

MOUNT ALEXANDER PLANNING SCHEME
DEVELOPMENT PLAN OVERLAY REVIEW
OCTOBER 2009

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1. PURPOSE

- 1.1 This report has been prepared by Regional Planning Services to review the current application and controls for the Development Plan Overlay (DPO) in the Mount Alexander Planning Scheme.
- 1.2 The report includes an assessment of the need for DPO areas and makes recommendations for the areas to be covered by the DPO and controls that should apply to the overlay. The methodology used for this assessment of DPO areas and controls in the Mount Alexander Planning Scheme is attached in Appendix 1.
- 1.3 This review report forms the background and justification for further:
- Implementation of planning scheme amendment to address Development Plan Overlay issues in the Mount Alexander Planning Scheme; and
 - Preparation of detailed development plans to guide the future subdivision and development of future residential areas within and surrounding the Castlemaine urban area.
- 1.4 In addition to an assessment of the need and form of future DPO areas in the Mount Alexander Shire, this report also includes guidelines for the preparation, assessment and approval of development plans and the use of the DPO generally. The guidelines are attached as Appendix 2.

SECTION 1: PLANNING CONTEXT

1.1 *Victoria Planning Provisions:*

1.1.1 The Development Plan Overlay is an overlay contained in the Victoria Planning Provisions that may be applied in planning schemes as required.

The intent of the overlay is to apply the requirement for a development plan to guide the future layout, use and development of land. One of the purposes of the overlay is:

- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

1.1.2 Any change to the application of Development Plan Overlay areas or schedules requires an amendment to the Mount Alexander Planning Scheme. Any planning scheme amendment must be strategically based and justified. Ministers Direction No 11, Strategic Assessment of Amendments, requires that a planning authority must address various strategic considerations in the preparation of any planning scheme amendment. These considerations include how the amendment implements the objectives of planning in Victoria, environmental, social and economic effects, compliance with Minister's Directions, how the amendment supports or implements the State Planning Policy Framework and any adopted State policy and how the amendment supports or implements the Local Planning Policy Framework, specifically the Municipal Strategic Statement.

1.1.3 The VPP Practice Note Applying the Incorporated Plan and Development Plan Overlays, January 2003 provides guidance on how to use the Development Plan Overlay in planning schemes, including the preparation and assessment of development plans.

1.2 Mount Alexander Planning Scheme context:

1.2.1 The Mount Alexander Planning Scheme was approved in 1999. The Development Plan Overlay areas and schedules being considered under this review were approved as part of the planning scheme in 1999. Since that time there have been relatively minor changes to DPO provisions in response to specific development proposals (Amendments C36 and C38) and strategic work (Amendment C25).

1.2.2 The panel report for the new format Mount Alexander Planning Scheme (dated April 1998) recommended that the Mount Alexander Planning Scheme be adopted with changes. While generally supporting the use of the Development Plan Overlay to guide the future use and development of land, the panel did not discuss the overlay in any detail or make any specific recommendations in relation to its use.

SECTION 2: DEVELOPMENT PLAN OVERLAY MAPPING

2.1 Development Plan Overlay 1 areas:

2.1.1 Context

The DPO 1 applies in the Mount Alexander Planning Scheme through the use of the DPO 1 on land primarily to the southwest of the Castlemaine urban area, and the use of Schedule 1 (Residential 1 Development Plan) to the DPO. The DPO 1 applies to planning scheme maps 19 DPO, 20 DPO, 21 DPO, 22 DPO and 23 DPO.

The DPO 1 was applied in the approved 1999 Mount Alexander Shire Council. No changes to the application of the overlay have occurred since that time.

2.1.2 Assessment:

Site 1: Land north of Pyrenees Highway, east and west of Ireland Street (Planning Scheme Map 18 & 19 DPO) (See Appendix 3: DPO Review Map 3).

The land to which this DPO 1 area applies is zoned Residential 1.

While lots actually exist on land affected by the DPO 1, there is little actual development in the area. Given the undeveloped nature of land both east and west of Ireland Street, there appears to be a need to guide the layout of future lots and development in the area. The Borderline Garden Supplies operates on land on the northwestern side of the Pyrenees Highway and Ireland Street.

There is a current subdivision proposal for 32 lots for land on the northeastern side of the Pyrenees Highway and Ireland Street. A development plan, indicating 32 lots on the land, was approved for the land on 1 May 2007. Until this proposed subdivision is fully developed, a development plan (and DPO 1) is required to protect the potential for the future subdivision of the land, and provide integration with the future development of surrounding land.

A development plan will assist in outlining future access from the Pyrenees Highway to land to the north (affected by both the DPO 1 and DPO 7) that will be developed in the future. This guidance is particularly required given that land to the north has been identified for residential expansion in reference documents introduced to the planning scheme under Amendment C24. A development plan may also assist in any potential relocation of the Borderline Garden Supplies business that may be required in conjunction with future residential development of land to the north.

Site 2: Land south of Pyrenees Highway, east of Ireland Street, west of Frederick Street and north of Monaghan and Langslow Streets (Planning Scheme Maps 19 DPO & 22 DPO) (Refer to Appendix 3: DPO Review Map 3)

The land to which this DPO 1 area applies is zoned Residential 1.

A development plan was prepared and approved for this area in 2002. The approved development plan indicated land on the eastern side of Martin Street to be stage one for future residential development, land on the western side of Martin Street to be stage two for future residential development and land at the eastern end of the DPO 1 area (on both the northern and southern sides of Monaghan Street) to be deleted from the DPO 1 area. This approved development plan had an expiry time of five years and has since been reviewed. A new development plan was prepared and then approved by Council on 25th November 2008.

The situation outlined in the 2002 approved development plan has not really changed since that time. There is little development north of Monaghan Street, on both the eastern and western sides of Martin Street. Development plan (DPO) guidance is still required for this area to guide the layout and future residential development of the land. Land at the eastern end of Monaghan Street (both on the northern and southern side of the street) is substantially developed and no longer required the use of development plans to guide any future subdivision or development.

Changes to current DPO 1 boundaries should be made to reflect recommendations of the 2002 approved development plan for the area, with the addition of the DPO 1 being removed from existing lots and development west of Martin Street (lots fronting the Pyrenees Highway between Martin Street and the small subdivision with access via an existing cul – de – sac).

Site 3: Land north of Ray Street, west of Farnsworth Street, south of Reckleben and Watson Streets and east of the former Castlemaine – Maldon railway line (Planning Scheme Maps 20 DPO & 22 DPO) (See Appendix 3: DPO Review Map 3)

The land to which this DPO 1 area applies is zoned Residential 1.

This area is substantially developed with residential lots and dwellings. A new subdivision with a cul – de – sac internal access is now being constructed on the eastern side of Reckleben Street. There are a small number of parcels of land that have the potential for new subdivision and development. Any subdivision or development proposed on these sites must be adequately designed and assessed through a planning permit process. Access to future subdivision would be through existing roads or if the land is large enough, through a new cul – de – sac court access.

Given the substantially developed nature of the area, a development plan is not required to guide future subdivision and development, hence the DPO 1 should be removed from the land.

Site 4: Land north of McGibbon and Sheridan Streets and south of Tomkies Street (Planning Scheme Map 20 DPO) (See Appendix 3: DPO Review Map 3)

The land to which this DPO 1 area applies is zoned Residential 1 and Public Conservation and Resource.

This area is substantially developed with residential lots and dwellings. The only remaining potential for new subdivision and development is the eastern most section of the land (adjoining land zoned Public Conservation and Resource), which is currently vacant or used for informal truck parking. This section of land has existing road frontage and may be adequately designed and considered through a planning permit process.

Given the substantially developed nature of the area, no development plan is required to guide future subdivision and development, and the DPO 1 should be removed from the land. The removal of the DPO 1 will correct the anomaly of the overlay now applying to areas of the Public Conservation and Resource Zone.

Site 5: Land east of the Melbourne and Murray River railway line, north of Dudley Street and south of Macafee Road (Planning Scheme Map 21 DPO) (See Appendix 3: DPO Review Map 2)

The land to which this DPO 1 area applies is zoned Residential 1. The land is a vacant, low lying, rectangular parcel of land adjacent to the railway line that is fully covered with native vegetation. Although legal access to the land may be provided from either Macafee Road to the north or Dudley Street to the south, practical access would be very difficult.

The land is public land that is owned by the Public Transport Corporation and forms part of the railway reserve. This land is unsuitable for future residential development and should be retained in public ownership and use. The DPO 1 is designed to guide standard, serviced residential development in the Residential 1 Zone. The DPO 1 is not appropriate for use on public land that will not be developed for residential purposes. The land should be zoned Public Use 4 (Transport) to provide conformity with the adjoining railway reserve. Alternatively, if not required as part of the railway reserve, the land should be considered for an alternative public use and zoning.

Site 6: Land on the northern side of Happy Valley Road (Planning Scheme Map 23 DPO) (See Appendix 3: DPO Review Map 4)

The land to which this DPO 1 area applies (CA 51A and 51B) is zoned Public Conservation and Resource Zone. Adjoining public land to the northwest is also zoned Public Conservation and Resource Zone, with adjoining private land to the northeast in Happy Valley Road zoned Low Density Residential.

This area has been subject to strategic study and revised strategic directions and application of zones and overlays through Amendment C25 (gazetted 8 February

2007). This strategic review and planning scheme implementation exercise outlined specific new approaches for the sensitive and historic landscape in the Happy Valley Road area. Part of the planning response for the area was to include a new schedule 6 (Happy Valley Road (South)) to the DPO to guide design, siting, environmental, landscape and heritage issues for the area. The DPO 6 was applied to adjoining land to the west.

The DPO 1 is designed to guide standard, serviced residential development in the Residential 1 Zone. The DPO 1 is not appropriate for use on public land that will not be developed for residential purposes. The retention of DPO 1 in the Happy Valley Road area is an anomaly. The application of the DPO 1 to land in this area (CA 51A and 51B) should be removed.

2.1.3 Recommendations:

Site 1: Land north of Pyrenees Highway, east and west of Ireland Street (Planning Scheme Map 19 DPO) (See Appendix 3: DPO Review Map 3).

- Retain the existing DPO 1.
- See the recommendation for the DPO 3 to be retained (for Rural Living Zone land in this area) on land inside the Castlemaine Urban Boundary while further strategic work is undertaken in Section 5 of this report.

Site 2: Land south of Pyrenees Highway, east of Ireland Street, west of Frederick Street and north of Monaghan and Langslow Streets (Planning Scheme Maps 19 DPO & 22 DPO) (Refer to Appendix 3: DPO Review Map 3)

- Delete the DPO 1 from land at the eastern end of the area (north and south of Monaghan Street, identified as Area C in the approved 2002 development plan) and from existing lots and development west of Martin Street fronting the Pyrenees Highway between Martin Street and the small subdivision (within Area B in the approved 2002 development plan).

Site 3: Land north of Ray Street, west of Farnsworth Street, south of Reckleben and Watson Streets and east of the former Castlemaine – Maldon railway line (Planning Scheme Maps 20 DPO & 22 DPO) (See Appendix 3: DPO Review Map 3)

- Delete the existing DPO 1.

Site 4: Land north of McGibbon and Sheridan Streets and south of Tomkies Street (Planning Scheme Map 20 DPO) (See Appendix 3: DPO Review Map 3)

- Delete the existing DPO 1.

Site 5: Land east of the Melbourne and Murray River railway line, north of Dudley Street and south of Macafee Road (Planning Scheme Map 21 DPO) (See Appendix 3: DPO Review Map 2)

- Delete the existing DPO 1.
- Either rezone the land from Residential 1 to Public Use 4 (Transport) in conjunction with the public land owner / manager, or alternatively, if not required as part of the railway reserve, consider an alternative public use and zoning for the land.

Site 6: Land on the northern side of Happy Valley Road (Planning Scheme Map 23 DPO) (See Appendix 3: DPO Review Map 4)

- Delete the DPO 1 from CA 51A and 51B

2.2 Development Plan Overlay 2 areas:

2.2.1 Context:

The DPO 2 applies in the Mount Alexander Planning Scheme through the use of the DPO 2 on the eastern side of Coolstores Road (east of the Melbourne and Murray River railway), between the Castlemaine and Harcourt urban areas, and the use of Schedule 2 (Township Zone Development Plan) to the DPO. The DPO 2 applies to planning scheme maps 6 DPO and 19 DPO.

The DPO 2 was applied in the approved 1999 Mount Alexander Shire Council. No changes to the application of the overlay have occurred since that time.

2.2.2 Assessment:

Site 7: Land east of Coolstores Road (east of the Melbourne and Murray River railway), between the Castlemaine and Harcourt urban (Planning Scheme Maps 6 DPO and 19 DPO) (See DPO Review Maps 2)

The land to which this DPO 2 area applies is zoned Township.

This land is in the southwestern corner of land zoned Township in the Harcourt township. In addition to this land affected by the DPO 2, there is further land zoned township on the southern side of Blackjack Road, west of Coolstores Road and east of the Calder Highway.

The southern section of this land forms part of the Calder Freeway / Highway bypass of the Harcourt township, which is currently under construction. This bypass has been indicated on the Harcourt Framework Plan in the vision (Clause 21.03) of the Mount Alexander Planning Scheme that was recently revised through the approval of Amendment C24. Industrial areas are indicated on this framework plan both south of the highway bypass route and north of the land to which the DPO 2 applies.

The Harcourt township is now supplied with reticulated water and sewerage by Coliban Water. Given this provision, the application of the Township Zone, which is used for townships without reticulated water and sewerage, is redundant and no longer required. The most appropriate zone for residential areas with reticulated water and sewerage is the Residential 1 Zone. This zone should be considered for application in the Harcourt township as part of the implementation of new strategic land use planning that is required for the town (see discussion below).

Land affected by the DPO 2 that does not lie within the new Calder Highway bypass route has several, long, narrow lots (running east – west), a road reserve and four existing, developed lots to the northwest. Road access to this area can be readily gained from Coolstores Road and the internal east – west road in the DPO 2 area. Any future subdivision or development may be adequately designed and assessed on its merits through a planning permit process. As a result, a development planning process and use of the DPO is not required for the land.

The provision of the Calder Freeway / Highway bypass and introduction of a new framework plan for the Harcourt township in the Mount Alexander Planning Scheme highlights the need for a revision of strategic directions for the town and consequential application of zones and overlays.

Under the Mount Alexander Planning Scheme, the Calder Freeway / Highway bypass is zoned Farming, has a Public Acquisition Overlay 2 applied to the freeway land and has the Design and Development Overlay 1 (Noise attenuation measures along the Calder Freeway / Highway between Kyneton and Ravenswood) applied to the bypass and wider area to maintain a development buffer from the land (Clause 22.28, Highway development, also applies to highway buffers). The bypass land requires rezoning to Road Zone 1. Given the adequate protection for the bypass buffer, the DPO 2 area that applies to part of the buffer may be removed.

2.2.3 Recommendations:

- Delete the DPO 2 from planning scheme maps 6 DPO and 19 DPO (Site 7).
- Undertake further strategic land use planning for the Harcourt township, particularly in relation to implications of the Calder Freeway / Highway bypass, implementing new strategic directions with consequential strategy, zoning and overlay changes.

2.3 Development Plan Overlay 3 areas:

2.3.1 Context:

The DPO 3 applies in the Mount Alexander Planning Scheme through the use of the DPO 3 on the western, northern, northeastern and southeastern sides of the Castlemaine urban area, and the use of Schedule 3 (Low Density Residential / Rural Living Zone Development Plan) to the DPO. The DPO 3 application on the northern side of Castlemaine is a large area on the western side of the Melbourne and Murray River railway line that extends between Froomes Street to the south, extending north almost to the Harcourt township. The DPO 3 applies to planning scheme maps 18 DPO, 19 DPO, 20 DPO, 21 DPO, 22 DPO and 23 DPO. (See Appendix 3: DPO Review Maps 2, 3, 6).

The DPO 3 was applied in the approved 1999 Mount Alexander Shire Council. No changes to the application of the overlay have occurred since that time.

2.3.2 Assessment:

Site 8: Land north of Pyrenees Highway, east of Maldon Road, and both north and west of the former Castlemaine – Maldon railway line (Planning Scheme Maps 18 DPO, 19 DPO and 22 DPO) (See Appendix 3: DPO Review Map 3).

The land to which this DPO 3 area applies is zoned Rural Living. In this location, the Rural Living Zone has a minimum subdivision size of 2 hectares with reticulated water and 4 hectares without reticulated water. A planning permit is required for a dwelling on lots of 2 hectares or less with reticulated water or 4 hectares or less without reticulated water. Reticulated water, but no reticulated sewerage, is available along main roads in this area. The DPO 3 has not been applied to an area of Rural Living Zone west of the Maldon Road and south of Muckleford Road.

The Castlemaine Land Use Framework Plan in the vision (Clause 21.03) of the Mount Alexander Planning Scheme was revised through the approval of Amendment C24. Under this plan, the area west of Ireland Street is identified as either 'future residential' (subject to structure planning and the Urban Forest Interface Study) or 'further investigation for residential expansion' and the area east of Ireland and west of the former Castlemaine – Maldon railway line is identified as 'potential low density residential area' (subject to protection of native vegetation). It is essential that this area be protected from premature rural living subdivision to protect its future residential potential.

The new Castlemaine Land Use Framework Plan also indicates the new Castlemaine Urban Boundary to be east of Bulkeley Road and south of Watson Street. In addition to some of this area being specifically indicated for future residential or low density residential development, the area generally has increased potential for additional urban services and development. To protect this future urban potential, rural living subdivisions should be discouraged within the area. Until further strategic work is undertaken in the area, which may result in the future rezoning of land, the DPO 3 should be retained to minimise subdivision or retain land in large parcel to maximise potential for future urban development.

Amendment C38 has now rezoned the land (identified for future low density residential development) to Low Density Residential, removed the existing DPO 3 and applied a new DPO 7 with a specific overlay schedule for the land. It is noted that the land slopes upwards to the west, is mainly covered with native vegetation and therefore the development planning process will assist to adequately determine future lot layout.

Other land in the Rural Living Zone affected by the DPO 3 that lies outside the

new Castlemaine Land Use Framework Plan is generally suited to rural living subdivision and development. Most of the area is cleared, undeveloped land with lots varying in size. VicRoads has indicated that little or no new access points should be provided in this area onto the Pyrenees Highway. Given new access restrictions onto Pyrenees Highway and that future layout and servicing of the land is linked with other Rural Living Zone land to the east within the Castlemaine Urban Boundary, the DPO 3 should be retained in this area to guide and integrate future subdivision and development in the whole general area.

The small parcel of land on the northern side of the former Castlemaine – Maldon railway line is a small area of cleared, undeveloped land that may be adequately subdivided and serviced through a planning permit process. The DPO 3 should be removed from this land.

It is noted that the map in the Rural Living Zone schedule indicating applicable minimum subdivision sizes does not indicate any size for a small area of the Rural Living Zone at the northwestern intersection of the former Castlemaine – Maldon railway line and the Pyrenees Highway. This map should be corrected to indicate a minimum subdivision size for all land in the zone.

See also discussion on the adjoining DPO 1 in this area under Section 2.1 of this report.

Site 9: Land north of Froomes and Mary Streets and west of the Melbourne and Murray River railway line (Planning Scheme Maps 19 DPO, 20 DPO and 21 DPO) (See Appendix 3: DPO Review Maps 2).

The land to which this DPO 3 area applies is zoned Rural Living. Under the Rural Living Zone, the southern section of this area (extending from Froomes and Mary Streets in the south to Weynton Road in the north) has a minimum subdivision size of 1 hectares with reticulated water and 2 hectares without reticulated water. Under the Rural Living Zone, the northern section of area (extending from Weynton Road in the south, north to the southern end of the Harcourt township) has a minimum subdivision size of 2 hectares with reticulated water and 4 hectares without reticulated water. A planning permit is required for a dwelling on lots of 2 hectares or less (1 hectare or less with reticulated water) south of Weynton Road and on lots of 4 hectares or less (2 hectare or less with reticulated water) north of Weynton Road.

Existing development in the southern section of this area (extending from Froomes and Mary Streets in the south to Weynton Road in the north) more resembles low density in nature than rural living. This southern area is substantially subdivided and developed for residential purposes. Most land is already subdivided into lots between 1 to 2 hectares, with the exception of several larger lots at the western extent of the area. Reticulated water, but no reticulated sewerage, is available to some of the southern section of this area between Weynton Road to the north and Mary and Froomes Streets to the south.

The new Castlemaine Land Use Framework Plan (approved under Amendment C24) indicates this land south of Weynton Road to be within the Castlemaine

Urban Boundary with potential for low density residential zoning, with the western section also subject to the proposed Castlemaine Urban Forest Interface Study.

Although this southern area is relatively close to the Castlemaine urban area, reticulated services and the existence of businesses at this northern extent of the town, such as KR (formerly Castle Bacon) and FlowServe, it is recommended that another more intensive zone such as Low Density Residential could be considered. In deciding upon an appropriate new zone consideration will need to be given to the vegetated nature of the area, the established nature of dwellings and onsite effluent disposal systems and community expectations for current land use patterns to remain.

Existing development in the northern section of this area (extending north of Weynton Road) more resembles rural living lot sizes, although these lots are more lifestyle based and are not used in conjunction with agricultural use of the land. This northern area is substantially subdivided and developed for residential purposes, with most lots being within the 1.5 to 4 hectare size range.

Issues limiting the ability for further subdivision in this whole area are native vegetation throughout most of the area, unsealed roads, the ability of land to dispose of effluent and absence of reticulated water for most of the area. Poor road conditions in the area are a result of previous subdivision without contributions for road upgrading. Reticulated water is only available at the southern end of this area, with all remaining land in the area relying on onsite water collection of buildings.

There is very little opportunity for further subdivision in the area. There are only a very small number of lots in the whole area that are capable of being further subdivided, depending on the ability for effluent disposal on new lots. Several lots on the western side of this general area are capable of subdivision into two or at most, three lots. Consideration of future development of the land would include native vegetation issues as with most lots being in excess of 0.4 hectares in area, a planning permit would be required to remove native vegetation on the land under Clause 52.17 of the Mount Alexander Planning Scheme.

The section of Midland Highway at the eastern end of this DPO 3 area has been identified by VicRoads for potential future upgrading and duplication. In the event that this option is ever further progressed, design guidelines and options for adjoining private land may be undertaken without the need for a Development Plan Overlay and use of a development plan for the area.

Any application for subdivision and dwellings may be adequately considered on its merits through application for a planning permit. Given this lack of potential, there is no need for a development plan to guide future development or justification for the DPO to remain over the area. Consequently, the DPO 3 should be removed over this whole area.

Site 10: Land north of Lawson Parade and Kalimna Tourist Road, east of Blakeley Street, south of Graham Street and west of Grumont Street (Planning Scheme Maps 19 DPO and 21 DPO) (See Appendix 3: DPO Review Maps 2).

The land to which this DPO 3 area applies is zoned Rural Living. In this location, the Rural Living Zone has a minimum subdivision size of 1 hectare with reticulated water and 2 hectares without reticulated water. A planning permit is required for a dwelling on lots of 2 hectares or less (1 hectare or less with reticulated water) in this area. A planning permit is required for a dwelling on lots of 2 hectares or less without reticulated water or 1 hectare or less with reticulated water.

This area is subdivided throughout with larger rural living lots, most of which are developed with dwellings. The area has convenient proximity to the Castlemaine town centre (around 10 to 15 minutes walking distance) and is located near the Castlemaine Secondary College. Reticulated water, but no reticulated sewerage, is available to parts of this area.

The new Castlemaine Land Use Framework Plan (approved under Amendment C24) indicates this land to be within the Castlemaine Urban Boundary with the potential for low density residential zoning, with the eastern section also subject to the proposed Castlemaine Urban Forest Interface Study.

There are only a very small number of lots that are capable of being further subdivided, depending on the ability for effluent disposal on new lots. Other issues also limiting the ability for further subdivision are native vegetation in the southern section of the land (on both the eastern and western sections of Vanstan Street) and a need for development setbacks from the Castlemaine Diggings National Heritage Park at the eastern boundary. Consideration of future development of the land would include native vegetation issues as with lots being in excess of 0.4 hectares in area, a planning permit would be required to remove native vegetation on the land under Clause 52.17 of the Mount Alexander Planning Scheme.

There is very little, if any, opportunity for further subdivision. Any actual application for subdivision or dwelling may be adequately considered on its merits through an application for planning permit. Given this lack of potential and need for a development plan to guide future development, the DPO 3 should be removed over this area.

Site 11: Land on the northern side of Happy Valley Road (Planning Scheme Map 21 and 23 DPO) (See Appendix 3: DPO Review Maps 4).

The land to which this DPO 3 area applies comprises six existing lots zoned Low Density Residential. All six lots have existing dwellings.

This area has been subject to recent strategic study and revised strategic directions and application of zones and overlays through Amendment C25 (gazetted 8 February 2007). This strategic review and planning scheme

implementation exercise outlined specific new approaches for the sensitive and historic landscape in the Happy Valley Road area. Part of the planning response for the area was to apply the new DPO 5 (Hundredweight Hill (Low Density Residential Zone)) and 6 (Happy Valley Road (South)) to land to both the north and south to guide design, siting, environmental, landscape and heritage issues for the area.

The DPO 3 is designed to guide standard low density residential and rural living development and is not appropriate to satisfactorily guide future layout and development in the sensitive Happy Valley Road area. The retention of DPO 3 in the Happy Valley Road area is an anomaly. No alternative DPO (either DPO 5 or DPO 6) is required for the six lots as they all have existing dwellings and no development plan is required to guide future layout.

Site 12: Land on the southern side of the Melbourne and Murray River railway line, east of Wheeler and Preshaw Streets, and west of Matheson Road and Thwaites Street (Planning Scheme Maps 19 DPO and 23 DPO) (See Appendix 3: DPO Review Maps 4).

The land to which this DPO 3 area applies is zoned Rural Living and Public Conservation and Resource. In this location, the Rural Living Zone has a minimum subdivision size of 1 hectare with reticulated water and 2 hectares without reticulated water. A planning permit is required for a dwelling on lots of 2 hectares or less without reticulated water or 1 hectare or less with reticulated water.

This area is substantially developed with existing lots and dwellings. The area resembles a low density residential area, particularly to the east (Galway and Thwaites Street areas) and west (McKendry and Preshaw Street areas) which has fully developed smaller lots. The area has relatively close proximity to the Castlemaine town centre, being around 10 to 15 minutes walk from the centre. Reticulated water, but no reticulated sewerage, is available to some of this area.

There are only a very small number of lots that are capable of being further subdivided, depending on the ability for effluent disposal on new lots. Other issues also limiting the ability for further subdivision are native vegetation in the southern section of the land and a need for development setbacks from the Castlemaine Diggings National Heritage Park at the southern boundary.

There is very little, if any, opportunity for further subdivision. Any actual application may be adequately considered on its merits through an application for a planning permit. Consideration of future development of the land must include native vegetation issues as with most lots being in excess of 0.4 hectares in area, a planning permit would be required to remove native vegetation on the land under Clause 52.17 of the Mount Alexander Planning Scheme.

Given the lack of future subdivision potential and lack of need for a development plan to guide future development, the DPO 3 should be removed over this area. The removal of the DPO 3 will correct the anomaly of the overlay now applying to areas of the Public Conservation and Resource Zone.

There is potential to consider this area for rezoning to Low Density Residential. This zoning would better reflect the actual subdivision pattern of the area. The vegetated nature of the southern section of the area may mitigate against potential rezoning on this part of the land.

2.3.3 Recommendations:

Site 8: Land north of Pyrenees Highway, east of Maldon Road, and both north and west of the former Castlemaine – Maldon railway line (Planning Scheme Maps 18 DPO, 19 DPO and 22 DPO) (Appendix 3: DPO Review Map 3)

- Retain the DPO 3 on all land west of the former Castlemaine – Maldon railway line.
- Delete the DPO 3 on all land east of the former Castlemaine – Maldon railway line.
- Minimise subdivision and retain future residential and urban development potential on land to be retained in the DPO 3 inside the Castlemaine Urban Boundary indicated on the Castlemaine Land Use Framework Plan.
- Correct the Rural Living Zone schedule map indicating applicable minimum subdivision sizes to include land at the northwestern intersection of the former Castlemaine – Maldon railway line and the Pyrenees Highway.

Site 9: Land north of Froomes and Mary Streets and west of the Melbourne and Murray River railway line (Planning Scheme Maps 19 DPO, 20 DPO and 21 DPO) (Appendix 3: DPO Review Map 2)

- Delete the existing DPO 3.

Site 10: Land north of Lawson Parade and Kalimna Tourist Road, east of Blakeley Street, south of Graham Street and west of Grumont Street (Planning Scheme Maps 19 DPO and 21 DPO) (Appendix 3: DPO Review Map 2)

- Delete the existing DPO 3.

Site 11: Land on the northern side of Happy Valley Road (Planning Scheme Maps 21 and 23 DPO) (Appendix 3: DPO Review Map 4)

- Delete the DPO 3.

Site 12: Land on the southern side of the Melbourne and Murray River railway line, east of Wheeler and Preshaw Streets, and west of Matheson Road and Thwaites Street (Planning Scheme Maps 19 DPO and 23 DPO)(Appendix 3: DPO Review Map 4)

- Delete the existing DPO 3.

2.4 Development Plan Overlay 4:

2.4.1 Context:

Although Schedule 4 (Industrial Development Plan) to the DPO forms part of the Mount Alexander Planning Scheme, DPO 4 does not apply to any planning scheme map.

2.4.2 Assessment:

While a DPO 4 schedule was provided for in the approved 1999 Mount Alexander Shire Council, this overlay was not applied at the time of approval of the scheme and has not been applied since that time.

The areas of Industrial 1 Zone in the Mount Alexander Planning Scheme are substantially developed. Given that land affected by this overlay is substantially developed for industrial purposes, the use of the DPO 4 is not required to ensure the use of a development plan to guide the overall subdivision, development and servicing of industrial land prior to specific approvals, subdivision and development.

2.4.3 Recommendations:

- No change required, that is, continue to not apply DPO 4 on planning scheme maps.

2.5 Development Plan Overlay 5:

2.5.1 Context:

The DPO 5 applies in the Mount Alexander Planning Scheme through the use of the DPO 5 in the Hundredweight Hill area and the use of Schedule 5 (Hundredweight Hill (Low Density Residential Zone)) to the DPO. The DPO 5 applies to planning scheme maps 19 DPO, 21 DPO and 23 DPO.

2.5.2 Assessment:

The application of the DPO 5 and current Schedule 5 to the DPO have been included in the planning scheme through the approval of Amendment C25 on 8 February 2007. The overlay and schedule were drafted and applied to implement reviews of land use planning in the Happy Valley Road area and of the Mount Alexander Planning Scheme generally. Given the current nature of the review and overlay application, no changes to overlay maps are required.

2.5.3 Recommendations:

- No changes required to the application of the DPO 5 on planning scheme maps.

2.6 Development Plan Overlay 6:

2.6.1 Context:

The DPO 6 applies in the Mount Alexander Planning Scheme through the use of the DPO 6 in the Happy Valley Road area (See DPO Review Map 4) and the use of Schedule 6 (Happy Valley Road (South)) to the DPO. The DPO 6 applies to planning scheme map 23 DPO.

2.6.2 Assessment:

The application of the DPO 6 and current Schedule 6 to the DPO have been included in the planning scheme through the approval of Amendment C25 on 8 February 2007. The overlay and schedule were drafted and applied to implement general reviews undertaken of land use planning in the Happy Valley Road area and of the Mount Alexander Planning Scheme. Given the current nature of the review and overlay application, no changes to overlay maps are required.

2.6.3 Recommendations:

- No changes required to the application of the DPO 6 on planning scheme maps.

SECTION 3: DEVELOPMENT PLAN OVERLAY SCHEDULES

3.1 *Schedule 1 to the Development Plan Overlay:*

3.1.1 Context:

The DPO 1 applies in the Mount Alexander Planning Scheme through the use of the DPO 1 in various areas of the Castlemaine urban area and the use of Schedule 1 (Residential 1 Development Plan) to the DPO.

3.1.2 Assessment:

The DPO 1 was applied in the approved 1999 Mount Alexander Shire Council. No changes to the application of the overlay or overlay schedule have occurred since that time.

Schedule 1 to the DPO is basic and insufficient for use as a schedule to guide the preparation and assessment of a development plan which instructs residential subdivision and development containing reticulated water and sewerage. The schedule is deficient as it:

- Only gives two basic requirements for permits
- Is very generic, only giving very basic requirements for a development plan.
- Does not outline performance measures for what is intended for a development plan and to achieve quality subdivision and development outcomes.
- Does not outline any specific development outcomes that may be required for any land affected by the overlay.
- Effectively triggers the need for a development plan in all situations when a planning permit is required for subdivision or development, and does not provide for consideration and approval of a minor proposal without a development plan.

A more detailed, performance based schedule is required to guide the strategic framework, requirements and conditions for the future use and development of land in the Residential 1 Zone. This more detailed, performance based schedule should incorporate the following principles:

- Assessment, design and protection of land capability and environmental issues.
- Subdivision, road, services and open space / recreation land layout to meet ResCode principles.
- Supply of a full range of urban services, including the use of urban sensitive urban design principles.
- Sustainable design, development and land use principles
- Assessment, design and protection of native vegetation to meet the objectives of the Victoria Native Vegetation Framework- A Framework for Action.
- Effect on adjoining and nearby land, including opportunities for road and open space / recreation land linkages with the development plan land.
- Design, siting, water, access and safety issues relating to wildfires.

The DPO 1 schedule should allow a planning permit to be granted for certain minor uses and developments before a development plan has been prepared. These recommended minor uses and developments are:

- A single dwelling, any extension to an existing dwelling or any building or works associated with an existing dwelling
- An outbuilding
- Minor extensions to any existing development
- Any agricultural use or development
- Any resubdivision of existing lots

Section 2.1 of this report makes recommendations for the Mount Alexander Planning Scheme maps to delete the Development Plan Overlay 1 from particular parcels of land.

3.1.3 ***Recommendations:***

- Prepare a detailed, performance based schedule (titled Residential 1 Zone Development Plan) for exhibition and inclusion into the planning scheme, including principles outlined in Section 3.1.2 above.
- Exempt minor uses and developments from the need for a development plan before a planning permit is granted as detailed in Section 3.1.2 above.

3.2 Schedule 2 to the Development Plan Overlay:

3.2.1 Context:

The DPO 2 applies in the Mount Alexander Planning Scheme through the use of the DPO 2 on the eastern side of Coolstores Road, between the Castlemaine and Harcourt urban areas, and the use of Schedule 2 (Township Zone Development Plan) to the DPO.

3.2.2 Assessment:

The DPO 2 was applied in the approved 1999 Mount Alexander Shire Council. No changes to the application of the overlay or overlay schedule have occurred since that time.

Schedule 2 to the DPO is very basic and insufficient for use as a schedule to guide the preparation and assessment of a development plan for unserviced township subdivision and development. The schedule is deficient as it:

- Only gives two basic requirements for permits
- Is very generic, only giving very basic requirements for a development plan
- Does not outline performance measures for what is intended for a development plan and to achieve quality subdivision and development outcomes
- Does not outline any specific development outcomes that may be required for any land affected by the overlay
- Effectively triggers the need for a development plan in all situations when a planning permit is required for subdivision or development, and does not provide for consideration and approval of a minor proposal without a development plan

Section 2 of this report makes recommendations to delete the Development Plan Overlay 2 from the Mount Alexander Planning Scheme maps and undertake further strategic land use planning for the Harcourt township (which will include the deletion of the existing Township Zone and replacement of the zone with the Residential 1 Zone for serviced residential areas). With the deletion of the DPO 2 from maps and the redundant use of the Township Zone, Schedule 2 (Township Zone) to the DPO should be removed from the planning scheme.

3.2.3 Recommendations:

- Delete Schedule 2 (Township Zone Development Plan) to the DPO from the Mount Alexander Planning Scheme.

3.3 Schedule 3 to the Development Plan Overlay:

3.3.1 Context:

The DPO 3 applies in the Mount Alexander Planning Scheme through the use of the DPO 3 on the western, northern, northeastern and southeastern sides of the Castlemaine urban area, and the use of Schedule 3 (Low Density Residential / Rural Living Zone Development Plan) to the DPO.

3.3.2 Assessment:

The DPO 3 was applied in the approved 1999 Mount Alexander Shire Council. No changes to the application of the overlay or overlay schedule have occurred since that time.

Schedule 3 to the DPO is very basic and insufficient for use as a schedule to guide the preparation and assessment of a development plan for subdivision and development in the Low Density Residential Zone and Rural Living Zone. The schedule is deficient as it:

- Only gives two basic requirements for permits
- Is very generic, only giving very basic requirements for a development plan
- Does not outline performance measures for what is intended for a development plan and to achieve quality subdivision and development outcomes
- Does not outline any specific development outcomes that may be required for any land affected by the overlay
- Effectively triggers the need for a development plan in all situations when a planning permit is required for subdivision or development, and does not provide for consideration and approval of a minor proposal without a development plan

A more detailed, performance based schedule is required to guide the strategic framework, requirements and conditions for the future use and development of land in the Low Density Residential and Rural Living Zones. This more detailed, performance based schedule should incorporate the following principles:

- Assessment, design and protection of land capability and environmental issues
- Subdivision, road, services and open space / recreation land layout
- Supply of a full range of urban services, including the use of urban sensitive urban design principles
- Sustainable design, development and land use principles
- Assessment, design and protection of native vegetation to meet the objectives of the Victoria Native Vegetation Framework- A Framework for Action
- The effect on adjoining and nearby land, including opportunities for road and open space / recreation land linkages with the development plan land.

The DPO 3 schedule should allow a planning permit to be granted for certain minor uses and developments before a development plan has been prepared. These recommended minor uses and developments are:

- A single dwelling, any extension to an existing dwelling or any building or works associated with an existing dwelling
- An outbuilding
- Minor extensions to any existing development
- Any agricultural use or development
- Any re-subdivision of existing lots

Section 2.3 of this report makes recommendations for the Mount Alexander Planning Scheme maps to both revise and delete the Development Plan Overlay 3 from particular parcels of land.

3.3.3 Recommendations:

- Prepare a detailed, performance based schedule (titled Low Density Residential / Rural Living Zone Development Plan) for exhibition and inclusion into the planning scheme. including principles outlined in Section 3.3.2 above.
- Exempt minor uses and developments from the need for a development plan before a planning permit is granted as detailed in Section 3.3.2 above.

3.4 Schedule 4 to the Development Plan Overlay:

3.4.1 Context:

Although Schedule 4 (Industrial Development Plan) to the DPO forms part of the Mount Alexander Planning Scheme, DPO 4 does not apply on any planning scheme map.

3.4.2 Assessment:

The DPO 4 schedule only was applied in the approved 1999 Mount Alexander Shire Council. The DPO 4 was not applied to any planning scheme map through this approval in 1999. No changes to the overlay schedule have occurred since that time.

The areas of Industrial 1 Zone in the Mount Alexander Planning Scheme are substantially developed. Given that it is substantially developed, land affected by this overlay does not require the use of the DPO or a specific schedule to ensure development and servicing of industrial land prior to specific approvals, subdivision and development.

Schedule 4 to the DPO is very basic and insufficient for use as a schedule to guide the preparation and assessment of a development plan for industrial subdivision and development. The schedule is deficient as it:

- Only gives two basic requirements for permits
- Is very generic, only giving very basic requirements for a development plan
- Does not outline performance measures for what is intended for a development plan and to achieve quality subdivision and development outcomes
- Does not outline any specific development outcomes that may be required for any land affected by the overlay
- Effectively triggers the need for a development plan in all situations when a planning permit is required for subdivision or development, and does not provide for consideration and approval of a minor proposal without a development plan.

The DPO 4 is not required at this stage as the overlay is not applied to any specific land on planning scheme maps. It is possible to reapply a DPO schedule to guide development in industrial zones in the future, if required. In the event that a schedule was reapplied in the future, a revised detailed, performance based schedule should be prepared and exhibited for inclusion into the planning scheme.

3.4.3 Recommendations:

- Delete Schedule 4 (Industrial Development Plan) to the DPO from the Mount Alexander Planning Scheme.
- In the event that a DPO schedule was required in the future to guide industrial development, prepare a detailed, performance based schedule for exhibition and inclusion into the planning scheme.

3.5 Schedule 5 to the Development Plan Overlay:

3.5.1 Context:

The DPO 5 applies in the Mount Alexander Planning Scheme through the use of the DPO 5 in the Hundredweight Hill area and the use of Schedule 5 (Hundredweight Hill (Low Density Residential Zone)) to the DPO.

3.5.2 Assessment:

The application of the DPO 5 and current Schedule 5 to the DPO have been included in the planning scheme through the approval of Amendment C25 on 8 February 2007. The overlay and schedule were drafted and applied to implement reviews of land use planning in the Happy Valley Road area and of the Mount Alexander Planning Scheme generally. Given the current nature of the reviews and overlay application, no changes to the overlay schedule are required.

3.5.3 Recommendations:

- No changes required to Schedule 5 (Hundredweight Hill (Low Density Residential Zone)) to the DPO.

3.6 Schedule 6 to the Development Plan Overlay:

3.6.1 Context:

The DPO 6 applies in the Mount Alexander Planning Scheme through the use of the DPO 6 in the Happy Valley Road area and the use of Schedule 6 (Happy Valley Road (South)) to the DPO.

3.6.2 Assessment:

The application of the DPO 6 and current Schedule 6 to the DPO have been

included in the planning scheme through the approval of Amendment C25 on 8 February 2007. The overlay and schedule were drafted and applied to implement reviews of land use planning in the Happy Valley Road area and of the Mount Alexander Planning Scheme generally. Given the current nature of the review and overlay application, no changes to the overlay schedule are required.

3.6.3 Recommendations:

No changes required to Schedule 6 (Happy Valley Road (South)) to the DPO.

SECTION 4: MOUNT ALEXANDER PLANNING SCHEME LOCAL PLANNING POLICY FRAMEWORK

4.1 Context:

The Local Planning Policy Framework (LPPF) outlines the strategic directions and policy guidance for the planning scheme municipal area and how the responsible authority will implement the State Planning Policy Framework (SPPF) of the planning scheme. The LPPF establishes the strategic justification for the use of planning controls that are applied in the planning scheme to implement Council's strategic and policy directions.

The use of the development planning process and the Development Plan Overlay is strategically outlined in the following strategies and policies of the Mount Alexander Planning Scheme LPPF:

- 21.04-1, Management of Urban Growth:

Strategies generally outline the need for urban consolidation and expansion in Castlemaine and the need for urban growth to occur within defined urban boundaries. Implementation includes the application of the Development Plan Overlay to proposed new residential areas.

- 21.04-2, Strengthening Castlemaine's Regional Role:

Strategies include encouraging residential expansion to the west and south of Castlemaine in the McKenzies Hill, Diamond Gully and Campbells Creek areas. Implementation includes the application of the Development Plan Overlay to the proposed new industrial area in Ranter's Gully and proposed new residential areas. Further strategic work includes development plans for McKenzies Hill and West Castlemaine areas.

- 21.04-4, Rural Living:

Strategies include ensuring rural living development is located outside defined urban boundaries and is encouraged to cluster close to key service areas. The Rural Living Strategy which is a reference document at 21.05 recommends a DPO be applied wherever land is rezoned to the Rural Living Zone.

- 21.04-8, Sustainable Housing:

Strategies include encouraging energy efficiency in the planning and design of urban communities and providing low density housing opportunities in the Happy Valley / Moonlight Flat area. Implementation includes the application of Development Plan Overlays to new residential areas. Further strategic work includes the preparation of development plans for new residential areas that provide for site responsive residential design.

- 22.01, Castlemaine:

This local policy applies to Castlemaine as defined on the Township Structure Plan. Policies include the preparation of Outline Development Plans for future residential areas including Milkmaids Flat, Wattle Flat, McKenzies Hill and North Castlemaine.

4.2 Assessment:

The need, use and future use of the development planning process has an appropriate level of strategic basis and support in the Mount Alexander Planning Scheme LPPF. Some strategies support the use of the development planning process for proposed new residential areas. Other strategies and the local policy for the Castlemaine urban area support the use of the development planning process for future residential and development areas that have identified in the Castlemaine Land Use Framework, revised through the approval of Amendment C24 to the Mount Alexander Planning Scheme.

Existing strategies and policies adequately justify the current or future use of the development planning process to guide residential development. Strategies and policies for the future use of development plans will be further developed and implemented through future rezoning of areas indicated for future residential growth and the application of the Development Plan Overlay to them.

The existing Rural Living Strategy (Clause 21.05) recommends the introduction of the Development Plan Overlay with any sites proposed for rezoning to rural living. The recommendation of this report is to delete the DPO from most areas of the Rural Living Zone where development has already occurred, other than the western section of Castlemaine that is essentially earmarked for future more intensive residential zoning and development.

4.3 Recommendations:

- No changes to the Mount Alexander Planning Scheme Local Planning Policy Framework required.

APPENDIX 1:

METHODOLOGY FOR REVIEW OF DEVELOPMENT PLAN OVERLAYS, MOUNT ALEXANDER PLANNING SCHEME:

Review current Development Plan Overlay:

Service, land and approvals information:

- Review of all current planning and subdivision approvals for land affected by the DPO
- Review of current service availability
- Review of GIS land and lot information

Site information:

- Site inspections of all sites affected by the DPO

Mount Alexander Planning Scheme:

- Review DPO map extent and application (all DPO maps now applying to seven planning scheme maps)
- Review DPO Schedules (mainly 1 – 4; assumed that recently amended Schedules 5 & 6 will require little or no review / change)
- Review Local Planning Policy Framework (MSS (21.05) and local policies (22.01, Castlemaine))

Consultation:

- Consultation with relevant Council officers (planning, engineering, recreation)
- Consultation with relevant service agencies

Recommendations:

- Make recommendations for future development planning needs for areas affected by the DPO
- Make recommendations for changes to the planning scheme (including marked plans for proposed map changes and draft points for Schedule and LPPF changes)
- Prepare simple guidelines on how to prepare, coordinate and cost development plans in the municipality (this task could be considered and prepared in the future under stage 3, outlined below)

APPENDIX 2:

GUIDELINES FOR THE PREPARATION AND ASSESSEMENT OF DEVELOPMENT PLANS:

1. Context

The intent of the Development Plan Overlay is to apply the need for a development plan to guide the future layout, use and development of land.

One of the purposes of the overlay is:

- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

The VPP *Practice Note Applying the Incorporated Plan and Development Plan Overlays, January 2003* provides guidance on how to use the Development Plan Overlay in planning schemes, including the preparation and assessment of development plans.

The use of the Development Plan Overlay must be supported by an appropriate strategic framework in the planning scheme that outlines the strategic directions for the area and has justified the appropriateness of planning tools used to achieve the desired development outcomes for the land, including the application of the overlay.

The Development Plan Overlay:

1. Enables the preparation and approval of a plan to guide future use and development;
2. Does not establish any planning permit requirement, but prevents the granting of a planning permit before a development plan has been approved;
3. Cannot vary, add to ('schedule in') or delete ('schedule out') planning provisions in the zone or other overlays that may apply to the land;
4. May consider and include both 'use' and 'development';
5. Provides that any planning permit that is granted on land affected by an approved development plan be 'generally in accordance' with the approved plan;
6. Exempts applications for planning permit that are 'generally in accordance' with an approved development plan from notice and review provisions, i.e. formal notification and appeal rights.

The schedule to the Development Plan Overlay provides for requirements before a development plan is issued. This section provides an outline of what the responsible authority must consider in the preparation of a development plan. Requirements should be expressed in terms of performance based measures as

far as possible. This section can provide that applications for planning permit may be considered for specified uses and developments before a development plan has been approved.

Conditions and requirements for permits: This section allows planning permit conditions and requirements to be specified. In this case, conditions and requirements will be worded in a less prescriptive manner than a planning permit condition.

Requirements for development plan: This section outlines what a development plan must outline and assess.

A development plan schedule may specify uses and developments that may be granted before a development plan is approved. To avoid the need for a development plan for minor uses and developments that do not affect the intent of a development plan, DPO schedules should be drafted to exclude the need for a development plan to be approved before these minor uses and developments may be granted.

2. Development plan areas and co-ordination

The Development Plan Overlay requires that a development plan must describe the land to which the plan applies.

A development plan must cover a sufficiently sized area to adequately co-ordinate use and development of an overall area. While individual landowners may wish to proceed with individual proposals for use or development, it is important that a development plan area is large enough to provide future planning for a wider area in context, which is the main purpose for applying the Development Plan Overlay to the area.

Consideration of development plan proposals for smaller parcels of land within overall DPO areas may compromise the future development planning for an overall area. The need for development plans for smaller areas may be partly avoided by scheduling out the need for development plans for certain types of minor uses and developments in DPO schedules.

3. Development plan content

The Development Plan Overlay requires that a development plan must describe:

- The land to which the plan applies;
- The proposed use and development of each part of the land;
- Any other matters specified in a schedule.

There are no statutory requirements for the detailed form and content of a development plan. The VPP Practice Note outlines that a plan should include:

- Map/s: One or more maps that define the area to which the development plan applies;
- Ordinance: Written provision for the development plan.
- Objectives: Objectives for the plan area that support the use, development or staging provisions outlined in the development plan;
- Criteria or performance measures: An outline of criteria or performance measures to assist the responsible authority to determine whether the plan objectives have been met;
- Use provisions: An outline of uses that will be generally 'in accordance with' the development plan, using definition terms from the planning scheme whenever possible. When it is not intended that a plan consider use, it should specify that all uses in Section 2 of the applicable zone are generally in accordance with the plan;
- Buildings and works provisions: An outline of buildings and works that will be generally 'in accordance with' the development plan. Provisions should be drafted inclusively to ensure that a planning permit may still be granted for buildings and works that are not specified in, or not envisaged, in the development plan. When it is not intended that a plan will affect and consider buildings and works, the plan should make this clear;
- Staging provisions: A development plan may include staging. If required, staging provisions may outline specific staging requirements such as order of commencement or conditions or requirements that must be met prior to the commencement of subsequent stages. A development plan may enable the first stage of future use and development to proceed and provide for a subsequent development plan to be prepared for any future stage.
- Specific matters: In addition to the suggested practice note content for a development plan (outlined above), more specific development and use issues, objectives, location, conditions and requirements that are typically included and assessed under a development plan are:
 - Overall layout: Broader layout of subdivision, including areas for future development and use, roads, services, open space, community facilities and environmental protection areas;
 - Development location: Specific location of development, for example individual lots, building and effluent disposal envelopes;
 - Development form: Specific guidance for the design, siting and materials of buildings and works;
 - Roads and services: Location and future planning for roads and services, including access to the land, internal road and services

locations, road and services linkages and future linkages with adjoining and nearby land;

- Land capability and environment: General land capability, environmental resources and constraints (including slope, drainage / flooding and native or other vegetation), capability for effluent disposal, and design and protection measures based on environmental condition;
- Open space: Future location and design of recreational and other open space, open space linkages and future linkages with adjoining and nearby land;
- Social and community issues: Future social and community developments and uses.

4. Notification

There is no formal statutory process for the exhibition and approval of a development plan.

A consultation period should be provided for any proposed development plan.

Notification should be given to all relevant / affected agencies and departments and to all potentially affected landowners and occupiers.

A minimum notification period of 2 weeks is suggested, with a notification period of at least one month.

5. Assessment:

A development plan is prepared 'to the satisfaction of the responsible authority'. There are no review rights for applicants if a responsible authority fails to resolve or approve a proposed development plan.

In assessing a proposed development plan, a responsible authority must consider:

1. Content:
Has a development plan adequately included and assessed the required content of a development plan (see Section 3)?

Use and development issues:

- What are the relevant 'use' and 'development' issues for the development plan area and immediate area around it?;
- What are the anticipated uses both within and outside the development plan area?;
- What are the relationships between future uses and development (both within and outside the development plan area) and are they compatible?

2. Compliance with the planning scheme:

- Does the plan meet the strategic and policy directions of the Local Planning Policy Framework?;
- Does the plan meet the purposes of the relevant zone and the Development Plan Overlay (to outline the form and conditions of future use and development before the land is used or developed) and overlay schedule?;
- Does the plan meet the planning scheme generally, such as the State Planning Policy Framework and general decision guidelines?

6. Preparation, costing and approval

Although a draft development plan may often be prepared by a proponent, it is the responsible authority that has the legal responsibility for the preparation and approval of a development plan. While a draft plan prepared by a developer may be useful, the responsible authority must be satisfied with the plan content and process and ultimately approve any approved development plan.

While a responsible authority has the responsibility for the preparation and approval of a development plan, it has the option to ask landowners to prepare a draft plan or contribute financially towards the preparation of a draft plan to be prepared by a consultant appointed by the responsible authority. Any financial or kind contribution towards a draft plan must be on the basis that this contribution does not guarantee any successful or predetermined outcome in the plan.

The development plan process is a distinct, separate process from the application for planning permit process. When a DPO applies to land and a development plan must be approved prior to a planning permit being issued, the development plan approval must come before the issue of a planning permit.

The relevant responsible authority must approve a development plan. While this function may be delegated to a senior officer, a development plan should be approved by a municipal council. It may be appropriate to delegate the approval of minor development plans to a senior officer.

7. Life of a development plan

An approved development plan should specify a time period to which the plan applies. Without a time period being specified, a development plan will continue indefinitely. Given that circumstances and the applicable planning scheme will change with time, an approved development plan will lose its applicability in time and should be reviewed and revised in the future.

The responsible authority must approve the time period to which an approved development plan applies. Periods of five (5) and ten (10) years are common expiry periods for development plans.

8. Assessment and approval of applications for planning permit

An application for planning permit on land affected by an approved development plan must be 'generally in accordance' with the approved plan. The proposal must be tested against the use and development requirements of the plan. If a proposal is 'generally in accordance' with the approved development plan, it may be considered on its merits.

If a proposal is generally in accordance with a development plan, the responsible authority does not automatically approve the proposal. After consideration of all planning concerns and controls that apply to the land, the responsible authority will consider a proposal on its merits and may even refuse an application that is in accordance with an approved development plan.

If a proposal is not 'generally in accordance' with an approved development plan, it cannot be granted unless the development plan is amended to allow consideration of the proposal.

9. Development plan monitoring

A record of development plans should be kept through:

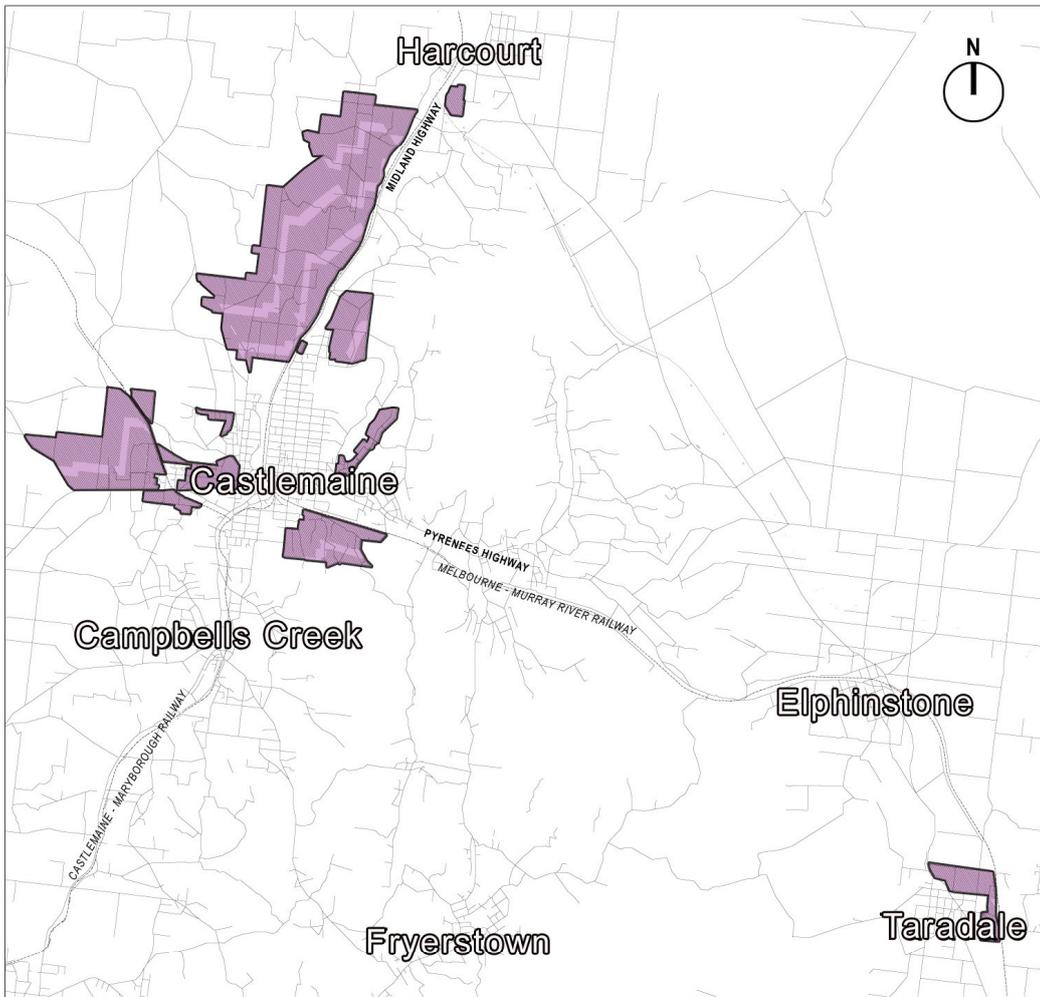
- An electronic and hard copy register
- Link to the municipal property data base
- A copy or record of approved development plans being held at the rear of DPO schedules in each hard copy of the planning scheme held at Council (this record does not form part of the approved copy of the scheme, but is an informal record)
- Hard copies of all approved development plans being held in the Planning Department

APPENDIX 3:

MAPPING OF RECOMMENDATIONS:

APPENDIX 3: MAP 1

AREAS IN MOUNT ALEXANDER SHIRE AFFECTED BY DEVELOPMENT PLAN OVERLAYS (DPO's)

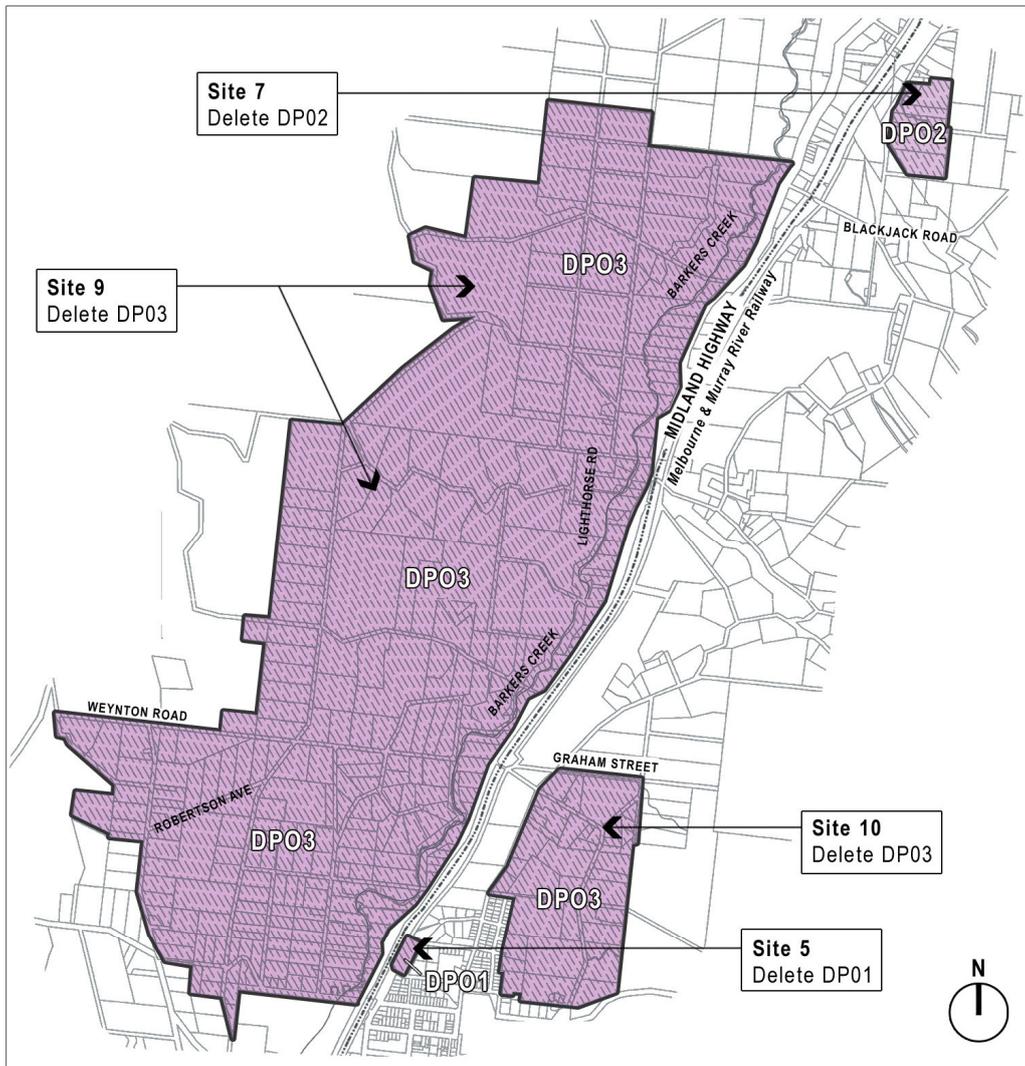


Legend

 Development Plan Overlay (DPO)

APPENDIX 3: MAP 2

MOUNT ALEXANDER SHIRE DEVELOPMENT PLAN OVERLAY REVIEW SITES & RECOMMENDATIONS



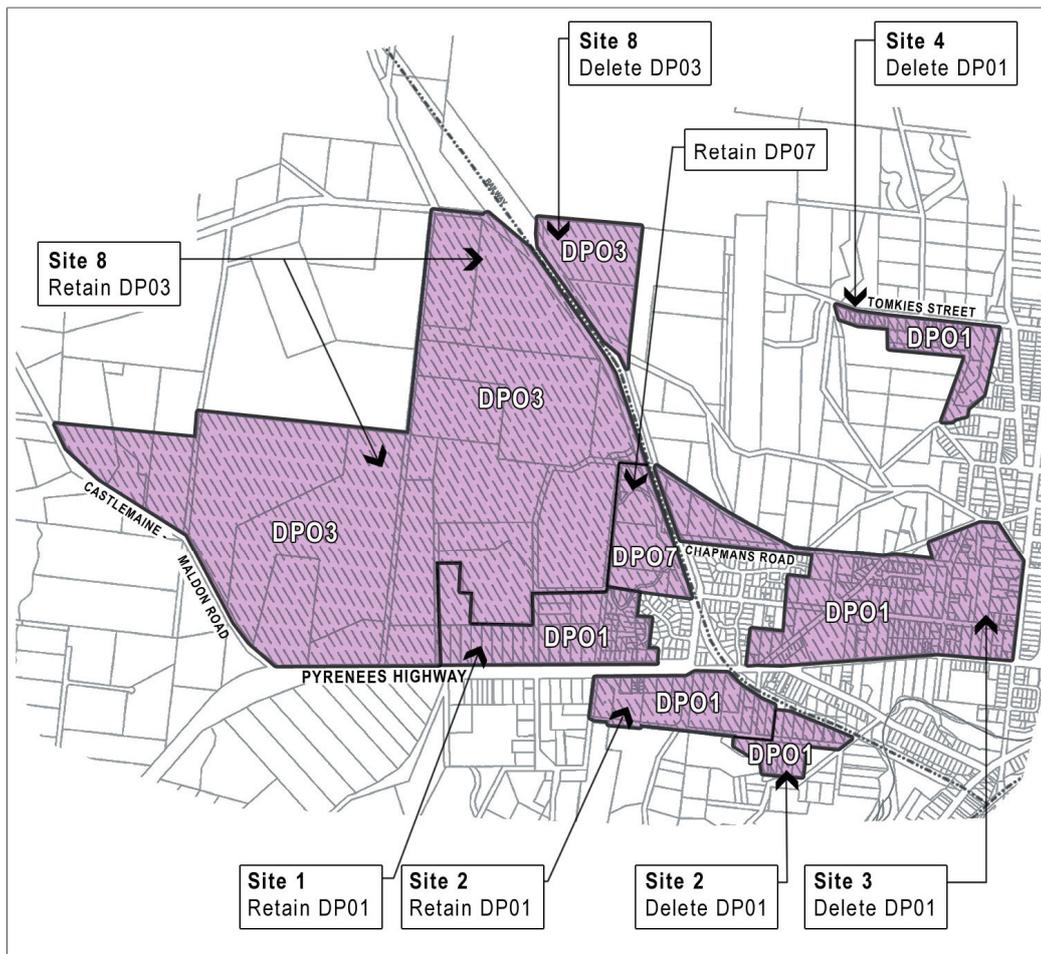
Planning Scheme Maps 6, 19, 20 & 21

LEGEND

	Development Plan Overlay - Schedule 1 (DPO1)
	Development Plan Overlay - Schedule 2 (DPO2)
	Development Plan Overlay - Schedule 3 (DPO3)

APPENDIX 3: MAP 3

MOUNT ALEXANDER SHIRE DEVELOPMENT PLAN OVERLAY REVIEW SITES & RECOMMENDATIONS



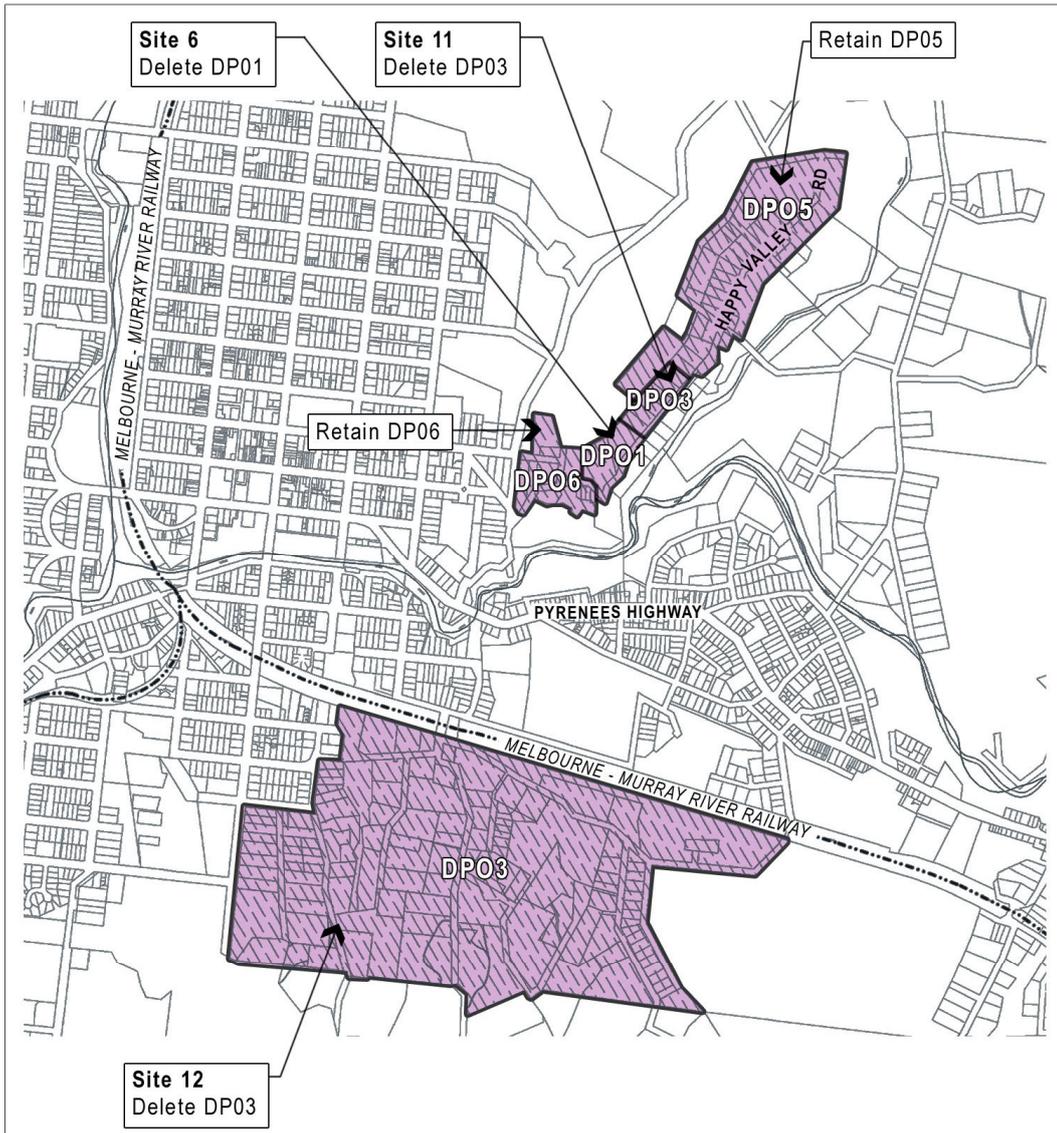
Planning Scheme Maps 18, 19, 20 & 22

LEGEND

- DPO1 Development Plan Overlay - Schedule 1 (DPO1)
- DPO3 Development Plan Overlay - Schedule 3 (DPO3)
- DPO7 Development Plan Overlay - Schedule 7 (DPO7)

APPENDIX 3: MAP 4

MOUNT ALEXANDER SHIRE DEVELOPMENT PLAN OVERLAY REVIEW SITES & RECOMMENDATIONS



Planning Scheme Maps 19, 21 & 23

LEGEND

- DPO1 Development Plan Overlay - Schedule 1 (DPO1)
- DPO3 Development Plan Overlay - Schedule 3 (DPO3)
- DPO5 Development Plan Overlay - Schedule 5 (DPO5)
- DPO6 Development Plan Overlay - Schedule 6 (DPO6)