summary of Work Required

In summary, the final series of recommendations are:

- Immediate application of the UGZ to the New Gisborne growth area.
- Immediate application of the DPO to growth areas in Gisborne.
- Immediate rezoning of some parcels of land from Residential 1 to Low Density Residential.
- Immediate rezoning of land at the south-east of Gisborne from Residential 1 to UGZ.
- Immediate application of the Design and Development Overlay over the Gisborne Town Centre and Station Road, New Gisborne residential areas.
- Preparation of a Precinct Structure Plan for land to be rezoned UGZ in New Gisborne.
- Future consideration of rezoning the Gisborne Industrial Estate and area to the south and east of this estate to the most appropriate Industrial Zone/Business 4 Zone with a Development Plan Overlay over the land, subject to detailed investigations.
- Investigation of new land for commercial and retail purposes in the Town Centre to provide for anticipated growth and to ensure this centre remains the retail and commercial core.
- Rezoning of local activity centres when appropriate development plans for these centres have been prepared.
- Preparation of a final DCP and subsequent application of the DCPO to required areas.
- Council consideration of the need for the following further studies to support additional overlay controls:
 - Vegetation assessment
 - Neighbourhood / Township Character Study
 - Landscape Study
 - Detailed Development Plans

17 Action Plan

The following actions are recommended for completion by Council:

Table 10- Action Plan

Recommendation	Priority
Implement the ODP as follows: <ul style="list-style-type: none"> • Update and review of Clause 21.07 • Update and review of Clause 22.02-2 	High
Rezone the area west of Station Road, New Gisborne to UGZ Rezone the R1Z areas where the existing subdivision pattern is low density and are in landscape sensitive areas or are unsewered to LDRZ. Rezone land in the south Gisborne growth area from R1Z to the UGZ. Apply a DDO to the residential areas immediately south of the Gisborne Town Centre and to properties fronting Station Road, New Gisborne. Apply the DPO to areas capable of further development in Gisborne	High
Prepare or co-ordinate preparation of a Precinct Structure Plan for land to be rezoned UGZ in New Gisborne	High
Rezone the additional industrial land identified to Industrial 1 or 3, with consideration given to a Business 4 Zone area adjacent to Saunders Rd. A DPO should be concurrently applied to manage the subdivision layout and built form outcomes.	Medium to high
Rezone the local activity centres, if required, following the completion of Development Plans for each area.	Low
Preparation of development plans	High
Preparation of final development contributions plan	High
Council consideration of the need for further studies to support additional overlay controls	Medium

18 Funding Opportunities

Regional Development Victoria

Regional Development Victoria (RDV) is the Victorian Government's lead agency in developing rural and regional Victoria. Its focus is on investment attraction, job creation, exports, creating stronger economies, communities and infrastructure to create a strong and growing provincial Victoria. There are a number of programs to:

- promote business and industry development
- work with local government and communities
- help new businesses establish themselves
- pave the way for existing industries to grow and diversify.

Council

Council's capital works budget could be used to implement walking and bicycle paths along the public open space network. Funding for additional studies required, including the preparation of a DCP, will likely need to come from Council, though perhaps in conjunction with DSE.

Service Authority Capital Works Programs

Certain elements of infrastructure costs may be covered through capital works programs of service authorities.

Development Contributions

These can be used to implement infrastructure including roads, drainage, sewerage and water infrastructure, as well as the development of community infrastructure, open space and green access corridors. The DCP is imperative in funding most key infrastructure items.

Regional Flood Mitigation Program

Local governments may apply for grants to implement flood mitigation works such as retarding basins, where they will provide benefits such as protecting the community and infrastructure, promoting community safety and preventing loss of life and enhancing the biological diversity / ecological amenity of the area.

Victorian Stormwater Action Program

The Environmental Protection Agency provides grants through this program for the development and implementation of Stormwater Management

Plans. Funding may be granted for up to fifty percent of the costs of implementing projects arising from draft or completed Stormwater Management Plans. Projects eligible for funding should include, among other things, partnerships between local government and various agencies, structural and non-structural methods, control of water at source and improve urban stormwater quality and/or management.

Community Support Grants

These are grants available through the Department for Victorian Communities, and are available for building community infrastructure, including developing new community centres. It must be demonstrated that the project can improve the range of participation in activities, can be utilised for a multitude of purposes, provides access to disadvantaged groups such as people with disabilities, young people and those in rural and regional communities and will create lasting economic and employment benefits. Community support grants are available to community organisations, local government or the philanthropic sector.

State Government Pride of Place

Pride of Place is the State Government's urban design grants program. Grants are available for eligible projects that meet the program's published selection criteria, in the categories of:

- Urban Design Frameworks (UDF)
- Urban Design Advice (UDA)
- Design development and capital works recommended in urban design frameworks (DDCW).

Parks Victoria Volunteer Group Grants

Grants may be available through Parks Victoria for projects that will assist in enhancing and protecting the natural, cultural and heritage values of parks and reserves, and involve the wider multicultural community in environmental and recreational projects.

Community Water Grants

These grants are available through the Australian Government, for projects that are related to water savings-efficiency, water reuse-recycling and surface groundwater health.

19 References

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