

11 September 2015

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Dear Sirs,

**RE: Tarran Valley Rezoning**

The National Trust of Australia (Victoria) submits that the subject land and its location is not suitable for a Rural Living Zone.

We submit that rezoning of the subject land would not concur with the objectives under section 4(1) of the Planning and Environment Act 1987. In particular, the National Trust has particular concerns regarding the ability of the proposal to meet the following objective under section 4(1) part d):

*To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

The township of Maldon and the surrounding landscape is an area of historic interest and significant historic and landscape value. As you are likely aware, the National Trust named Maldon as Victoria's first Notable Town in 1966. The National Trust's classification for Maldon is attached (Attachment 1). Of course, heritage assessment and conservation practice has developed substantially in the intervening 49 years.

Therefore, we note that clause 22.02 of the LPPF recognises

*that the heritage of the town of Maldon is of national significance due to:*

- *the town centre being one of the most intact of any nineteenth century town in Australia;*
- *the large number of buildings and works of historic significance in the area*
- *the unusual and attractive relationship of the town and other historic sites with the diverse natural and historic landscape which forms an essential part of the character of both the town and its surroundings [our emphasis]*

We quote the C36 Panel Report:

*Maldon is recognised by the general community including residents and visitors as a town with significant historic and cultural value. It is recognised as a nationally significant notable town under the Mount Alexander Planning Scheme. This importance is founded on the town's goldmining past, which is reflected by the combination of the built form and layout of the town, the surrounding vegetated landscape and the Maldon Historic Reserve.*

Recently, the draft Central Victoria Landscape Assessment Study identified the 'Mount Tarrengower and Maldon Historic Area' Landscape as being a Statewide Significant Area (see Attachment 2). This area includes the subject site.

In preparing our submission, we have concentrated on the following considerations that the Advisory Committee is to focus on:

- *Whether the subject land can be practicably developed for rural residential development when considerations such as... landscape significance, vegetation removal... bushfire hazard landscape assessment and a bushfire management statement are generally considered.*
- *Whether the extent of vegetation removal, including native vegetation, is appropriate to facilitate the rural residential development;*
- *Whether a rural residential development on the subject land would affect the heritage significance of Maldon and the adjoining Maldon Historic Reserve;*
- *Whether the rural residential development would affect any landscape values in the wider landscape, including areas or features and significant views.*

We note from the Committee's terms of reference that the site is located in a 'high bushfire risk landscape', that 'native vegetation covers 73 per cent of the site', and that DSE have previously expressed concern regarding the level of native vegetation removal required to create defensible space.

The National Trust's primary concerns broadly fit into three categories: native vegetation, landscape and heritage values, and planning issues.

### **1. Native Vegetation**

The National Trust is not aware of any current assessment of the native vegetation impacts of the rural living zoning under the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* which were gazetted into clause 52.17 on 20 December 2013. However, based on a single plan by Practical Ecology dated 30 April 2014 titled 'Bushfire Development Plan – Tarran Valley, Maldon' we estimate that in excess of 20 hectares of native vegetation will be required to be removed or modified to create adequate defensible space to meet the requirements of BAL19.

We note the new Practice Note 37 says rural residential development should be located in areas to avoid or minimise any adverse impact on the environment, native vegetation and biodiversity. We submit that the proposed rezoning and subsequent subdivision does not align with this objective, nor with the objectives of the MSS under 21.04-7 (Amendment C24 Panel Report). Clause 21.04-7 includes strategies to:

- *Encourage development that protects native vegetation linkages and minimises the impact of development on native vegetation.*
- *Ensure a net gain in habitat extent and quality across the Shire's range of native vegetation communities.*

We submit that the rezoning does not align with either of these strategies.

We further submit that there is no mechanism whereby this subject site can satisfy the strategy under Clause 21.04-4 to 'ensure net environmental gain as a consequence of rural living development'.

The clustering of houses to minimise the footprint of the defensible space has merit in terms of reducing native vegetation impact and the costs of offsets, however this clustering has negative impacts on landscape values.

## **2. Landscape and Heritage Impact**

The National Trust submits that the extent of vegetation required to be removed or modified to meet the defensible space requirements will cause the development to be highly visible within the landscape. We submit that the requirements to create defensible space has significantly altered and worsened the landscape impact of a Rural Living development since the assessment by the Panel for Amendment C36 in 2009.

The objectives of clause 21.04-1 of the MSS are to:

- *Protect townscape, heritage, and landscape qualities of the Shire's towns.*
- *Encourage urban containment and planned growth to protect the natural environment and rural landscapes.*
- *Protect visual landscape corridors along highways between towns in the Shire.*

Given that the draft Central Victoria Landscape Assessment Study considers the subject site within a Statewide Significant Area, a Rural Living development and associated defensible space does not meet the objectives of clause 21.04-1.

The main vistas impacted by the rezoning requiring detailed consideration are:

- the approach to Maldon on the Maldon-Castlemaine Road, the main entrance to town; and,
- the significant viewlines over Maldon from Mount Tarrengower, a recognised scenic viewpoint.

### **a) Viewlines on the approach to Maldon**

The subject site is elevated higher than the Maldon-Castlemaine Road, making the site highly visible from the roadside. All the lots will be located on hillside positions up slope of the main approach to historic Maldon. Plate 1 shows one vista from the Maldon-Castlemaine Road toward the subject site.

The National Trust supports this policy, and submits this that the defensible space requirements of a Rural Living development is incompatible with this policy.

The aforementioned Practical Ecology plan shows that the defensible space begins at the edge of the cadastre at the main access/egress point, indicating that there will not be any screening vegetation between the road and the main drive of houses on the south-east side of the subject site (lots 24-35). The south-western side of the site is already visible from the road. It cannot be assumed that vegetation on adjacent private land screening the site will be retained in the future.

Clause 22.11 of the LPPF addresses Streetscapes, including the landscaping of entrances and township boundaries, and states:

*Development located on the edge of township areas should be landscaped to assist in absorbing the development within the surrounding landscape and to provide a delineated edge to the town.*

The National Trust supports this policy, and submits this that the defensible space requirements of a Rural Living development is incompatible with this policy.

Although the subject site lies outside the town boundary of Maldon, development of a Rural Living Zone with highly visible dwellings in this site due to the defensible space requirements is totally at odds with the national heritage significance of Maldon and its surrounding landscape.

As clause 22.02 of the LPPF states, Maldon has an unusual and attractive relationship to the natural and historic landscape which forms an essential part of the character of both the town and its surroundings. The character of subject site when cleared for defensible space requirements would have an unacceptable impact on the natural and historic landscape of the subject site, located between the main approach to the town and the Maldon Historic Reserve which encircles the township. The character of this site would be wholly at odds with the character of Maldon, and its surroundings, which has proven to be such a drawcard for the town over the last 50 years.

### **b) Viewlines from Mount Tarrengower**

The view from the summit of Mount Tarrengower has obvious aesthetic value, providing excellent views over Maldon and surrounds. The proposed defensible space requirements have the potential to create a visual scar on the landscape. The National Trust submits this

is an unacceptable outcome in the area identified by the draft Central Victoria Landscape Assessment Study (GHD 2015) as a Statewide Significant Area.

The National Trust would be pleased to see a photomontage that shows the possible impact of Rural Living Zone density development on the vista shown in Plate 2.



Plate 1: View of the subject site from the intersection of Maldon-Castlemaine Road and Sandy Creek Road, 3 September 2015, showing lack of screening vegetation on the approach to Maldon.



Plate 2: View from second level of Mount Tarrengower Lookout Tower on 5 September 2015, facing south east across to the subject site. The estimated location of the subdivision is superimposed in red, oriented by the intersection of the Maldon-Castlemaine Road (yellow) with Sandy Creek Road (purple) and small clearings visible.

### **3. Planning**

In 2005, Section 6.5 of the Amendment C24 Panel Report concluded that the areas of Rural Living proposed on the Framework Plan and additional areas requested by the submitters appear excessive. More recently, the Mt Alexander Shire Council Rural Land Study (2014) referred to the rezoning of the site as “...outdated and inappropriate given the chain of events and changes to policy that have occurred since 2006, and particularly relating to water supply protection, bushfire safety and biodiversity management”.

Further, the National Trust submitted to the Amendment C36 Panel Hearing that smaller lot sizes are not only inconsistent with the historical land settlement pattern in this part of Maldon, but also create a sense of suburban living rather than rural living, thereby compromising the historical character and community enjoyment of the Maldon Historic Reserve. We maintain that Maldon’s integrity as a whole would be unnecessarily compromised.

Finally, the National Trust is not satisfied that the need for this rezoning to satisfy demand for housing supply in Maldon has been established under current conditions.

The National Trust appreciates the opportunity to outline our deep concerns regarding the proposed rezoning at Tarran Valley for Rural Living development.

Should you have any queries regarding this submission, I would be pleased to assist.

Yours sincerely,

A handwritten signature in cursive script that reads "A. Foley".

Anna Foley

Acting Manager, Advocacy and Conservation

Attachment 1 – National Trust Maldon Notable Town report

Attachment 2 – Excerpt from Central Victoria Landscape Assessment Study