

Mount Alexander Planning Scheme Review



Final Draft Report
Version 2

Date: 15 March 2024



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Planning and Environment Act 1987

Planning scheme review pursuant to Section 12B of the Act

Mount Alexander Planning Scheme

Version	Author	Issue date
1.0	Plan2Place Consulting	5 January 2024
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Abbreviations

Abbreviation	Meaning
BAO	Buffer Area Overlay
BMO	Bushfire Management Overlay
CASBE	Council Alliance for a Sustainable Built Environment
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
C	Council Amendment
DTP	Department of Transport and Planning
DEECA	Department of Energy, Environment and Climate Action
DDO	Design and Development Overlay
DPO	Development Plan Overlay
ESD	Environmentally Sustainable Development
ESO	Environmental Significance Overlay
EPAV	Environment Protection Authority Victoria
FZ	Farming Zone
FO	Flooding Overlay
GC	Group Council Amendment
GRZ	General Residential Zone
HO	Heritage Overlay
LSIO	Land Subject to Inundation Overlay
LGA	Local Government Area
LDRZ	Low Density Residential Zone
MDFC	Ministerial Direction on the Form and Content of Planning Schemes
MASC, Council	Mount Alexander Shire Council
MPS	Municipal Planning Strategy
NCO	Neighbourhood Character Overlay
NRZ	Neighbourhood Residential Zone
PG	Practitioner's Guide to Victoria's Planning Schemes
PPF	Planning Policy Framework
PPN	Planning Practice Note
PPV	Planning Panels Victoria
PUZ	Public Use Zone
PSR	Mount Alexander Planning Scheme Review
RCZ	Rural Conservation Zone
RLZ	Rural Living Zone
SLO	Significant Landscape Overlay
DDWCAC	Dja Dja Wurrung Clans Aboriginal Corporation
The Scheme, malx	Mount Alexander Planning Scheme
TZ	Township Zone
VC	Victoria and Council Amendment
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions
VPO	Vegetation Protection Overlay
Numeric Abbreviations	
ha	hectares
m	metre
m ²	metres squared
%	percent
sqm	square metres
Related Legislation	
Environment Protection Act 2017 (EP Act 2017)	
Subdivision Act 1988 (Sub Act)	
Planning and Environment Act 1987 (P&E Act, the Act)	

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1. Executive summary

1.1. Why is the planning scheme being reviewed?

Council as the planning authority for the Mount Alexander Planning Scheme is required to review its planning scheme every four years under Section 12(B) of the Planning and Environment Act 1987 (the Act).

Council last undertook a comprehensive review of the planning scheme in 2019. The findings of this review were translated into the planning scheme primarily via Amendment C95malx gazetted in 2021.

In 2021, the planning scheme was restructured to insert a new Municipal Planning Strategy (MPS) and local planning policies in an integrated Planning Policy Framework (PPF) to replace the former Local Policy Planning Framework (LPPF). This was implemented via Amendment C95malx and was a policy neutral amendment undertaken by the Victorian government.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the P&E Act once completed. A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as **Appendix 2** to this report.

1.2. Health check and findings

Overall, the Mount Alexander Planning Scheme (the scheme) provides a robust strategic and statutory framework for land use and development in Mount Alexander Shire. The planning scheme was translated into the new structure with a Municipal Planning Strategy and integrated Planning Policy Framework and now needs updating as a result of improvements that have been to the Municipal Planning Strategy and Planning Policy Framework structure over the last few years.

The scheme's Municipal Planning Strategy requires some administrative and population updates and some very minor administrative corrections. Planning policies in the Planning Policy Framework also require some administrative updates and minor restructuring.

Low density residential, township, farming, rural conservation and rural living zone schedules and their mapping should be more clearly mapped and expressed with single schedules to improve their clarity. Schedules should be redrafted, where required, to be consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.

Overlays including the Environmental Significance, Vegetation Protection, Significant Landscape, Design and Development and Development Plan Overlays should be redrafted to be consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*. There could be greater use of VicSmart local provisions for simple, non-contentious applications and this could be considered for range of identified application types.

Over the last five years, the numbers of applications received have mostly matched the numbers of applications decided, which demonstrates that Council is assessing applications and administering its scheme well. There are periods in which applications determined have lagged behind those lodged, which reflects the resourcing constraints and challenges for a rural Council. There is a very low number of appeals and refusals for planning applications subject to the scheme and a moderate number of withdrawn and no permit required applications, which partly explains the low number of refusals.

Further strategic work or implementation of existing strategic work is needed to reinforce and improve the strategic directions of the scheme to better guide decision making around:

- The Shire's municipal settlement strategy.

- A Rural Land Use Strategy.
- A Scenic Landscapes Strategy.
- Revising/Updating the heritage policy based on future strategic work.
- Reviewing the schedule to Clause 43.01s - Heritage Overlay to insert statements of significance for all sites not included in the Victorian Heritage Register.
- Reviewing Schedule 1 to Clause 59.16 - information requirements and decision guidelines for local VicSmart applications to incorporate additional local classes of minor applications.

There is adequate resourcing of the planning functions at Council but this could be improved both in the statutory and strategic planning areas. Given the Shire's rural location in north-central Victoria, staff attraction and retention can be a significant issue and recruitment is an ongoing challenge. There are only two strategic planners employed at Council (both at 1.0 Full Time Equivalent staff) which is insufficient to manage the more than ten strategic and other projects currently underway and the new projects proposed through future strategic work. This level of resourcing does not enable multiple planning scheme amendments and strategic projects to be progressed, multiple project briefs and consultancy projects to be managed and planning advice to be provided throughout Council. There is an urgent need for a Principal Planner and Para Planner in the statutory planning area and an additional strategic planner in the strategic planning area to better resource Council's planning functions.

The budgetary impact of the funding of strategic projects and their implementation can also be a significant issue for Council in a rate capped and inflationary fiscal environment. Council should adopt its Shire-wide Settlement Planning Assessment to provide better direction about future population and housing and their preferred locations in the municipality which relates to other projects underway. There are many strategic projects on the planning scheme's list of future strategic work that have been undertaken and completed. However, there are some that have not been progressed since the 2019 planning scheme review, such as undertaking a work around rural land, scenic landscapes and updated heritage reviews. Council needs to prioritise funding to these and several other projects in order to implement this planning scheme review. To assist with this, Council should continue to investigate external funding and partnership opportunities that are provided by Victorian Government Departments and Agencies, the Commonwealth Government and regional organisations.

Council's *Planning Permit Determinations by Council* policy currently states that any application for refusal, where the cost of development is \$1 Million or more, that is deemed to be of high community interest or where five or more objections have been received must be determined by Council. This includes any application that is recommended for a permit, notice of decision to grant a permit or refusal. This level of delegation is insufficient and inconsistent with an efficient and well-functioning planning scheme and application process and should be reviewed.

Strategic planning matters and statutory planning applications received and progressed are regularly reported to Council. This enables Councillors to raise any issues with specific matters and to "call-in" planning applications for reporting to Council such as those that raise substantial policy issues. To provide for an improved planning function at Council, it is recommended that Council revise its delegations for planning applications so that those that are recommended for refusal and applications with 10 or more objections are determined under delegation by officers.

During this planning scheme review, it has become clear that the executive team at Council and Councillors both understand and are committed to addressing the underlying issues and directing adequate resources to improve the performance of the planning function at Council. This process will take time and it is critical that Council remain focused on the strategic planning projects that will make the most difference to the wider community and building the capacity and confidence of the statutory and strategic planning team.

1.3. Top priorities for Council

The review has identified the following priorities for Council over the next four years:

- Undertaking a Rural Land Strategy for the Shire.
- Undertaking a Shire-wide landscape review and updates to the SLO schedules.
- Reviewing existing heritage studies and prepare a comprehensive heritage conservation strategy including recommendations for planning provisions, conservation management, development guidelines and other actions in accordance with the thematic history for the Shire.
- Partnering with relevant water authorities to undertake and implement updated flood studies.
- Partnering with Goulburn-Murray Water and Coliban Water to investigate extending the Environmental Significance Overlay to include all declared open potable water supply catchments.

1.4. Consolidated recommendations

This section of the report outlines the recommendations and next steps for this planning scheme review. Recommendations are grouped as follows:

- Planning scheme recommendations.
- Further strategic work recommendations.
- Process improvement recommendations.
- Advocacy recommendations.
- Minister for Planning recommendation.

1.4.1. Planning scheme amendment

These recommendations relate to the planning scheme amendment that should be progressed to implement the findings of this review relating to administrative matters or to incorporate Council or State adopted strategic planning work into the scheme.

The planning scheme review has identified many policy-neutral changes that should be made to the planning scheme to bring it into alignment with the *Ministerial Direction on the Form and Content of Planning Schemes*. These are administrative matters and do not change the policy intent of the scheme.

There are several factual changes that should be made to the Municipal Planning Strategy to bring it up to date with the most recent Australian Bureau and Statistics and economic data, and the Council Plan.

The planning permit audit and consultation with referral authorities and Council staff identified that some provisions can be better drafted, particularly overlay schedules, better applied such as the Rural Living Zone schedules, and some referral and notice provisions for applications can be revised or removed. As well as sometimes being difficult to understand in terms of permit requirements, these provisions are unclear and generate unnecessary regulatory burden that does not value add to the planning process. Revising these will help to provide a clearer planning scheme, leading to a reduction in workload and the ability to redirect resources to higher priority planning matters.

Opportunity has been taken to make several other changes to the planning scheme to reflect Council policy and practice including:

- Minor administrative corrections and updates to the Municipal Planning Strategy including an updated vision.
- Administrative and some policy updates to Clauses 11.01-1L.01, .02 and .03, 14.01-1L, 16.01-3L and 17.03-2L.

- Introducing an environmental sustainable development local policy at Clause 15.01-2L .02 of the scheme based on Council’s adopted Climate Change Strategy 2023 and membership of CASBE.
- Updating zone and overlay schedules to be consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
- Updating Clause 74.02 to align with the strategic work that has been completed by Council and the future strategic work that is pending.

All of these matters should be progressed concurrently through an exhibited Amendment, although some of the more administrative matters could be progressed separately through a Ministerial Amendment.

An audit of local and regional strategies and policies that have been completed since the last planning scheme review has been undertaken and planning policy from these strategies incorporated into the planning scheme as relevant. The working documents that were used to undertake the analysis have been provided to Council officers for reference. The record of engagement with officers, referral authorities and Council has been summarised in this report and provided to Council for reference.

These planning scheme changes are marked as track changes on the supporting Mount Alexander Planning Scheme (the scheme) ordinance at **Appendix 1**.

Within the Ordinance, the reason for each change is included in orange text in brackets like this: [source code]. This reason will take the reader back to the correct page of the parent document or the correct provision in the planning scheme as appropriate and enable changes to be understood in their original context. If the words **NEW** is at the start of the source code, it means that this is new, strategically justified policy to be included in the scheme and will require a full, or exhibited, amendment.

Recommendation:

It is recommended that Council:

- 1. Prepare a planning scheme amendment or amendments using the marked-up ordinance at Appendix 1 to:**
 - a) Incorporate the policy neutral changes identified in Chapter 5 to align the ordinance with the Ministerial Direction on the Form and Content of Planning Schemes.**
 - b) Include revised or new policy and/or provisions to improve the strategic directions of the scheme and to include adopted Council strategies and policies.**

1.4.2. Further strategic work

Appendix 2 of this report outlines the strategic planning work that has been identified through this planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme have been identified and included in the recommendations below. Numerous other recommendations for further strategic work have been identified through this review and are included in **Appendix 2**. The list below represents the further strategic work that is considered will have the most positive impact for the Mount Alexander community and the efficient functioning of the planning function.

Only work that can be completed in the next four years should be included in Clause 74.02 of the planning scheme. A recommended Clause 74.02 is included in the marked-up ordinance at **Appendix**

1. This should be considered by Council to ensure that the work is reasonable to complete over the next four years.

Recommendations:

It is recommended that Council:

2. Prioritise the following further strategic work over the next four years:

- a) Investigate the application of the most appropriate residential zones to townships based on preferred future character and housing change areas as identified in the preparation of a residential development framework.
- b) Implement the framework plan for Harcourt.
- c) Finalise and implement the industrial strategy for the municipality.
- d) Prepare a new Rural Land Strategy that:
 - Develops criteria and identifies potential areas for the application of the Rural Conservation Zone, the Rural Activity Zone and other rural zones with tailored schedules to meet agricultural and farming needs.
 - Investigates the protection of existing agriculture activities through the use of separation distances that address issues of noise, dust, odour, hours of operation and spray drift with Agriculture Victoria.
- e) Review and prepare an updated Mount Alexander Rural Living Strategy to replace the Rural Living Strategy 2006.
- f) Introduce and/or update flooding provisions and their application based on flood management plans/studies for Newstead, Harcourt, Sutton Grange, Maldon, Guilford, Taradale and the rural areas between Campbells Creek and Guilford.
- g) Prepare an updated Heritage Strategy in consultation with existing heritage groups and the local Aboriginal party.
- h) Undertake a retail and commercial strategy for the municipality that considers the inclusion of design guidelines for commercial areas and the potential application of the Commercial 3 Zone.
- i) Review existing heritage studies that includes recommendations for planning provisions, conservation management, development guidelines and other actions in accordance with the thematic history for the Shire.
- j) Prepare and implement a structure plan for Newstead.
- k) Prepare a small towns strategy that includes a review of the framework plans for Elphinstone, Guildford, and Taradale.
- l) Partner with Goulburn-Murray Water and Coliban Water to investigate extending the Environmental Significance Overlay to include all declared open potable water supply catchments.
- m) Prepare a new Castlemaine Urban Design Framework to inform Clause 11.03-1L.01 and review the application of the Design and Development Overlays.
- n) Prepare strategic investigations into wastewater issues for the townships of Taradale, Guildford and Elphinstone.

- o) Prepare a Scenic Landscapes Strategy to clarify which landscapes and views are to be protected and then a planning scheme amendment to make key technical updates to the schedules to the Significant Landscape Overlay (SLO1-SLO4), following the recommendations of the 2010 and 2020 reviews.**
- p) Investigate the application of the Buffer Area Overlay to the Castlemaine Water Reclamation Plant.**
- q) Investigate the identified former landfill sites and the potential application of the Buffer Area Overlay and Public Use Zone to these sites.**
- r) Undertake further strategic work to review and update the mapping and Schedules to the Environmental Significance Overlay.**
- s) Undertake further investigations into applying the Vegetation Protection Overlay to roadsides of high conservation value and other land as determined through the Roadside Conservation Management Plan and Shire-wide Biodiversity Strategy.**
- t) Prepare and implement a signage policy for the municipality.**

1.4.3. Process improvements

These recommendations are drawn from both the analysis of the planning scheme and consultation with Council staff and referral authorities.

The recommendations relate to improvements that could be made to the processes associated with collection and analysis of data (such as planning permits), processing and referral of applications, and communication. Process improvements may apply to Council, the Victorian government or referral agencies.

Recommendations:

It is recommended that Council:

- 3. Include the following matters about internal Council processes that could be improved:**
 - a) Review delegations for planning applications and better resource the statutory planning and strategic planning areas.**
 - b) As a guide, include a cap of 25-35 applications per statutory planner at any one time.**
 - c) Consider the employment of a Principal Planner and a Para Planner in the Statutory Planning Area.**
 - d) Consider the employment of an additional Strategic Planner in the Strategic Planning Area.**
 - e) Undertake a renewed and updated Memorandum of Understanding with water authorities on water, sewerage, flooding and drainage related issues.**

1.4.4. Advocacy

These recommendations are generally beyond the scope of what Council can achieve in its planning scheme under the current Victoria Planning Provisions or scope of the Planning and Environment Act 1987. They are matters that Council may wish to discuss with the Victorian government to highlight the issue and advocate for change.

Recommendations:

It is recommended that Council:

- 4. Advocate to the Victorian Government for stronger provisions to be included in the Farming Zone and Rural Conservation Zone to prohibit a second dwelling on a lot and subsequent residential subdivisions less than the minimum lot size in these zones where located on high value agricultural land.**

1.4.5. Minister for Planning

Mount Alexander Shire Council, with funding from DTP and assistance from Plan2Place Consulting has prepared a planning scheme review as required by section 12B(1) of the *Planning and Environment Act 1987* (the Act).

In accordance with section 12B(3) of the Act, this review identifies opportunities, set out in this report, enhances the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria and the objectives of the planning framework established in the Act.

In accordance with section 12B(4) of the Act, the review evaluates the planning scheme to ensure that it:

- Is consistent with Ministerial Direction on the Form and Content of Planning Schemes.
- Sets out the policy objectives for the use and development of land.
- Makes effective use of state and local provisions to achieve state and local planning policy objectives.

Recommendation:

- 5. That Mount Alexander Shire Council note the draft Planning Scheme Review and consider options for progressing the Review through a future planning scheme amendment.**

Once the planning scheme review report is finalised include the following recommendation:

- 6. That Mount Alexander Shire Council adopt this Planning Scheme Review and forward it to the Minister for Planning as evidence that Mount Alexander Shire Council, as the planning authority for Mount Alexander Planning Scheme, has met its obligations in accordance with Section 12B of the Planning and Environment Act 1987 to review the planning scheme every four years.**

2. Introduction

2.1. Purpose

Council as the planning authority for the Mount Alexander Planning Scheme is required to review its planning scheme every four years under Section 12(B) of the *Planning and Environment Act 1987* (The Act).

The scope of a planning scheme review is established under Section 12(B) and planning scheme reviews should focus on:

- The effectiveness and efficiency of the planning scheme in achieving the objectives of planning and the planning framework in Victoria.
- Aligning the planning scheme with the Ministerial Direction on the Form and Content of Planning Schemes.
- Ensuring the planning scheme contains a clear narrative about the way use and development of land will be managed to achieve the planning vision or objectives of the area.

Planning scheme reviews also provide the opportunity to:

- Align Council's policy position with the planning scheme.
- Update out of date or redundant information.
- Educate and inform stakeholders about how the planning scheme works and the process by which to improve it.

Council last undertook a comprehensive review of the planning scheme in 2019, which followed a review in 2014. Much of the 2019 review is either underway or has been implemented through a variety of planning scheme amendments including Amendment C95malx gazetted in 2021. Amendment C95malx restructured the planning scheme by inserting a new Municipal Planning Strategy and local planning policies to replace the former Local Policy Planning Framework into the new Planning Policy Framework. This was a policy neutral amendment undertaken by the Victorian government in partnership with Council.

The new Municipal Planning Strategy and local policies in the Planning Policy Framework have responded to one of the significant recommendations from the 2019 planning scheme review to significantly revise and restructure the Local Policy Planning Framework to reflect current strategic directions for land use and development and incorporate a more usable and relevant planning scheme format.

This review will be forwarded to the Minister for Planning as required under section 12(B) of the Act once complete. A planning scheme amendment to implement the findings of the review has been prepared and is attached in the form of marked up ordinance as **Appendix 1** to this report.

2.2. Methodology

A six-stage methodology has been developed by DTP to undertake planning scheme reviews as shown in **Figure 1**.

The methodology is supported by the 'Good Practice Guide to Planning Scheme Reviews' and templates that have been developed to assist with each stage of the process.

Plan2Place Consulting has been engaged by DTP to conduct Stages 1 to 4 for the Mount Alexander Shire Council.

Stage 5 and 6 will involve a planning scheme amendment to implement the recommendations of the review, which the community will be consulted on. The amendment will be exhibited and submissions invited from community members in accordance with the requirements of the Act. If submissions cannot be resolved, Council is obliged to ask the Minister for Planning to appoint an independent Planning Panel to consider submissions and make recommendations to the Minister.

Figure 1: Planning Scheme Review Methodology



The timing for the project is:

Stage	Timing
Initiate	18/09/23
Analyse	25/09/23 – 13/11/23
Engage	22/11/23 – 18/12/23
Report	8/03/24 (Draft Report)
Consult	TBC
Implement	TBC

This planning scheme review has been prepared in consideration to the following directions and guidance provided by DTP.

Ministerial directions:

- Ministerial Direction on the Form and Content of Planning Schemes.
- Ministerial Direction No. 11 Strategic Assessment of Amendments.

Planning practice notes and advice:

- A Practitioner’s Guide to Victoria’s Planning Schemes.
- PPN46 – Strategic Assessment Guidelines.
- PPN32 – Review of planning schemes.

2.3. Mount Alexander Shire Context

Mount Alexander Shire is located in central-northern Victoria, approximately 1.5 hours’ drive from Melbourne. The Shire has an area of about 1,592 square kilometres and a 2021 census population of 20,253. There are many towns and settlements located throughout the Shire with most people residing in Castlemaine, Harcourt, Newstead and Maldon. The settlement pattern throughout the Shire is diverse, with smaller townships and farming areas developed in response to the demands of the gold rush era. This has left a general settlement pattern of larger lots on the outskirts of smaller townships, now popular for hobby farming and rural lifestyles.

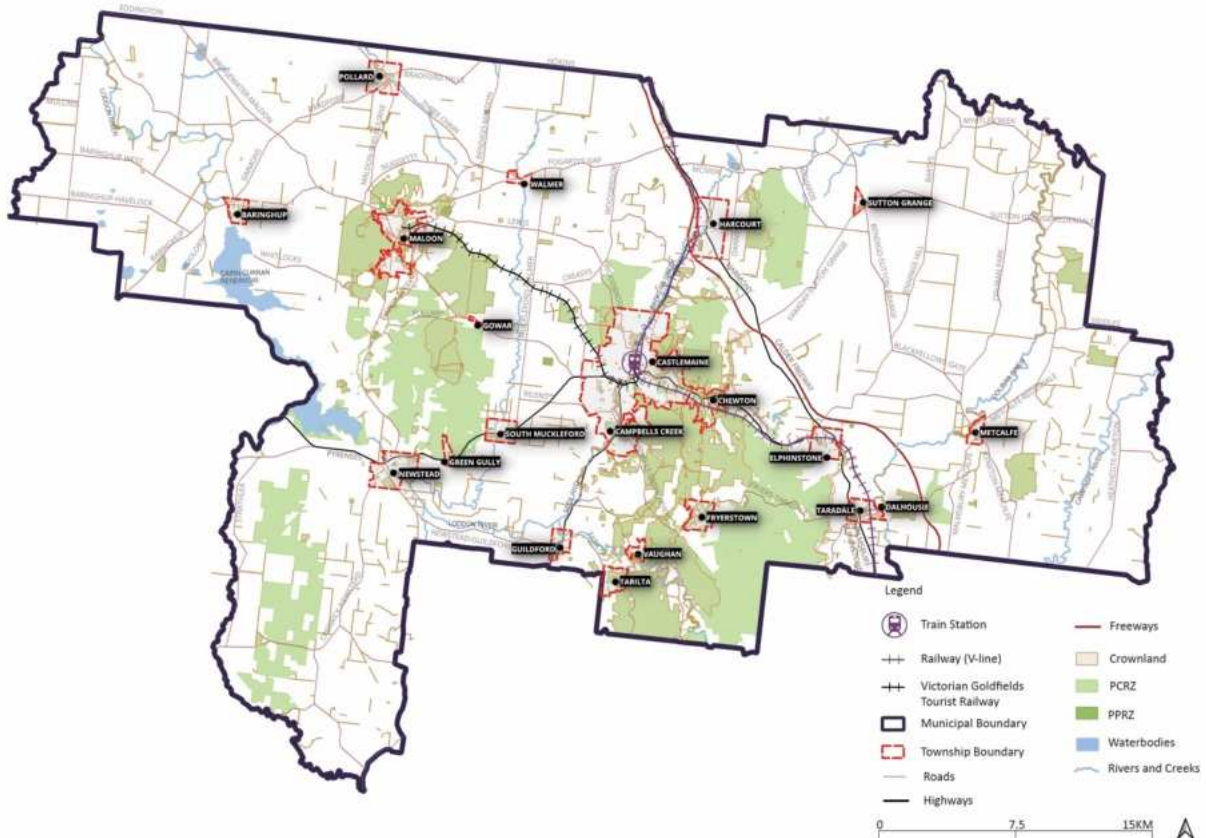
The Shire is known for its heritage townships, landscapes, buildings and places, which are of local, state and national significance. The Castlemaine Diggings National Heritage Park is a cultural landscape of national heritage significance.

The Shire’s economic development is demonstrated by its main industries which include agriculture including horticulture, tourism, manufacturing and meat processing. Tourism is a growing industry, built around heritage, gardens, festivals and events and the recreational opportunities of the bushland. The Shire’s economy is transitioning towards service sectors and its industrial areas are being used for a greater diversity of uses than in the past. New opportunities exist in the expansion of industries such as the modified motor vehicle sector, the arts, tourism, special engineering and the “land repair” sectors.

The Shire is within the Murray Darling basin catchment, with the Campaspe River catchment generally east of Mount Alexander supplying Lake Eppalock. The western two-thirds of the municipality is in the Loddon River catchment, with the Cairn Curran Reservoir on the Shire’s western boundary.

The context for the Mount Alexander Shire is shown in **Figure 2**.

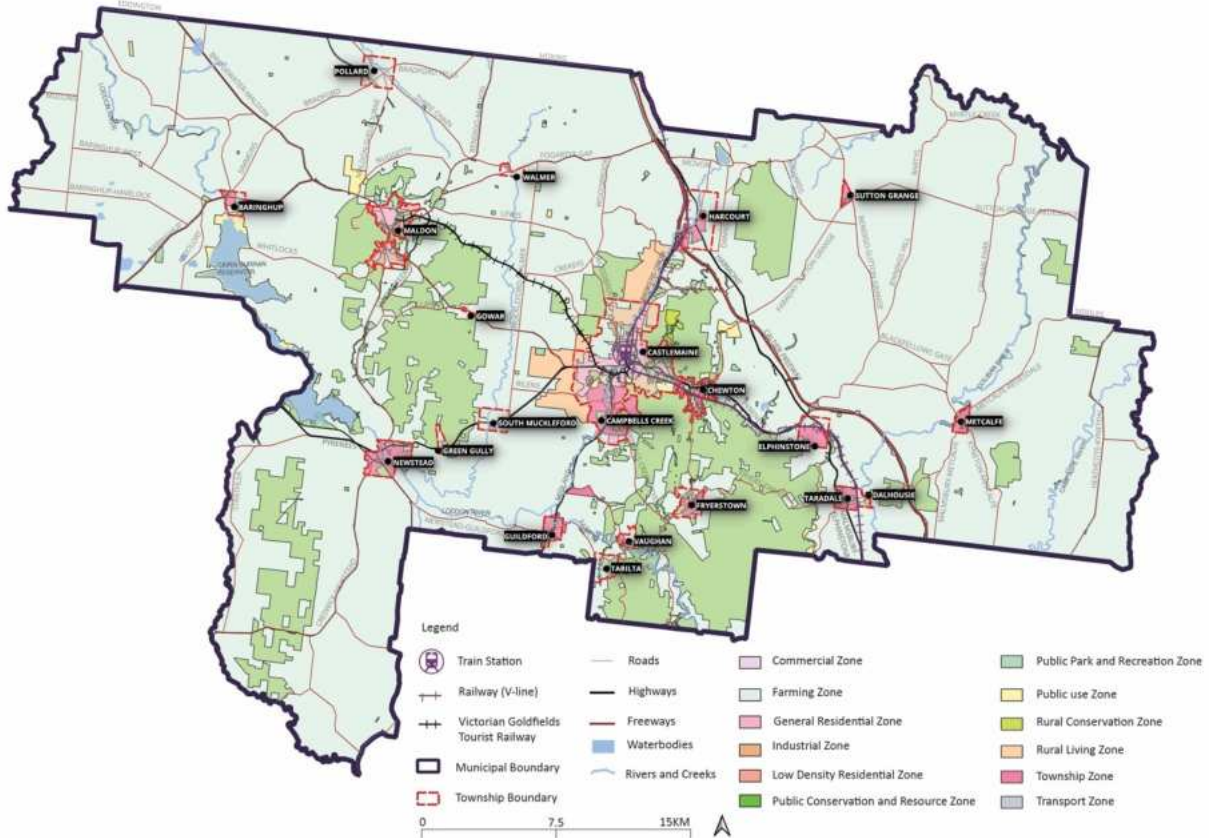
Figure 2: Mount Alexander Shire Context



2.4. Existing Zones and Overlays applied in Mount Alexander Shire

The existing Zones and Overlays applied in Mount Alexander Shire that are currently included in the Mount Alexander Planning Scheme (the scheme) and that are subject to this review are shown in Figures 3 and 4.

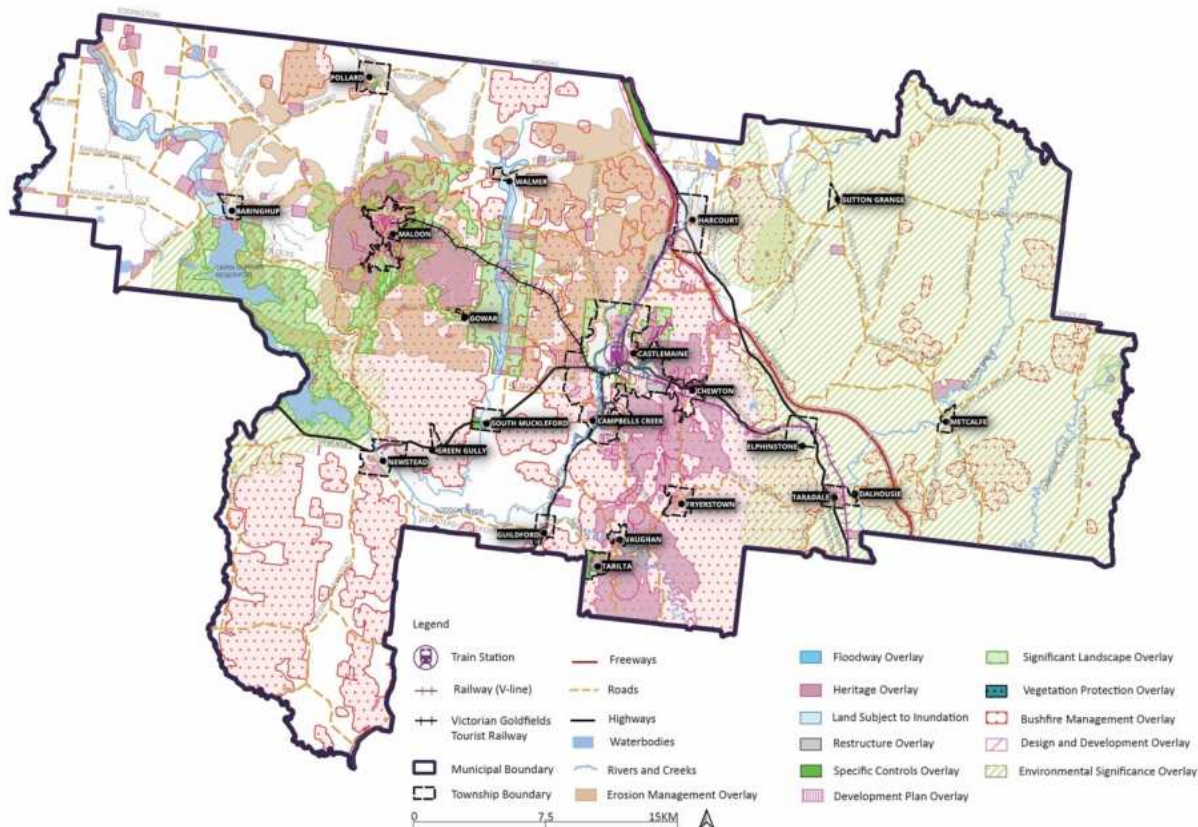
Figure 3: Mount Alexander Planning Scheme – Zones



There are a total of 14 zones in the Mount Alexander Planning Scheme containing 12 separate schedules as follows:

- Low Density Residential Zone (1 schedule).
- Township Zone (1 schedule).
- General Residential Zone (1 schedule).
- Industrial 1 Zone (1 schedule).
- Industrial 3 Zone (1 schedule).
- Commercial 1 Zone (1 schedule).
- Commercial 2 Zone (no schedule).
- Rural Living Zone (1 schedule).
- Rural Conservation Zone (1 schedule).
- Farming Zone (1 schedule).
- Public Use Zone (1 schedule).
- Public Park and Recreation Zone (1 schedule).
- Public Conservation and Resource Zone (1 schedule).
- Transport Zone (no schedule).

Figure 4: Mount Alexander Planning Scheme – Overlays



There are a total of 14 overlays in the Mount Alexander Planning Scheme, with 46 schedules, as follows:

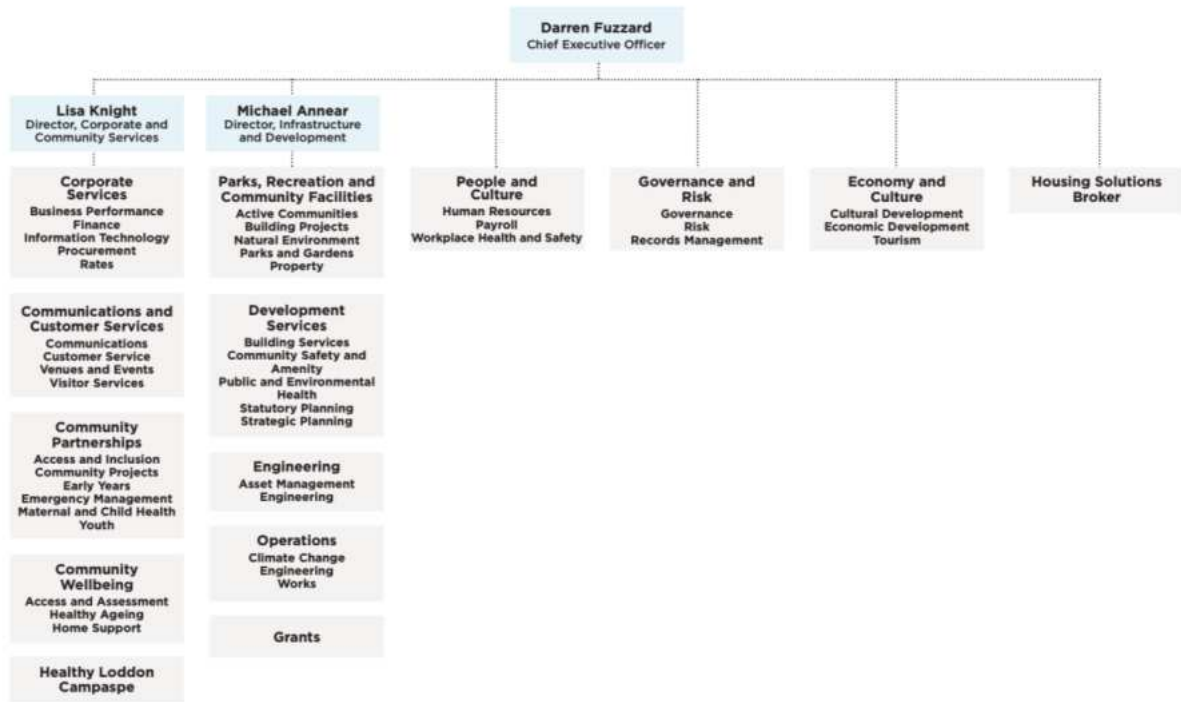
- Environmental Significance Overlay (7 schedules).
- Vegetation Protection Overlay (2 schedules).
- Significant Landscape Overlay (4 schedules).
- Heritage Overlay (1 schedule including 1,161 heritage places, which includes 18 precincts).
- Design and Development Overlay (14 schedules).
- Development Plan Overlay (10 schedules).
- Erosion Management Overlay (1 schedule).
- Floodway Overlay (1 schedule).
- Land Subject to Inundation Overlay (2 schedules).
- Bushfire Management Overlay (1 schedules).
- Public Acquisition Overlay (1 schedule).
- Environmental Audit Overlay (no schedule).
- Restructure Overlay (1 schedule).
- Specific Controls Overlay (1 schedule).

2.5. Council Organisational Structure

Council’s organisational structure includes the Chief Executive Office and two Directors that are responsible for infrastructure and development and corporate and community services while people and culture, governance and risk, economy and culture and the housing solutions broker report directly to the CEO. Strategic planning and statutory planning report through the Manager Development Services to the Director Infrastructure and Development as shown in **Figure 5**.

Figure 5: Mount Alexander Shire Council Organisational Structure

Organisational structure



Working together for a healthy, connected shire



3. What's driving change?

3.1. Population, growth, and economy

The population of the Mount Alexander Shire grew from approximately 17,585 persons in 2011 (ABS, 2011) to 20,253 in 2021 (ABS, 2021). The population of the Shire grew over the period 2006 to 2021 at an average annual rate of 1.24%. This is lower than the state of Victoria's average annual population growth over this period of 2.12%.

Approximately 65% of the population live in urban areas and almost half of the population live in Castlemaine or Campbells Creek. The Shire has an ageing population in comparison to Victoria as a whole. The median age in the Shire increased from 47 in 2011 to 51 years of age in 2021, and the proportion of people aged over 60 increased since 2011. As at the 2021 Census, the median age of the population in Victoria as a whole was 37 years of age.

The average household size in the Shire is 2.1 persons per household (ABS, 2021). While most households in the Shire are family households, the number of lone person households is increasing and makes up 33.2% of all households as at the 2021 Census. This is higher than the proportion of lone person households in Victoria as a whole, being 24.7% of households.

The municipal population is projected to increase by 0.97% each year until 2041 when the population is projected to reach 24,316 people. It is anticipated that Castlemaine and Campbells Creek will continue to accommodate a greater proportion of new population in the Shire up until 2041, accounting for almost half of the projected population growth during this time. Harcourt is projected to account for almost 20% of the population growth.

In 2021, the Shire had 10,507 private dwellings and this is forecast to increase to 13,095 dwellings in 2041 (REMPPLAN, 2023). This represents an additional 1588 dwellings to be accommodated. The total supply across the Shire up until 2041 is 4,342 lots, with the majority of this supply provided within Castlemaine and Campbells Creek, both accounting for around 55% of residential land in the Shire. Other supply is provided through smaller isolated parcels spread throughout various townships.

3.1.1. Council Plan 2021-2025

Council recently updated its Council plan and have included the following 10-year community vision:

"In 2031, our community is connected to each other, and comes together to build and celebrate an inclusive, creative shire.

We are a healthy community that values the natural beauty of the Djaara Country we live on. We also know that preserving our natural environment means living sustainably and caring for country.

We are protecting our shire from the threat of climate change by working together at the local level.

We are a welcoming community where everybody has access to services and supports, and opportunities for housing, education, employment and creative and social pursuits.

We're known as a vibrant place which draws upon its creative spirit and shared heritage.

We're building a place where everyone can enjoy the beauty, history and friendliness of the shire."

The Community Vision includes the key pillars of:

- A healthy, connected and inclusive community.
- An environment for people and nature.

- A resilient and growing local economy.

The Plan cascades directly from the Community Vision and the initiatives pave the way for Council to achieve the Community Vision to 2031.

This updated vision needs to be included in an update to Council's Municipal Planning Strategy in the scheme.

Findings/Recommendations

- R1. Update the Municipal Planning Strategy with recent population and dwelling data and forecasts as well as the updated vision included in the Council Plan.**

3.2. Climate change and other environmental risks

Mount Alexander Shire has a large range of natural features that contribute significantly towards the municipality's environment, economy, character and appeal. The municipality comprises almost 1,592 square kilometres, with a significant amount being public land in National Parks and State Parks and Reserves.

Natural disasters, including the 2009 bushfires and the floods of 2022 affected areas of the municipality with towns and settlements such as Elphinstone, Castlemaine, and Campbells Creek being significantly affected. Natural environmental hazards present risks and constraints for land use and settlement in the municipality and this requires careful management of hazards such as bushfire risk, flooding, drought, erosion and climate change impacts, where more frequent, intense and uncertain weather events are likely. Climate change has the potential to have adverse impacts on the key industries of agriculture, horticulture and tourism and the economic prosperity and viability of the Shire.

Mount Alexander Shire is subject to significant bushfire hazard. This hazard is due to the nature and extent of vegetation, topography, potential for extreme fire behaviour arising from drought and climate change, the dispersed and ad-hoc nature of development and lack of infrastructure and access in some locations. There are also areas of flood prone land across different parts of the municipality where flooding has historically caused substantial damage to the natural and built environment. While significant costs are incurred by direct damage to public and private property, indirect costs to the community such as long-term economic impacts, loss of productivity, displacement of residents, closure of roads, trauma and ill health are also significant.

Council adopted its Climate Change Strategy in 2023 to help provide a framework to better understand and anticipate, and to better plan for, offset and mitigate the impacts of climate change impacts on the Shire. The strategy describes how Council will respond to climate change in its operations; partner with the community to respond to climate change and advocate to support response to climate change. Council is also a member of the Council Alliance for a Sustainable Built Environment (CASBE) and has been advocating for improved sustainability measures in the planning scheme.

The impacts of climate change can be mitigated in part by supporting alternative energy sources, carbon farming, reducing greenhouse gas emissions, improved building design and adopting environmentally sustainable development principles. Directing future growth to existing townships and away from higher risk areas from bushfire and flooding through the appropriate siting, design and management of uses and developments can significantly improve community safety and help to mitigate climate change impacts.

Findings/Recommendations

- R2. Include greater reference to environmental sustainability in the Municipal Planning Strategy, a new environmentally sustainable development (ESD) policy at Clause 15.01-2L.02 and Council's Climate Change Strategy as a background document at Clause 72.08.**

3.3. Victorian government amendments and advice

The Victoria Planning Provisions (VPP) are constantly being reviewed and updated at a state level with numerous VC and GC amendments occurring each year. The State also provides advice to planners in the form of updates to the Practitioner's Guide (PG) and new planning practice notes. The full list of Victorian and Regional amendments that have been gazetted, and practice notes that have been released since the last review forms **Appendix 3**.

The way in which the Mount Alexander Planning Scheme should respond at a local level to these changes to the VPP and how they should be applied has been considered in this review and includes the following.

Planning for housing

The introduction of more sophisticated schedules to the residential zones (through Amendment VC169), including the ability to include place-based objectives (essentially a preferred neighbourhood character statement), provides an opportunity for Council to introduce controls to manage built form in residential areas more effectively. Planning Practice Notes 90 – Planning for Housing and 91 – Using the Residential Zones provide advice about how this should be done. Council is currently undertaking this work for Castlemaine, Campbells Creek and Chewton through an integrated Housing and Neighbourhood Character Strategy and through the Planning for Housing in Maldon and Newstead project, which includes a housing and neighbourhood character strategy. This strategic work will better achieve housing diversity, housing affordability, sustainability and neighbourhood character objectives.

Council's settlement hierarchy is clearly detailed in its Municipal Planning Strategy and reaffirmed by its Settlement Planning Assessment (2023). This focuses on Castlemaine as the primary township for growth. Other townships such as Maldon, Newstead and Harcourt play a supportive role but are often more constrained due to bushfire, flooding and other environmental factors. Council's settlement strategy could be more clearly stated in its Municipal Planning Strategy by reinforcing the existing strategic intent.

Further work to undertake and implement framework and structure plans, local planning policies, more specific and tailored residential schedules, expanded heritage areas and potentially applying a Neighbourhood Character Overlay to special character areas could follow this current strategic work.

Victorian housing statement

The release of the Victorian housing statement has placed housing provision as one of the key challenges of the 2020s. It aims to refresh Victoria's housing policy settings with a series of initiatives that respond to short-term issues of affordability and supply while still promoting long term economic growth.

Victoria's population is forecast to reach 10.3 million by 2051 and Melbourne is set to become Australia's biggest city by the end of the decade with an additional 3.5 million people by 2056. To ease housing pressures, 2.24 million homes will be required by 2051 state-wide to house the increased population which is around 80,000 additional dwellings per year.

The housing statement is supported by Amendments VC242, VC243 and VC253 which aim to facilitate well-located, integrated and diverse housing that meets community needs and to support the delivery of housing in Victoria. The amendments seek to provide social benefits by supporting the delivery of more housing close to jobs, transport and services, facilitating social and affordable housing through private and public investment and supporting significant development projects.

Amendment VC242 introduced two new particular provisions to facilitate significant residential development and significant economic development through clauses 53.22 and 53.23 with the Minister for Planning as the responsible authority. The Residential Growth Zone, Township Zone, General Residential Zone and Neighbourhood Residential Zone have also been revised by changing permit requirements for office and retail premises subject to meeting specific land use conditions. The use of the new particular provisions pathway is voluntary and a permit applicant still has the option for their development to be assessed in the usual manner by the local Council as the responsible authority.

Amendment VC243 introduced state-wide changes to all planning schemes to codify residential development standards, implement the Future Homes project across Victoria, remove permit requirements for single dwellings on lots of 300 square metres or more and introduce VicSmart permits for single dwellings on lots less than 300 square metres.

Amendment VC253 introduced a new land use term and siting, design and amenity requirements for a 'small second dwelling' into a range of residential and rural zones across Victoria. This replaced the land use term 'dependent person's unit' and made the planning provisions more consistent and easier to build a small second dwelling of 60 square metres or less that meets specified requirements.

Applying the buffer area overlay

Amendment VC175 introduced the Buffer Area Overlay (BAO) and applied updated separation distances for industries that may have amenity impacts to sensitive uses. The Buffer Area Overlay is a new amenity buffer that is designed to ensure that industry can operate according to acceptable standards with no encroachment from sensitive uses such as schools and dwellings that may be affected by odour or dust from industries operating nearby. This control may be suitable for application around a range of infrastructure assets in the Shire, including wastewater treatment plants, transfer stations and stock sale yards where a risk assessment related to the environmental hazard has been undertaken. This work is best led by the owners of the assets but should have some Council involvement. Work is currently underway for the Castlemaine Waste Water Treatment Plant.

Rural Worker Accommodation and Dwellings

Amendment VC202 introduced a land use term and definition for 'Rural worker accommodation' and modified clause 35.07 (Farming Zone) to introduce exemptions for the land use of Rural worker accommodation that accommodates no more than 10 persons. This Amendment also introduced a permit requirement for the land use of Rural worker accommodation for more than 10 persons. This change has enabled rural worker accommodation to be more easily provided on Farming Zone land throughout the Shire, assisting with key worker accommodation. Changes have not been made to address issues related to a second dwelling and subsequent subdivision in the rural zones (the Farming Zone, Rural Conservation Zone and Rural Activity Zone in particular) which can negatively affect farming and agricultural production and viability. Greater advocacy on this issue to the Victorian Government is needed.

Environmentally Sustainable Development and Climate Change

Amendments VC216 and VC221 revised the VPP and all planning schemes by altering the PPF to support Environmentally Sustainable Development (ESD) and to facilitate all-electric developments to

support implementation of Victoria's *Climate Change Strategy 2021* and *Gas Substitution Roadmap 2022*. These Amendments have ongoing impacts to land in the Shire around Environmentally Sustainable Development policy and requirements and reflects updated climate change forecasts and energy related considerations for land in the Shire.

Findings/Recommendations

R3. As a result of Amendments VC169, VC175, VC202, VC216, VC221, VC242, VC243 and VC253 further work around the following strategic projects and/or advocacy should be undertaken around:

- Continuing with the implementation of framework and structure plans, and precinct structure plans for areas of identified growth and/or change into the scheme.
- Continuing to progress housing and neighbourhood character work for townships for implementation into the scheme.
- Advocating to the Victorian Government for stronger provisions to be included in the Farming Zone, Rural Conservation Zone and Rural Activity Zone to prohibit a second dwelling on a lot and subsequent residential subdivisions.
- Strengthening Environmentally Sustainable Development policy and requirements and climate change risks and mitigation into the scheme.

4. Previous planning scheme review

4.1. Previous planning scheme review

The scheme was last reviewed in 2019 which found that the scheme was fundamentally sound and mostly performing well. It was recommended that the scheme be updated in order to remain contemporary with significant opportunity to review zone and overlay schedules and rewrite the Local Planning Policy Framework. The strategic performance of the scheme was identified for improvement through 46 planning projects and planning scheme changes including to:

- Restructure and update the Local Planning Policy Framework and Municipal Strategic Statement (recs 1, 4, 6, 7, 8) – *completed by Amendment C95max in the new Municipal Planning Strategy and Planning Policy Framework translation.*
- Policy neutral administrative updates to provisions (rec 2) – *completed.*
- Further strategic work around rural living, rural zones and the implementation of the rural living strategy (rec 3).
- Undertaking a housing and settlement strategy and implement town framework plans (rec 5) – *completed and underway.*
- Undertake technical updates to the Significant Landscape Overlay schedules (rec 9).
- Review and update the Heritage Overlay (rec 10) – *completed.*
- Implement updated flooding plans and overlays and prepare new flood mapping (recs 11, 12) – *completed and underway.*
- Review further strategic work around the Bushfire Management Overlay in Newstead and elsewhere (rec 13) – *underway.*
- Undertake a neighbourhood strategy for Castlemaine and develop local policy for Chewton and for preferred character and design (recs 15, 17, 33) - *underway.*
- Monitor and review Development Plan Overlays, development plans and permit applications (rec 16) - *underway.*
- Prepare structure plans for Harcourt and Newstead (rec 18) - *underway.*
- Investigate landfill sites for application of the Environmental Significance Overlay and Public Use Zone – *underway* (rec 19).
- Review Castlemaine heritage statements of significance (rec 20).
- Undertake a heritage study to review the Maldon Design Guidelines –*completed* (rec 21).
- Undertake a review of Low Density Residential Zone provisions and application (rec 22).
- Undertake a retail analysis and industrial strategy (recs 23, 34) – *underway.*
- Undertake further work around Environmental Significance Overlay schedules (rec 24).
- Implement the Environment Strategy 2015-2025 (rec 25).
- Review the agricultural land map for legibility (rec 26).
- Investigate potential commercial areas in Harcourt and Campbells Creek (rec 27) – *underway.*
- Prepare a scenic landscapes strategy (rec 28).
- Prepare an Environmentally Sustainable Development local policy (rec 29).
- Prepare a land management study (rec 30).
- Investigate water considerations for Elphinstone and Guildford (rec 31).
- Prepare a Castlemaine urban design plan and include in the scheme (rec 32) – *completed and underway.*
- Prepare four separate Rural Living Zone schedules and remove maps (rec 35).
- Investigate agricultural protection and application of separation distances (rec 36).
- Investigate potential Development Contribution Plans (rec 37).
- Strengthen amenity considerations in planning policy from noise, dust, odour, etc. (rec 38).
- Investigate applying the Vegetation Protection Overlay to roadside vegetation (rec 39).
- Prepare Design and Development Overlays for the Castlemaine town centre (rec 40).

- Prepare standard policies and review the extent of where the Erosion Management Overlay is applied (recs 41, 42).
- Prepare local advice and information for VicSmart applications (rec 43).
- Consider local objectives for large scale tourism events (rec 44).
- Review definition inconsistency with caravan and camping parks (rec 45).
- Investigate local signage content at clause 52.05s (rec 46).

There were also several advocacy projects. Many of the above planning projects, some of them significant pieces of strategic work, were implemented or have been commenced in the last 4 years. Others are yet to be commenced or implemented. Prior to the 2019 review, the Mount Alexander Planning Scheme was reviewed in 2010 and 2014 which implemented recommendations from that time through Amendment C61 to the Mount Alexander Planning Scheme.

4.2. Progress since last review

4.2.1. Completed projects

Council has implemented several of the recommendations from the last review through the:

Restructure and update the Local Planning Policy Framework and Municipal Strategic Statement (recs 1, 4, 6, 7, 8) – completed by Amendment C95malx in the new Municipal Planning Strategy and Planning Policy Framework translation.

- Policy neutral administrative updates to provisions (rec 2) – completed.
- Housing and neighbourhood character strategy and implementation of town framework plans (rec 5) – *completed and underway*.
- Review and update the Heritage Overlay (rec 10) – *completed*.
- Undertake a heritage study to review the Maldon Design Guidelines –*completed* (rec 21).
- Prepare a Castlemaine urban design plan and include in the scheme (rec 32) – *completed and underway*.

4.2.2. Projects underway

Council is currently undertaking eight projects that will implement several of the projects identified in the previous review plus a range of other projects and inputs to projects including the:

- Housing and settlement strategy and implement town framework plans (rec 5) – completed and underway. (note: the Settlement Planning Assessment was completed in February 2023 and the Housing and Neighbourhood Character Strategy for Castlemaine, Campbells Creek and Chewton is underway, as is similar work for Maldon and Newstead).
- Monitor and review Development Plan Overlays, development plans and permit applications (rec 16) - *underway*.
- Prepare structure plans for Harcourt and Newstead (rec 18) - *underway*.
- Investigate landfill sites for application of the Environmental Significance Overlay and Public Use Zone – *underway* (rec 19).
- Undertake a retail analysis and industrial strategy (recs 23, 34) – *underway*.
- Investigate potential commercial areas in Harcourt and Campbells Creek (rec 27) – *underway*.
- Prepare a Castlemaine urban design plan and include in the scheme (rec 32) – *completed and underway*.

4.3. Outstanding work since last review

Items that are outstanding from the last planning scheme review are:

- Further strategic work around rural living, rural zones and the implementation of the rural living strategy (rec 3) – note: this strategic work is currently being scoped with DTP.
- Undertaking technical updates to the Significant Landscape Overlay schedules (rec 9).
- Reviewing Castlemaine heritage statements of significance (rec 20).
- Undertaking a review of Low Density Residential Zone provisions and application (rec 22).
- Undertaking further work around Environmental Significance Overlay schedules (rec 24).
- Implementing the Environment Strategy 2015-2025 (rec 25).
- Reviewing the agricultural land map for legibility (rec 26).
- Preparing a scenic landscapes strategy (rec 28).
- Preparing an Environmentally Significant Development local policy (rec 29).
- Preparing a land management study (rec 30).
- Investigating water considerations for Elphinstone and Guildford (rec 31).
- Preparing four separate Rural Living Zone schedules and remove maps (rec 35).
- Investigating agricultural protection and application of separation distances (rec 36).
- Investigating potential Development Plan Overlays (rec 37).
- Strengthening amenity considerations in planning policy from noise, dust, odour, etc. (rec 38).
- Investigating applying the Vegetation Protection Overlay to roadside vegetation (rec 39).
- Preparing Design and Development Overlays for the Castlemaine town centre (rec 40).
- Preparing standard policies and review the extent of where the Erosion Management Overlay is applied (recs 41, 42).
- Preparing local advice and information for VicSmart applications (rec 43).
- Considering local objectives for large scale tourism events (rec 44).
- Reviewing definition inconsistency with caravan and camping parks (rec 45).
- Investigating local signage content at clause 52.05s (rec 46).

The projects identified above remain important projects to progress so as to reinforce and improve the strategic directions of the scheme. Some of the projects listed have been rescoped so that they are focused on implementation through the scheme or combined with other high priority projects.

4.4. Ongoing or redundant recommendations

There are three recommendations that are either ongoing or redundant for Council to undertake:

- Developing schedules to the Bushfire Management Overlay to minimise referral requirements – this work has been superseded by recent bushfire assessments that have been conducted at the township level.
- Investigating the use of standard development contribution requirements to apply to new urban growth areas – this work has been superseded by a new Council policy for development contributions and in the recent housing work undertaken by Council.
- Preparing incorporated plans or development plans for proposed new residential areas – this work has been superseded by a new Council policy about the instances of when Council will consider requiring these types of plans for specific sites or development areas.

4.5. Further Strategic Work at Clause 74.02

A range of further strategic work was inserted into the scheme as part of Amendment C95malx. This combined a range of items similar to the planning scheme review along with additional actions. These actions included:

- Investigating the application of the most appropriate residential zone to townships (underway).
- Reviewing and updating findings of the Mount Alexander Rural Living Strategy, 2006 as recommended in the Mount Alexander Rural Land Study, 2014.

- Introducing a schedule to Clause 53.01 (Public Open Space Contribution and Subdivision).
- Developing criteria and identifying potential areas for the application of the Rural Conservation Zone.
- Updating flooding provisions for Newstead, Harcourt, Sutton Grange, Maldon, Guilford, Taradale and the rural areas between Campbells Creek and Guilford.
- Developing provisions and agreements to assist decision making under the Erosion Management Overlay and Salinity Management Overlay.
- Investigating the application of the Environmental Significance Overlay to the Castlemaine Water Reclamation Plant (underway).
- Developing schedules to the Bushfire Management Overlay to minimise referral requirements (obsolete).
- Investigating bushfire related issues at a strategic level through a Shire-wide Settlement Strategy (now recommended this not occur).
- Engaging with Goulburn-Murray Water and Coliban Water to investigate extending the Environmental Significance Overlay to include all declared open potable water supply catchments.

Investigating provisions to identify and protect the in consultation with Goulburn-Murray Water.

- Updating the Castlemaine Urban Design Framework.
- Preparing a comprehensive heritage conservation strategy including recommendations for planning provisions, conservation management, development guidelines and other actions.
- Undertaking strategic research to improve the understanding of the Shire's future housing needs (completed).
- Preparing an industrial strategy for the Shire, with a focus on Castlemaine (underway).
- Engaging with VicRoads to investigate the need to retain the proposed road bypass route of Maldon and identify potential alternative uses of the land.
- Engaging with VicRoads to ensure that the reservation of the Calder Freeway is appropriately zoned (completed through Amendment C99malx which is being exhibited).
- Investigating the use of standard development contribution requirements to apply to new urban growth areas.
- Preparing strategic investigations into wastewater issues for the townships of Taradale, Guildford and Elphinstone.
- Preparing incorporated plans or development plans for proposed new residential areas.
- Updating the Castlemaine Residential Strategy (underway).
- Investigate residential expansion in Castlemaine (underway).
- Preparing a structure plan for Campbell's Creek and its urban expansion area.
- Reviewing existing heritage studies and preparing new heritage studies in accordance with the recommendations of the Thematic History for the Shire.
- Undertake a review of the Happy Valley Strategic Plan and investigate any recommendations which have not yet been implemented (underway).
- Review the *Urban Living Strategy, 2004* and the Framework Plans (Castlemaine and Maldon via C061; Elphinstone, Taradale and Newstead via C024; Guildford via NPS1) to investigate recommendations not yet implemented.

4.6. Findings

Council has undertaken several important strategic planning projects since the last review and has a large work program of projects underway. It has implemented or is near to finalising a significant work program detailed from that review.

There remains a list of strategic projects that have not been undertaken and/or implemented which should be undertaken in the next 4-5 years. These include:

- Undertake a Rural Land Strategy for the Shire.
- Undertake a Shire-wide landscape review and updates to the SLO schedules.
- Review existing heritage studies and prepare a comprehensive heritage conservation strategy including recommendations for planning provisions, conservation management, development guidelines and other actions in accordance with the thematic history for the Shire.
- Partner with relevant water authorities to undertake and implement updated flood studies.
- Partner with Goulburn-Murray Water and Coliban Water to investigate extending the Environmental Significance Overlay to include all declared open potable water supply catchments.

Findings / recommendations:

R4. The following further strategic work that should be undertaken in the next four years:

- a) **Investigate the application of the most appropriate residential zones to townships based on preferred future character and housing change areas as identified in the preparation of a residential development framework.**
- b) **Implement the framework plan for Harcourt.**
- c) **Finalise and implement the industrial strategy for the municipality.**
- d) **Prepare a new Rural Land Strategy that:**
 - **Develops criteria and identifies potential areas for the application of the Rural Conservation Zone, the Rural Activity Zone and other rural zones with tailored schedules to meet agricultural and farming needs.**
 - **Investigates the protection of existing agriculture activities through the use of separation distances that address issues of noise, dust, odour, hours of operation and spray drift with Agriculture Victoria.**
- e) **Review and prepare an updated Mount Alexander Rural Living Strategy to replace the Rural Living Strategy 2006.**
- f) **Introduce and/or update flooding provisions and their application based on flood management plans/studies for Newstead, Harcourt, Sutton Grange, Maldon, Guilford, Taradale and the rural areas between Campbells Creek and Guilford.**
- g) **Prepare an updated Heritage Strategy in consultation with existing heritage groups and the local Aboriginal party.**
- h) **Undertake a retail and commercial strategy for the municipality that considers the inclusion of design guidelines for commercial areas and the potential application of the Commercial 3 Zone.**
- i) **Review existing heritage studies that includes recommendations for planning provisions, conservation management, development guidelines and other actions in accordance with the thematic history for the Shire.**
- j) **Prepare and implement a structure plan for Newstead.**
- k) **Prepare a small towns strategy that includes a review of the framework plans for Elphinstone, Guildford, and Taradale.**
- l) **Partner with Goulburn-Murray Water and Coliban Water to investigate extending the Environmental Significance Overlay to include all declared open potable water supply catchments.**

- m) Prepare a new Castlemaine Urban Design Framework to inform Clause 11.03-1L.01 and review the application of the Design and Development Overlays.**
- n) Prepare strategic investigations into wastewater issues for the townships of Taradale, Guildford and Elphinstone.**
- o) Prepare a Scenic Landscapes Strategy to clarify which landscapes and views are to be protected and then a planning scheme amendment to make key technical updates to the schedules to the Significant Landscape Overlay (SLO1-SLO4), following the recommendations of the 2010 and 2020 reviews.**
- p) Investigate the application of the Buffer Area Overlay to the Castlemaine Water Reclamation Plant.**
- q) Investigate the identified former landfill sites and the potential application of the Buffer Area Overlay and Public Use Zone to these sites.**
- r) Undertake further strategic work to review and update the mapping and Schedules to the Environmental Significance Overlay.**
- s) Undertake further investigations into applying the Vegetation Protection Overlay to roadsides of high conservation value and other land as determined through the Roadside Conservation Management Plan and Shire-wide Biodiversity Strategy.**
- t) Prepare and implement a signage policy for the municipality.**

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5. Audit and assessment of current scheme

5.1. Methodology

An audit of each local provision (policies and schedules) in the planning scheme has been undertaken. This audit has compared the drafting and application of each local provision against the *Ministerial Direction on the Form and Content of Planning Schemes, a Practitioners' Guide to Victorian Planning Schemes* (Version 1.5, April 2022) and relevant planning practice notes.

Each provision has also been assessed against how it is achieving the strategic objectives that are set out in the State, regional and local planning provisions.

The detailed outcomes of the audit have been provided to Council officers, and changes that can be made without further strategic work have been made to the ordinance at **Appendix 1**.

Findings on improvements that could be made are listed below. Some of these can occur as part of a planning scheme review based on the findings in this report and are included in the marked-up ordinance at **Appendix 1**. Others require further strategic work to justify the change and are listed as findings.

5.2. Municipal Planning Strategy

As well as the assessment outlined above, the MPS was cross referenced against all the other local provisions in the scheme to ensure that there is a link to all local policies in the MPS.

Clause no and name	Compliance or changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
Word count (5000 or less)		
02.01 Context	Make minor amendments to the Context (02.01) to include: <ul style="list-style-type: none"> Updated economic and population data (e.g. 2021 ABS Census). 	Policy neutral amendment
02.02 Vision	Update to reflect 2021 Council plan vision as follows: In 2031, our community is connected to each other, and comes together to build and celebrate an inclusive, creative shire. We are a healthy community that values the natural beauty of the Djaara Country we live on. We know that preserving our natural environment means living sustainably and caring for country. We are protecting our shire from the threat of climate change by working together at the local level. We are a welcoming community where everybody has access to services and supports, and opportunities for housing, education, employment and creative and social pursuits. We're known as a vibrant place which draws upon its creative spirit and shared heritage. We're building a place where everyone can enjoy the beauty, history and friendliness of the shire.	Policy neutral amendment
02.03 Strategic directions	Should include a clearer settlement hierarchy.	Policy neutral amendment

Clause no and name	Compliance or changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
02.03-1 Settlement	Should include a clearer settlement hierarchy. Strategic directions for settlement are unclear and should be redrafted to rectify this. Rephrase council strategic direction to: 'Council's strategic directions on townships, settlement and growth are to:' Council could consider adopting the Settlement Planning Assessment 2023 to support this.	Policy neutral amendment
02.03-2 Environmental values and landscapes		Complies
02.03-3 Environmental risks and amenity	Update floodplains to include 2022 floods which affected several townships throughout the Mount Alexander municipality	Policy neutral amendment
02.03-4 Natural resource management		Complies
02.03-5 Built environment and heritage	Update sustainable development Council's strategic directions to meet CASBE standards. Council is a CASBE member and sustainable strategic directions should reflect this.	Policy neutral amendment
02.03-6 Housing	Update reference to the Department of Environment, Land, Water and Planning (DELWP) to the Department of Transport and Planning (DTP). Update housing data (Victoria in Future 2023).	Policy neutral amendment
02.03-7 Economic development		Complies
02.03-8 Transport		Complies
02.03-9 Infrastructure		Complies
2.04 Strategic framework plans		Policy neutral amendment
Mount Alexander Strategic Framework Plan	Map needs to be updated and made clearer to more adequately incorporate the strategic directions of the MPS.	Policy neutral amendment
Mount Alexander urban living strategy	Map should be moved to the Rural Residential Policy (Clause 16.01-3L) or combined with above.	Policy neutral amendment
Maldon land use framework plan	Framework plan should be moved to Clause 11.01-1L for each corresponding township. Framework plan should be updated to a colour version to improve clarity and ease of understanding.	Policy neutral amendment
Newstead land use framework plan	Framework plan should be moved to Clause 11.01-1L for each corresponding township. Framework plan should be updated to a colour version to improve clarity and ease of understanding.	Policy neutral amendment
Harcourt land use framework plan	Framework plan should be moved to Clause 11.01-1L for each corresponding township. Framework plan should be updated to a colour version to improve clarity and ease of understanding.	Policy neutral amendment

Clause no and name	Compliance or changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
Taradale land use framework plan	Framework plan should be moved to Clause 11.01-1L for each corresponding township. Framework plan should be updated to a colour version to improve clarity and ease of understanding.	Policy neutral amendment
Elphinstone land use framework plan	Framework plan should be moved to Clause 11.01-1L for each corresponding township. Framework plan should be updated to a colour version to improve clarity and ease of understanding.	Policy neutral amendment
Guildford township structure plan	Framework plan should be moved to Clause 11.01-1L for each corresponding township. Framework plan should be updated to a colour version to improve clarity and ease of understanding.	Policy neutral amendment

5.3. Planning Policy Framework

All the Local PPF policies that are included in the planning scheme are included in the table below, and a notation is included about whether they comply or require changing because of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
SETTLEMENT		
11.01-1L-01 Settlement	There any additional generic settlement strategies that apply to the entire municipality that could be applied. There are also notes on the Strategic Framework Plan that would sit better as strategies. Township structure plans/framework plans should be included in this clause so that there is an improved relationship with the strategies. An objective should also be included. This clause should come after the Castlemaine clause that is current at Cl 11.01-1L.03 and be renumbered Cl 11.01-1L.03	Policy neutral amendment or Full amendment
11.01-1L-02 Castlemaine and Diamond Gully	Currently being updated by the CCCH&NC strategy including maps to the clause. Have renumbered to Cl 11.01-1L.01 to give priority to Castlemaine in terms of the settlement hierarchy.	Policy neutral amendment
11.01-1L-03 Happy Valley/ Moonlight Flat	Currently being updated by the CCCH&NC strategy including maps to the clause. Structure plan typographic error has been corrected. Have renumbered to Cl 11.01-1L.02	Policy neutral amendment
11.03-1L-01 Activity Centres – Castlemaine	Update map to better represent the strategies stated in the clause and include reference to the Castlemaine Commercial Centre Plan 2012. Update map to include a clear legend that lists all map features and clearly differentiates between	Policy neutral amendment

Clause no. and name	Changes required	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	Commercial Centre properties and cadastral property boundaries.	
11.03-1L-02 Activity Centres – Maldon		Complies
ENVIRONMENT VALUES AND LANDSCAPES		
12.01-1L Protection of biodiversity	Roadside Conservation Management Plan 2012-2017 was completed in 2012. As part of this an ecological assessment of the Shire’s roadsides was undertaken. Consider including reference to this work and these findings. Note that a review of this plan is being undertaken at present but will not be finalised until mid-year.	Policy neutral amendment
ENVIRONMENTAL RISKS AND AMENITY		
13.07-1L-01 Amenity impacts from industrial uses	Amendment C94malx Planning Panel was not supportive but is an issue to mitigate land use conflict between residential and industrial land and, agricultural and farming uses. Consider additional review and more refined policy guidelines through future strategic work.	Complies
13.07-1L-02 Spray drift	Harcourt Planning Panel was not supportive but is an issue to mitigate land use conflict between residential and industrial land and, agricultural and farming uses. Consider additional review and more refined policy guidelines through future strategic work.	Complies
NATURAL RESOURCE MANAGEMENT		
14.01-1L Protection of agricultural land	Remove references to Clause 2.04 with township framework plans moved to CI 11.01-1L. Update map to a higher resolution and include a consolidated legend, north arrow and clear labels. Map should also clearly define what is meant by the agricultural land quality classes. Policy could be clearer about high quality agricultural land and the discouraging of dwellings which could be clarified through future strategic work. The Rural Conservation Zone (RCZ) has been included in the policy.	Policy neutral amendment
14.01-2L Animal husbandry		Complies
14.02-1L Catchment planning and management	Could consider applying a new local policy related to the redrafted ESO1.	Full amendment
14.02-2L Dams	Need feedback from NCCMA on whether or not this policy is working or whether it is redundant. Consider removal.	Policy neutral amendment

Clause no. and name	Changes required	Action
14.03-1L Mineral exploration and mining in Maldon		Complies
BUILT ENVIRONMENT AND HERITAGE		
15.01-2L Design for industrial development	Design for industrial development will be updated by the CKC Industrial Strategy through a later Amendment. Renumber CI 15.01-2L to CI 15.01-2L.01 Add a 15.01-2L.02 policy for an ESD policy based on CASBE membership.	Full amendment
15.01-6L Design for rural areas	Rephrase the first sentence under sub-heading 'strategies' to: <i>Discourage the siting of buildings close to roads where they will have a negative visual impact on the public realm unless measures to minimise those impacts are proposed such as the following measures: (the dot point the three measures - low building heights, building articulation and the use of materials and colours).</i>	Policy neutral amendment
15.03-1L Heritage general	Heritage planners have raised issues with this policy and the lack of guidelines. Additional guidelines have been proposed to make it clearer for development in heritage areas in central Castlemaine.	Full amendment
HOUSING		
16.01-3L Rural residential development	Policy expires in May 2024. Policy should be made permanent and include Rural Living Strategy. Need to determine DTP's issues with the policy.	Full amendment
ECONOMIC DEVELOPMENT		
17.02-2L Out of centre development in Castlemaine		Complies
17.03-2L Industrial development in rural areas	Recent VCAT case 5km west of Castlemaine highlights the shortfalls in this policy and that it may need strengthening. Have included an additional strategy.	Full amendment
17.04-1L Facilitation of tourism		Complies
TRANSPORT		
N/A		
INFRASTRUCTURE		
N/A		
OTHER	Appears that no additional policies are needed from recently adopted strategies	

5.4. Zones

All the zone schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
RESIDENTIAL ZONES		
32.03s Low Density Residential Zone (LDRZ)	Include Schedule number '1' to comply with MD	Policy neutral amendment
32.05s Township Zone (TZ)	Include Schedule number '1' to comply with MD	Policy neutral amendment
32.08s1 General Residential Zone (GRZ1)		Complies
INDUSTRIAL ZONES		
33.01s Industrial 1 Zone (IN1Z)		Complies
33.03s Industrial 3 Zone (IN3Z)		Complies
COMMERCIAL ZONES		
34.01s Commercial 1 Zone (C1Z)		Complies
RURAL ZONES		
35.03s Rural Living Zone (RLZ)	Include Schedule numbers to comply with MD. Divide schedule into separate schedules for each area based on reticulated and non reticulated water areas. E.g. Area A with reticulated water to become schedule 1, Area A without reticulated water to become schedule 2 etc. Remove all maps from the schedule.	Policy neutral amendment
35.06s Rural Conservation Zone (RCZ)	Include Schedule number '1' to comply with MD. Reduce number of conservation values to five to comply with MD. Divide schedule into two separate schedules for each location listed in subdivision and other requirements in the table. Earthworks and flow rate permit requirements are difficult to interpret for non planners.	Policy neutral amendment
35.07s Farming Zone (FZ)	Include Schedule number '1' to comply with MD Earthworks and flow rate permit requirements are difficult to interpret for non-planners.	Policy neutral amendment
PUBLIC USE ZONES		
36.01s Public Use Zone (PUZ)		Complies
36.02s Public Park and Recreation Zone (PPRZ)		Complies

Clause no. and name	Changes required (if relevant)	Action
		PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
36.03s Public Conservation and Resource Zone (PCRZ)		Complies
SPECIAL PURPOSE ZONES		
N/A		

5.5. Overlays

All the overlay schedules that are included in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Changes required (if relevant)	ACTION
		PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
ENVIRONMENTAL AND LANDSCAPE OVERLAYS		
42.01s1 Environmental Significance Overlay (ESO1)	Coliban Water and NCCMA want to review and make consistent across the region. See Hepburn ESO1 and Clause 14.02-1 and the same for Macedon Ranges. Will review permit triggers, exemptions, application requirements and decision guidelines.	Full amendment
42.01s2 Environmental Significance Overlay (ESO2)	Same as above.	Full amendment
42.01s3 Environmental Significance Overlay (ESO3)	There are two objectives but they are difficult to consolidate into one objective. Permit requirements needs review and referral requirements needs to be removed.	Policy neutral amendment
42.01s4 Environmental Significance Overlay (ESO4)	There are four objectives but they are difficult to consolidate into one objective. Permit requirements needs review and referral requirements needs to be removed. Department name has been updated.	Policy neutral amendment
42.01s5 Environmental Significance Overlay (ESO5)	There are ten objectives but they are difficult to consolidate into one objective so have been consolidated into five. Permit requirements needs review and referral requirements needs to be removed.	Policy neutral amendment

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	Department name has been updated.	
42.01s6 Environmental Significance Overlay (ESO6)	Delete background documents to meet MD guidelines.	Policy neutral amendment
42.01s7 Environmental Significance Overlay (ESO7)	There are six objectives but they are difficult to consolidate into one objective so have been consolidated into five. Have deleted referral and background documents to meet MD guidelines.	Policy neutral amendment
42.02s1 Vegetation Protection Overlay (VPO1)	Have deleted background documents to meet MD guidelines.	Policy neutral amendment
42.02s2 Vegetation Protection Overlay (VPO2)		Complies
42.03s1 Significant Landscape Overlay (SLO1)	Department name has been updated. Remove references to background documents in decision guidelines.	Policy neutral amendment
42.03s2 Significant Landscape Overlay (SLO2)	Department name has been updated.	Policy neutral amendment
42.03s3 Significant Landscape Overlay (SLO3)	Department name has been updated. Remove references to background documents in decision guidelines. Comments from Council's Heritage Advisor have been removed as this is an internal matter for Council. Have included an additional decision guideline.	Policy neutral amendment
42.03s4 Significant Landscape Overlay (SLO4)	Department name has been updated.	
HERITAGE AND BUILT FORM OVERLAYS		
43.01s Heritage Overlay (HO)		Complies
43.02s1 Design and Development Overlay (DDO1)		Complies
43.02s2 Design and Development Overlay (DDO2)	Reduced objectives to five. Building and works requirements need to separate out permit requirements and then the further requirements that relate to a permit. Department names have been updated. Removed references to background documents in decision guidelines.	Policy neutral amendment
43.02s3 Design and Development Overlay (DDO3)	Reduced objectives to five. Building and works requirements need to separate out permit requirements and then the further requirements that relate to a permit. Permit requirement now references fences. Department names have been updated.	Policy neutral amendment

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	Removed references to background documents in decision guidelines.	
43.02s4 Design and Development Overlay (DDO4)	Permit requirement now references fences and has been restated so as not to duplicate the parent provision. Department names have been updated. Objectives should start with 'To'.	Policy neutral amendment
43.02s5 Design and Development Overlay (DDO5)	Permit requirement now references fences and has been restated so as not to duplicate the parent provision. Building and works requirements need to separate out permit requirements and then the further requirements that relate to a permit. Department names have been updated. Objectives should start with 'To'.	Policy neutral amendment
43.02s6 Design and Development Overlay (DDO6)	Department name and reference to Urban Design Unit has been removed. Removed references to background documents in decision guidelines.	Policy neutral amendment
43.02s7 Design and Development Overlay (DDO7)		Complies
43.02s8 Design and Development Overlay (DDO8)		Complies
43.02s9 Design and Development Overlay (DDO9)		Complies
43.02s10 Design and Development Overlay (DDO10)	Reduced objectives to five. Building and works requirements need to separate out permit requirements and then the further requirements that relate to a permit including the must provisions. Department names have been updated. Removed references to background documents in decision guidelines. Move fencing requirements for a permit to the start of building and works.	Policy neutral amendment
43.02s11 Design and Development Overlay (DDO11)	Will be redrafted through the CCC H&NC Strategy at a later stage.	Full amendment
43.02s13 Design and Development Overlay (DDO13)	Reduced objectives to five. Building and works requirements need to separate out permit requirements and then the further requirements that relate to a permit including the must provisions. Removed references to background documents in decision guidelines. Move fencing requirements for a permit to the start of building and works.	Policy neutral amendment

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
	Redrafted signage requirements.	
43.02s14 Design and Development Overlay (DDO14)	Building and works requirements need to separate out permit requirements and then the further requirements that relate to a permit including the must provisions. Removed references to background documents in decision guidelines. Move fencing requirements for a permit to the start of building and works. Redrafted signage requirements.	Policy neutral amendment
43.02s15 Design and Development Overlay (DDO15)	Building and works requirements need to separate out permit requirements and then the further requirements that relate to a permit including the must provisions. Redrafted some requirements into application requirements. Removed references to background documents in decision guidelines. Move fencing requirements for a permit to the start of building and works.	Policy neutral amendment
43.04s1 Development Plan Overlay (DPO1)	Requirements redrafted to updated biodiversity guidelines. Department names have been removed.	Policy neutral amendment
43.04s2 Development Plan Overlay (DPO2)		Complies
43.04s3 Development Plan Overlay (DPO3)	Requirements redrafted to updated biodiversity guidelines and to updated Clause in PPF. Department names have been removed.	Policy neutral amendment
43.04s5 Development Plan Overlay (DPO5)	Department names have been updated.	Policy neutral amendment
43.04s6 Development Plan Overlay (DPO6)	Removed references to background documents in requirements. Department names have been updated.	Policy neutral amendment
43.04s7 Development Plan Overlay (DPO7)	Requirements redrafted to updated biodiversity guidelines. Department names have been removed from requirements. Department names have been updated.	Policy neutral amendment
43.04s8 Development Plan Overlay (DPO8)		Complies
43.04s9 Development Plan Overlay (DPO9)	Requirements redrafted to updated Council active transport strategy. Typographical updates.	Policy neutral amendment
43.04s10 Development Plan Overlay (DPO10)	Requirements redrafted to updated Council active transport strategy.	Policy neutral amendment
43.04s11 Development Plan Overlay (DPO11)	Minor redrafting changes.	Policy neutral amendment

Clause no. and name	Changes required (if relevant)	ACTION PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
LAND MANAGEMENT OVERLAYS		
44.01s Erosion Management Overlay (EMO)	Could include Schedule number against planning scheme map reference to comply with MD but at this stage retains EMO notation without need to remap EMO to EMO1.	Complies
44.03s1 Floodway Overlay (FO1)		Complies
44.04s Land Subject to Inundation Overlay (LSIO)	Remove schedule as has been superseded by virtue of other schedules – LSIO1 and LSIO2	Policy neutral amendment
44.04s1 Land Subject to Inundation Overlay (LSIO1)	Include Schedule number against planning scheme map reference to comply with MD.	Policy neutral amendment
44.04s2 Land Subject to Inundation Overlay (LSIO2)	Include Schedule number against planning scheme map reference to comply with MD..	Policy neutral amendment
44.06s1 Bushfire Management Overlay (BMO1)	Review mandatory conditions section.	Policy neutral amendment
OTHER OVERLAYS		
45.01s Public Acquisition Overlay (PAO)		Complies
45.05s Restructure Overlay (RO)		Complies
45.12s Specific Controls Overlay (SCOO)		Complies

5.6. Particular provisions

All the particular provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
51.01s Specific sites and inclusions		Complies
52.02s Easements, restrictions, and reserves		Complies
52.05s Signs		Complies
52.16s Native vegetation precinct plan		Complies

Clause no. and name	Is it applied? Changes required (if relevant)	Action PSR complies. PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
52.17s Native vegetation		Complies
52.27s Licenced premises		Complies
52.28s Gaming		Complies
52.32s Wind energy facility		Complies
52.33 Post boxes and drystone walls	Added the word "land"	Policy neutral amendment
53.01s Public open space contributions and subdivision.	Include 5% for residential land and 2% for commercial and industrial land - see Public Open Space Strategy.	Policy neutral amendment
53.06s Live music entertainment venues		Complies
53.15s Statement of underlying provisions		Complies
59.15s Local VicSmart applications	Additional local VicSmart application classes could be added	Policy neutral amendment
59.16s1 Information requirements and decision guidelines for local VicSmart applications		Complies

5.7. General provisions

There are two general provisions that have a schedule available. They are included in the table below with a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause no. and name	Is it applied? Changes required (if relevant)	Action
Schedule to Clause 66.04 Referral of Permit Applications Under Local Provisions	Victorian Government Department names have been updated in schedule. SLO1 and SLO4 have been added.	Policy neutral amendment
Schedule to Clause 66.06 Notice of permit applications under local provisions	Victorian Government Department names have been updated in schedule. Have removed Heritage Victoria as a referral authority.	Policy neutral amendment

5.8. Operational provisions

All the operational provision schedules that are available to be applied in the planning scheme are included in the table below, and a notation about whether they comply or require changing as a result of this review. Changes may be required to align with the *Ministerial Direction on the Form and Content of Planning Schemes*, or they may be suggested to clarify the policy as identified through the analysis and engage stages of the review.

Clause	Name	Considerations	Recommendations
			Complies PSR further strategic work. PSR policy neutral amendment. PSR full amendment.
ADMINISTRATION AND ENFORCEMENT OF THIS SCHEME			
72.01s	Schedule to Responsible Authority for this Planning Scheme		Complies
72.02s	Schedule to What Area is Covered by this Planning Scheme?		Complies
72.03s	Schedule to What Does this Scheme Consist of?		Complies
72.04s	Schedule to Documents Incorporated in this Planning Scheme	Reviewed documents.	Policy neutral amendment
72.08s	Schedule to Background Documents	Reviewed documents with new strategies added.	Policy neutral amendment
STRATEGIC IMPLEMENTATION			
74.01s	Schedule to Application of Zones, Overlays and Provisions	Reviewed and updated.	Policy neutral amendment
74.02s	Schedule to further strategic work	Reviewed and updated.	Policy neutral amendment

5.9. Recommendations

R5. Amend the Municipal Planning Strategy, local Planning Policy Framework policies and schedules to include changes identified in the audit of the planning scheme review and shown on the marked up ordinance at Appendix 1.

R6. Undertake further strategic work to address issues identified in the planning scheme audit for the following controls:

- Prepare a Scenic Landscapes Strategy to clarify which landscapes and views are to be protected and then a planning scheme amendment to make key technical updates to the schedules to the Significant Landscape Overlay (SLO1-SLO4), following the recommendations of the 2010 and 2020 reviews. Investigate the identified former landfill sites and the potential application of the Buffer Area Overlay and Public Use Zone to these sites.
- Investigate the application of the Buffer Area Overlay to the Castlemaine Water Reclamation Plant.
- Prepare an updated Heritage Strategy in consultation with existing heritage groups and the local Aboriginal party.
- Review existing heritage studies that includes recommendations for planning provisions, conservation management, development guidelines and other actions in accordance with the thematic history for the Shire.
- Undertake a retail and commercial strategy for the municipality that considers the inclusion of design guidelines for commercial areas and the potential application of the Commercial 3 Zone.

- Undertake further strategic work to review and an update of the mapping and Schedules to the Environmental Significance Overlay.
- Prepare a new Rural Land Strategy that:
 - Develops criteria and identifies potential areas for the application of the Rural Conservation Zone, the Rural Activity Zone and other rural zones with tailored schedules to meet agricultural and farming needs.
 - Investigates the protection of existing agriculture activities through the use of separation distances that address issues of noise, dust, odour, hours of operation and spray drift with Agriculture Victoria.
- Undertake further investigations into applying the Vegetation Protection Overlay to the roadsides of high conservation value and other land as determined through the Roadside Conservation Management Plan and Shire-wide Biodiversity Strategy.
- Prepare a new Castlemaine Urban Design Framework to inform Clause 11.03-1L.01 and review the application of the Design and Development Overlays.
- Prepare and implement a signage policy for the municipality.
- Review the schedule to Clause 43.01s - Heritage Overlay to insert statements of significance for all sites not included in the Victorian Heritage Register.
- Review Schedule 1 to Clause 59.16 - information requirements and decision guidelines for local VicSmart applications to incorporate additional local classes of minor applications.

6. Planning scheme performance

This section contains an analysis of planning permit activity that has taken place during the last five financial years. It draws on both publicly available Planning Permit Activity and Reporting System (PPARs) data and data provided by Council.

6.1. Planning permit activity

6.1.1. Number of permits assessed

Evidence

Table 1 shows the number of permit applications received between the 2018/19 financial year and the 2022/23 financial year over five consecutive years. The numbers of applications received varied, with a low of 359 most recently and a high of 448 in 2020/21.

Table 1: Planning Permit Activity and Reporting System Report for Permits Issued Between the 2018/19 and 2022/23

Permits (including refusals)	Total 2018/2019 - 2022/2023	2018/19	2019/20	2020/21	2021/22	2022/23
Received	2070	428	393	448	442	359
NOD	35	2	9	8	10	6
New / Amended Permit	1406	338	298	326	261	183
Refusal	325	64	60	81	85	35
Withdrawn / Not Required / Lapsed	23	5	7	6	2	3
Determined	1789	409	374	421	358	227

Discussion

Analysis of **Table 1** shows that applications received and determined have remained relatively consistent for the last five years but that applications received have increasingly exceeded those determined in the last two financial years. Applications received in the last five years have averaged 414 per financial year but exceeded this average during the period of the Covid-19 pandemic restrictions in 2020-21. Greater resourcing would help to enable more applications to be determined so that they could exceed the number of applications lodged.

There is a low percentage of refusals, which at a yearly average of less than 2% is typical for rural municipalities but there is also a moderately high degree of withdrawn/not required/lapsed applications. The large rate of withdrawn and no permit required applications is explained in part by the low number of refusals, as applications that are inconsistent with Council's MPS and local planning policy are often withdrawn before they are refused. A high number of withdrawn and no permit required applications also suggests that greater clarity could be provided in the Mount Alexander Planning Scheme so that it is clearer to applicants and Council about when a permit is required.

6.1.2. Service performance

Evidence

The average timeframe taken to decide applications at Mount Alexander has remained relatively stable over the past 5 years with the exception of a spike recently in 2022-23. During 2018-19, 2019-20, 2020-21 and 2021-22 the median number of days taken to process applications was 28, 33.5, 35 and 56 respectively. In 2022-23, the median number of days was 80, a nearly 43% increase from 2021-22. This was comparable or below that of neighbouring rural councils (with some data being unavailable) but well above the statutory requirement set out in the Act (60 days).

Despite this, the percentage of applications decided within the requisite timeframes has remained relatively stable over the past 5 years and at a high of 448 applications in 2020/21. Council could further improve performance in future years with increased resourcing and planning regulatory reductions.

The per-application cost of statutory planning services at Mount Alexander has been significantly lower than selected comparable councils. In 2022/23, per-application cost of statutory planning services was \$2,419.53, up from \$1,049.84 the preceding year.

Table 2 compares recent service performance of the recent service performance of the Mount Alexander Shire Council against comparable councils.

Table 2: Comparison of Service Performance Against Comparable Councils

Measure description	Council	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Median number of days taken between receipt of a planning application and a decision on the application	Mount Alexander	28 days	33.5 days	35 days	56 days	80 days
	Macedon Ranges Shire	106 days	93 days	98 days	121 days	130 days
	Mitchell Shire	104 days	116.5 days	96 days	77 days	N/A
	Campaspe Shire	41 days	38 days	35 days	51 days	N/A
Percentage of VicSmart planning application decisions made within 10 days and regular planning application decisions made within 60 days	Mount Alexander	84.7%	83.6%	87.7%	56.4%	26.4%
	Macedon Ranges Shire	58.1%	70%	62.8%	49.8%	50.9%
	Mitchell Shire	76.7%	71.2%	75.2%	57.8%	N/A
	Campaspe Shire	92.3%	93.8%	97.2%	97.8%	N/A
Direct cost to council of the statutory planning service per planning application received	Mount Alexander Shire	\$1,531.61	\$1,458.05	\$1,290.11	\$1,049.84	\$2,419.53
	Macedon Ranges Shire	\$3,136.22	\$3,221.60	\$3,073.47	\$2,888.70	\$3,861.31
	Mitchell Shire	\$2,163.90	\$3,261.25	\$2,533.75	\$2,204.40	N/A
	Campaspe Shire	\$1,573.76	\$1,473.04	\$1,054.69	\$1,342.25	N/A
Percentage of council planning application decisions subject to review by Victorian Civil and Administrative	Mount Alexander	28 days	33.5 days	35 days	56 days	80 days
	Macedon Ranges Shire	106 days	93 days	98 days	121 days	130 days
	Mitchell Shire	104 days	116.5 days	96 days	77 days	N/A

Measure description	Council	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Tribunal that were not set aside	Campaspe Shire	41 days	38 days	35 days	51 days	N/A

Source: www.knowyourcouncil.vic.gov.au.

Discussion

Mount Alexander's performance has been benchmarked against three other neighbouring Councils being Macedon Ranges, Mitchell and Campaspe. This benchmarking shows that Mount Alexander compares generally favourably against:

- Median number of days taken between receipt of a planning application and a decision on the application, except Campaspe Shire who compared more favourably.
- Percentage of VicSmart planning application decisions made within 10 days and regular planning application decisions made within 60 days, particularly since 2021/22.
- Direct cost to council of the statutory planning service per planning application received, with overall costs showing a decreasing trend except for in the last financial year which may reflect stretched resourcing over the last few years.
- An increasing percentage of council planning application decisions subject to review by Victorian Civil and Administrative Tribunal that were not set aside, with an overall low appeal rate.

While there have been significant performance improvements, more could be undertaken with further planning regulatory reductions and additional resourcing and investment of the planning function being required.

6.1.3. Most common permit triggers

Evidence

As shown in **Table 3**, applications for 'Single dwelling', 'Sheds', 'Dwelling extension' and '2 lot subdivision' are consistently the four most common types of applications between the 2018/19 and 2022/23 financial years. Applications for '2 or more dwellings' and 'Multi-lot subdivision' are the next most common application types year on year.

Table 3: Most Common Application Types

Application type	Total 2018/2019 – 2022/2023	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
Single dwelling	566	143	121	134	95	73
2 Lot subdivision	246	43	43	56	51	53
2 or more dwellings	65	22	9	12	12	10
Multi-lot subdivision	99	21	17	20	24	17
Sheds	325	71	57	66	70	61
Dwelling extension	249	43	48	54	48	56
Other	520	85	98	106	142	89

Source: Planning Permit Activity and Reporting System (including aggregates of new permit applications and amended permit applications)

Discussion:

Table 3 includes the most common types of applications received in the municipality, with applications for single dwellings, sheds and dwelling extensions reflecting the development settings of the Mount Alexander Planning Scheme. Subdivisions (both 2 lot and multi dwelling) and 2 or more dwelling applications are the next most regular types, with a large amount of 'Other' which can include change of use, native vegetation removal, signage and liquor licencing applications. Applications for multi-dwellings are characteristically low for a rural municipality and the moderate number of subdivision applications is typical for a municipality such as Mount Alexander with new housing usually being developed on conventional and larger lots within townships.

6.1.4. Decision making by Council**Evidence**

Table 4 shown applications determined by Council in the period from 1 July 2018 to 30 June 2023.

Table 4: Decision outcome data from 1 July 2018 to 30 June 2023

No.	Final Outcome	Percentage
1367	Permit Determined by Delegate	67.51
68	Permit/Notice Of Decision Determined by Council	3.35
6	Permit Determined by Victorian Civil Administrative Tribunal	0.30
8	Refusal Determined by Delegate	0.40
12	Refusal Determined by Council	0.59
3	Refusal Determined by Victorian Civil Administrative Tribunal	0.15
325	Withdrawn/No Permit Required/Lapsed	16.05
236	No Data	11.65
2,025	Total	100%

Source: Council supplied permit application data

Discussion:

There were a large number of applications determined by Council's delegate, with close to 68% of permits decided by Council's delegate. Over 16% of applications were withdrawn by the permit applicant, lapsed or no permit was required. Less than 3.5% of applications were determined by Council. Less than 1.2% of applications were determined for refusal by Council, Council's delegate and Victorian Civil Administrative Tribunal, which is very low. There were around 11.7% of applications for which there was no data, which is a reflection of the current planning software upgrade that is being undertaken by Council. Future data analysis and reporting and planning performance will be improved when this upgrade is complete.

6.1.5. Victorian Civil Administrative Tribunal Matters**Evidence**

The number of applications that were appealed to the Victorian Civil and Administrative Tribunal was very low with eight occurring over between 2018/19 and 2022/23. Council's decision was upheld by the Tribunal in two cases and in six cases, Council's decision was not upheld by the Tribunal. The low number of appeals is typical for a rural municipality and reflective of the high

number of withdrawn/no permit required/lapsed applications, where applications are often withdrawn before they are refused by Council for being inconsistent with planning policy and provisions.

As shown in **Table 5**, most appeals are against Council's Refusal of a Planning Permit with 4 appeals in the last six years in this category.

Table 5: Applications for Review against Planning Applications to VCAT

Application for review type	2018/19	2019/20	2020/21	2021/22	2022/23
Appeal against refusal (s. 77)	-	2	-		2
Appeal against decision to grant (s. 82)	-	-	-	1	-
Appeal against failure (s. 79)	-	-	-	-	3
Declaration proceedings (s. 149B)					

Note: decisions are from both Planning Permit Activity and Reporting System and Council supplied Victorian Civil Administrative Tribunal determinations.

Discussion:

There were 8 matters that were appealed to the Victorian Civil and Administrative Tribunal between the 2018/19 and 2022/23 financial years (up to September 2023). The applications for review were mostly split against four refusals to grant a permit and one notice of decision to grant a planning permit, but this is a low rate of appeal for planning applications. There were three failure to determine appeal and no declaration proceedings. A large rate of withdrawn and no permit required applications accounts in part for the low rate of appeals, as applications that are inconsistent with Council's MPS and local planning policy are often withdrawn before they are refused.

6.1.6. Geographic spread of applications

Evidence

There is a large spread of applications over the municipality with 2070 shown in **Table 6**. The most significant have been in Castlemaine and Maldon. There have also been large numbers of applications in the smaller townships of McKenzie Hill and Campbells Creek.

Table 6: Distribution of Applications from 2018/19 to 2022/23

Locality	Number of Applications 2018/19 - 2022/23	Percentage (%)	Locality	Number of Applications 2018/19 - 2022/23	Percentage (%)
BARFOLD	15	0.72%	CASTLEMAINE	514	24.83%
BARINGHUP	25	1.21%	CHEWTON	101	4.88%
BARINGHUP WEST	4	0.19%	CHEWTON BUSHLANDS	2	0.10%
BARKERS CREEK	31	1.50%	DRUMMOND NORTH	-	0.00%
BRADFORD	-	0.00%	EASTVILLE	-	0.00%
CAMPBELLS CREEK	117	5.65%	EDDINGTON	1	0.05%
CAMPBELLTOWN	3	0.14%	ELPHINSTONE	89	4.30%
CARISBROOK	-	0.00%	FARADAY	23	1.11%

Locality	Number of Applications 2018/19 - 2022/23	Percentage (%)
FRANKLINFORD	2	0.10%
FRYERSTOWN	26	1.26%
GLENLUCE	6	0.29%
GOLDEN POINT	3	0.14%
GOWER	10	0.48%
GREEN GULLY	6	0.29%
GREENHILL	1	0.05%
GUILDFORD	30	1.45%
HARCOURT	91	4.40%
HARCOURT NORTH	17	0.82%
IRISHTOWN	2	0.10%
JOYCES CREEK	1	0.05%
LANGLEY	4	0.19%
LOCKWOOD SOUTH	-	0.00%
MALDON	334	16.14%
MALMSBURY	2	0.10%
MCKENZIE HILL	192	9.28%
METCALFE	31	1.50%
METCALFE EAST	-	0.00%
MOOLORT	1	0.05%
MOONLIGHT FLAT	8	0.39%
MUCKLEFORD	35	1.69%
MUCKLEFORD SOUTH	4	0.19%

Locality	Number of Applications 2018/19 - 2022/23	Percentage (%)
MYRTLE CREEK	1	0.05%
NEEREMAN	1	0.05%
NEWSTEAD	69	3.33%
NUGGETTY	8	0.39%
RAVENSWOOD	4	0.19%
RAVENSWOOD SOUTH	4	0.19%
REDESDALE	12	0.58%
SANDON	5	0.24%
SHELBOURNE	-	0.00%
STRANGWAYS	4	0.19%
STRATHLEA	4	0.19%
SUTTON GRANGE	21	1.01%
TARADALE	87	4.20%
TARILTA	-	0.00%
TARRENGOWER	6	0.29%
VAUGHAN	10	0.48%
WALMER	24	1.16%
WELSHMANS REEF	16	0.77%
WERONA	1	0.05%
YANDOIT HILLS	6	0.29%
YAPEEN	16	0.77%
NONE LISTED	40	1.93%
TOTAL	2,070	100.00%

Discussion:

There is a large spread of applications over the municipality reflecting the dispersed nature of localities in the Shire. Concentrations of applications occur in the townships of Castlemaine, Campbells Creek, Chewton, McKenzie Hill and Maldon. Heritage overlay controls and the mix of residential and commercial areas reflect the significant numbers of applications in Maldon and Castlemaine and their regional status and heritage and tourism significance at the local, regional and state levels. There have also been moderate numbers of applications in the smaller townships or localities of Elphinstone, Harcourt, Newstead and Taradale.

6.2. Planning Panels Victoria

6.2.1. Summary of planning scheme amendments

Council has undertaken 7 'C' planning scheme amendments since the last planning scheme review as shown in **Table 7**. A detailed analysis of these has been provided to Council officers. Most amendments were considered by a Panel. Implications for three Amendments, C95malx, C96malx and C94malx, are further discussed below.

Table 7: C Amendments Undertaken by Council from 2019

Amendment number	In operation from	Brief description of the amendment	What sort of amendment: - Policy related - Site specific - Administrative	Status of the amendment - Did not progress - Approved - Underway
C99malx	Still in progress	Correction of errors	Administrative and Site specific	Underway
C97malx	04 May, 2023	Correction of errors and anomalies within both the mapping and the ordinance of planning scheme. Updated the zoning and overlay controls along the Calder Freeway, declared a freeway under the Road Management Act 2004, to ensure the accurate reflection of the current land use, road manager and conditions.	Administrative and Site specific	Approved with changes
C96malx	30 March, 2023	Amended the Planning Policy Framework, the Significant Landscape Overlay (Schedules 1 and 3), the Schedule to the Heritage Overlay and operational provisions to replace the incorporated document titled Maldon Design Guidelines (Mount Alexander Shire, 1998) with the updated Maldon Design Guidelines (Mount Alexander Shire Council, May 2022).	Policy related	Approved with changes
C95malx	20 May, 2021	Replaced the Local Planning Policy Framework of the Mount Alexander Planning Scheme with a new Municipal Planning Strategy at Clause 02, a modified Planning Policy Framework at Clauses 11-19 and a selected number of local schedules to overlays and operational provisions in a manner consistent with changes to the Victoria Planning Provisions introduced by Amendment VC148.	Administrative	Approved
C94malx	Still in progress	Implementation of Plan Harcourt	Policy related	Underway
C92malx	11 February, 2021	Corrections amendment to remove inconsistencies in local schedules with the Victorian Planning Provisions and Ministerial Direction on the Form and Content of Planning Schemes as part of the Smart Planning Local Schedules Update.	Administrative	Approved
C93malx	17 September, 2020	Implements Section 56 of the Heritage Act 2017 to ensure that places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.	Administrative	Approved
C082	24 January, 2019	Implements the findings of the Castlemaine, Campbells Creek and Chewton Flood Management Plan, 2015.	Administrative	Approved with changes

6.2.2. Issue One

Evidence

Matter	Response
Amendment No:	C94malx
Amendment common name	Plan Harcourt
Issues considered:	<p>A strategic level biodiversity assessment is required across the whole study area as the amendment does not take into account the full range of elements required to assess, understand and protect biodiversity values in Harcourt. The amendment does not adequately identify and protect the habitat and wildlife corridors.</p> <p>A commercial land demand assessment is needed to inform the area proposed for rezoning to Commercial 1 Zone in the town centre.</p> <p>Plan Harcourt should be updated to ensure it is consistent with the further work and updated amendment.</p>
In operation from:	Underway
Brief description of the amendment:	<p>The amendment seeks to implement the key land use planning recommendations of Plan Harcourt, specifically to:</p> <ul style="list-style-type: none"> • Insert new local policy Clause 11.01-1L-04 (Harcourt) including an updated Harcourt Land Use Framework Plan. • Rezone the majority of Township Zone and General Residential Zone to Neighbourhood Residential Zone Schedule 1. • Rezone land in the town centre from Township Zone to Neighbourhood Residential Zone Schedule and apply design requirements through the Development Plan Overlay Schedule 12. • Include Plan Harcourt as a background document. <p>Make other minor and consequential changes to the Mount Alexander Planning Scheme.</p>
Policy matters raised by the Panel that require further consideration or action by Council.	<p>The Panel did not support the amendment in its exhibited form. It recommended that further strategic work be undertaken around biodiversity and a commercial land assessment. This work was required to them be incorporated into a revised and updated Plan Harcourt to satisfy the requirement for integrated decision making and the objectives of the Planning and Environment Act 1987 in a re-exhibited or new Amendment.</p>
Changes to ordinance required:	<p>New local policy at Clause 11.01-1L-04 (Harcourt) based on an updated Harcourt Land Use Framework Plan.</p> <p>Rezone the majority of Township Zone and General Residential Zone in Harcourt to the Neighbourhood Residential Zone.</p> <p>Apply design requirements through the Development Plan Overlay Schedule 12.</p> <p>Include Plan Harcourt as a background document.</p> <p>Make other minor and consequential changes to the Mount Alexander Planning Scheme.</p>
Further strategic work required:	<p>Further strategic is currently being undertaken by Council for a biodiversity assessment and a commercial land assessment to inform a further update of Plan Harcourt and to progress Amendment C94malx.</p>

Discussion

The Panel did not support the amendment in its exhibited form. It recommended that further strategic work be undertaken around biodiversity and a commercial land assessment. This work was required for these issues to be incorporated into a revised and updated Plan Harcourt to satisfy the requirement for integrated decision making and the objectives of the Planning and Environment Act 1987 in a re-exhibited or new Amendment. This raises significant issues of cost and resources for not just this project but other similar projects likely to be undertaken by Council in future.

Further strategic work is currently being undertaken by Council for a biodiversity assessment and a commercial land assessment to inform a further update of Plan Harcourt and to progress the Amendment.

6.2.3. Issue Two

Evidence

Matter	Response
Amendment No:	C95malx
Amendment common name	Municipal Planning Strategy and Planning Policy Framework Translation
Issues considered:	Amendment was a policy neutral translation exercise that introduced the new Municipal Planning Strategy and integrated Planning Policy Framework into the planning scheme.
In operation from:	20 May 2021
Brief description of the amendment:	Replaced the Local Planning Policy Framework with a new Municipal Planning Strategy at Clause 2 and a modified Planning Policy Framework at Clauses 10-19.
Policy matters raised by the Panel that require further consideration or action by Council.	N/A
Changes to ordinance required:	Replaced Clause 21 with Clause 02 Municipal Planning Strategy and an integrated Planning Policy Framework at Clauses 10-19.
Further strategic work required:	The Municipal Planning Strategy and integrated Planning Policy Framework translation provided the foundation for further strategic work to be undertaken based on Clause 74.02 and for new strategy and policy to be developed and provisions to be applied, responding to many recommendations of the 2019 review.

Discussion

This Amendment was a policy neutral translation of the previous Municipal Strategic Statement and Local Planning Policy Framework into the new Municipal Planning Strategy and integrated Planning Policy Framework from the Victorian Government.

The translation process implemented many recommendations from the 2019 Mount Alexander Planning Scheme Review to synthesise planning content and make the scheme easier to use and understand. There were significant resource implications to Council from the translation process and planning scheme content gaps have been identified, prompting several future strategic projects.

6.2.4. Issue Three

Evidence

Matter	Response
Amendment No:	C96malx
Amendment common name	Maldon Design Guidelines
Issues considered:	Review of Significant Landscape Overlay Schedules 1 and 3 (SLO1 and SLO3)
In operation from:	16 March 2022

Brief description of the amendment:	The amendment implements the Maldon Design Guidelines, Mount Alexander Shire, 2020 (Design Guidelines) by introducing them as an incorporated document and amends Clause 15.03-1L Heritage general, Schedules 1 and 3 of the Significant Landscape Overlay (SLO1 and SLO3) and operational provisions.
Policy matters raised by the Panel that require further consideration or action by Council.	The Panel agreed with the strategic basis for the Amendment. They suggested further changes to the Maldon Design Guidelines and to Schedules 1 and 3 of the Significant Landscape Overlay to align them and to simplify the guidelines further. This was undertaken by Council in the Amendment that was submitted to the Department for approval. Council has undertaken a review of Schedules 1 and 3 of the Significant Landscape Overlay. As part of that work, further assessment of landscape significance and redrafting the schedules was recommended. This work is yet to be undertaken by Council and is a recommended future strategic project.
Changes to ordinance required:	Clauses 15.03-1L, 42.03 Schedules 1 and 3.
Further strategic work required:	Assessment of the landscape significance of rural and township interface land around the Maldon township and environs.

Discussion

The gazettal of Amendment C96malx provided the foundation for further strategic work to be undertaken based on Clause 74.02 and for new strategy and policy to be developed and provisions to be applied. This follows the review of Schedules 1 and 3 to the Significant Landscape Overlay, which requires that further assessment of landscape significance and redrafting the schedules be undertaken. This is recommended as a future strategic project.

Findings

- R7. Revise Clause 74.02 - Future Strategic Work for delivery of the strategic work to areas of existing strategic gaps.**
- R8. Improve the application, efficiency and effectiveness of the scheme by revising zone and overlay schedules to be consistent with the Ministerial Direction on Form and Content of Planning Schemes through more specific zone and overlay schedule requirements.**

6.3. Victorian Civil Administrative Tribunal

6.3.1. Victorian Civil Administrative Tribunal cases reviewed

Council officers provided the following list of Victorian Civil Administrative Tribunal (VCAT) cases to review as provided below:

- Hali v Mount Alexander SC [2023] VCAT 318 Hali v Mount Alexander SC [2023] VCAT 318
- Slingo Earthmoving Pty Ltd v Mount Alexander SC [2023] VCAT 5
- Lascorp Investment Group Pty Ltd v Mount Alexander SC [2022] VCAT 1406
- Prosperity Park Pty Ltd v Mount Alexander SC [2022] VCAT 1398
- Diamond Gully Estate Pty Ltd v Mount Alexander SC (No. 2) (Corrected) [2022] VCAT 1073
- Mathieson v Mount Alexander SC (Corrected) [2022] VCAT 600
- Brownlee v Mount Alexander SC [2020] VCAT 326
- Leone v Mount Alexander SC [2020] VCAT 240

6.3.2. Policy issues raised at Victorian Civil Administrative Tribunal

The issues raised in Tribunal cases over the past four years that have policy implications include:

- The adequacy of policy to guide development in settlements such as Chewton responsive to settlement patterns and neighbourhood character.
- Appropriate land uses in the Farming Zone.
- Clearer housing and neighbourhood character requirements.
- Strengthening of heritage objectives and residential building/siting requirements/standards.
- Strengthening of Farming Zones objectives and/or ESO1 controls.

6.3.3. Issue One

Neighbourhood character

P735/2022	Address: 16 Steele Street CHEWTON VIC 3451
Council Ref:	PA336/2021, 16 Steele Street CHEWTON VIC 3451
Proposal	Two lot subdivision
Date of VCAT Order:	27 March 2023
VCAT Citation:	Hali v Mount Alexander SC [2023] VCAT 318
Nature of proceeding:	Application under section 77 of the Planning and Environment Act 1987 – to review the refusal to grant a permit.
Council Decision:	Refused
Council Decision Upheld at VCAT:	Yes
Applicable policies and provisions:	Clauses 02.03, 11.01-1S, 15.01-2S, 15.01-3S, 15.01-5S, 32.05, 44.06, 53.02, 56 and 65. Township Zone (TZ1), Bushfire Management Overlay (BMO1)
Key Issues:	Permit was refused by Council to subdivide the land into two lots comprising areas of 469 metres squared (lot 1), 340 metres squared (lot 2) and common property with an area of 201 square metres. The proposed subdivision was inconsistent with the settlement pattern of the neighbouring area, its character, state and local planning policies, and it also raised traffic issues along Steele Street. Findings: The proposed subdivision does not align with the town's character, design and sitting standards, impacting the overall neighbourhood character.
Changes to ordinance required:	Clear direction about subdivision in Chewton though the Housing and Neighbourhood Character Strategy
Further strategic work required:	The Castlemaine, Campbells Creek, and Chewton Housing and Neighbourhood Character Strategy is currently being prepared.

Summary

A permit was refused by Council to subdivide the land into two lots comprising one lot of 469 sqm and another lot of 340 sqm with a common property area of 201 sqm due to being inconsistent with the settlement pattern of the neighbouring area and its character. The Tribunal upheld Council's refusal, stating that the proposed subdivision did not align with the town's character, design and sitting standards, impacting the overall neighbourhood character.

Discussion

This application highlights the unique heritage and neighbourhood character issues related to development in Mount Alexander. Council is currently undertaking the Castlemaine, Campbells Creek, and Chewton Housing and Neighbourhood Character Strategy is part of Council's existing strategic work program. This strategy will help to provide greater guidance for these types of proposals in future so that they better align with the preferred future character and housing change area of townships.

6.3.4. Issue Two

Industrial land uses in the Farming Zone

PA282/2019	Address: Part 315 Butchers Road, Muckleford
Council Ref:	PA282/2019, Part 315 Butchers Road, Muckleford
Proposal	Use of the land within the Farming Zone for a Contractor's depot
Date of VCAT Order:	6 January 2023
VCAT Citation:	Slingo Earthmoving Pty Ltd v Mount Alexander SC [2023] VCAT 5
Nature of proceeding:	Application under section 77 of the Planning and Environment Act 1987 – to review the refusal to grant a permit.
Council Decision:	Refusal
Council Decision Upheld at VCAT:	No
Applicable policies and provisions:	Clauses 02, 11, 12, 13, 14, 15, 17, 18, 19, 35.07, 36.04, 42.03, 52.06, 52.17, 52.29, 65 and 71.02. Farming Zone, Transport Zone 2, Land Subject to Inundation Overlay 2, Significant Landscape Overlay 1
Key Issues:	A permit was refused by Council for the use and development of the land based on concerns related to the suitability of the proposal within the Farming Zone, potential adverse impacts such as noise, dust, and visual disturbances on the surrounding context, as well as the impacts on the safety of the surrounding road network. Findings: The proposal for a contractor's depot in the Farming Zone aligns with planning policies, addressing land use, landscape preservation, biodiversity, traffic management, off-site amenity impacts, bus fire risk and safety, making it suitable for granting a permit.
Changes to ordinance required:	Potential local policy changes/additions to Clauses 14.01-1L, 17.03-1L and 17.03-2L.
Further strategic work required:	Potential work around better defining the appropriate locations for industrial uses throughout the municipality in the Industrial Strategy underway

Summary

A permit was refused by Council for the use and development of the land for a contractors depot in the Farming Zone. The Tribunal approved the proposed use and development for a contractors depot.

Discussion

This site, in a Farming Zone, is not the appropriate place for a contractors depot despite its main road location. This type of land use and development is more appropriate in an industrial area within Castlemaine. Council's industrial strategy that is underway should help to strengthen planning policies and provisions around these types of industrial uses and issues. An additional strategy has been included through this review to Clause 17.03-2L to strengthen the locational criteria for these types of industrial uses by encouraging them within industrial areas of townships.

6.3.5. Issue Three

Uses in the Farming Zone

PA234/2018	Address: 9 East Metcalfe-Langley Road Langley VIC 3444
Council Ref:	PA234/2018, 9 East Metcalfe-Langley Road Langley VIC 3444
Proposal	Dog hotel/kennel development
Date of VCAT Order:	13 March 2020

VCAT Citation:	Brownlee v Mount Alexander SC [2020] VCAT 326
Nature of proceeding:	Application under section 77 of the Planning and Environment Act 1987 – to review the refusal to grant a permit.
Council Decision:	Refused
Council Decision Upheld at VCAT:	No
Applicable policies and provisions:	Clauses 35.07-1, 35.07-4, 42.01-2, 52.05 Farming Zone, Environmental Significance Overlay, Schedule 1
Key Issues:	Some residents of surrounding properties were concerned about the proposal's potential noise impacts from barking dogs on adjacent residential properties as well as its impact on agriculture uses, including those with horses. Council considered that the development would cause unacceptable noise impacts despite the installation of a high acoustic wall. Objectors argued that the development would have unacceptable noise impacts on the adjoining properties and residents. Additionally, the objectors argued that any noise barrier wall would have a visual impact on the adjacent properties. Findings: The Tribunal supported the proposal's ability to meet relevant noise levels with the condition that additional attenuation measures are implemented. These measures would necessitate an amendment to the landscape plan to ensure the retained vegetation continues to provide screening, ultimately preventing unacceptable amenity impacts. The proposed additional acoustic attenuation measures can be implemented without significant visual impact, primarily due to the existing setbacks for the fence and kennel building through a permit condition. Similarly, this proposal was considered to not unacceptably impact neighbouring agricultural uses. Goulburn Murray Water confirms that there will be no unacceptable impact on water quality or water yield resulting from the proposal, provided that the conditions proposed by the authority are included in the permit.
Changes to ordinance required:	Strengthening of Farming Zone objectives and/or ESO1s controls
Further strategic work required:	Further farming land and environmental protection strategic work

Summary

A permit was refused by Council for the use and development of the land for a dog hotel/kennel in the Farming Zone. The Tribunal approved the proposed use and development for a dog hotel/kennel.

Discussion

This site, in a Farming Zone, was not considered by Council to be the appropriate place for a dog hotel/kennel but a Farming Zone is one of the least problematic areas in terms of amenity implications. Better guidance for this type of land use and development could be provided through a rural land use strategy, and that is part of Council's future strategic work program.

Findings / recommendations

R9. Undertake further strategic work that considers the strengthening of local planning policies and zoning and overlay provisions in the scheme to:

- Identify the Shire's high value agricultural land and determine how it can be better protected and differentiated from less high value land in the scheme.
- Identify and review areas of smaller farming zone lots that do not currently meet the minimum lot size in the zone schedule and determine the preferred minimum lot size and other requirements.
- Discouraging dwellings and subdivision lower than the minimum lot size in Farming and Rural Conservation Zones and the Rural Activity Zone if applied in future.
- Determine if particular land uses should be discouraged in the rural zones and if so what implications there are for the relevant local planning policy.

- Implement the Industrial Land Strategy currently underway to provide for industrial and commercial land provision into the future.
- Continue to undertake housing and neighbourhood character strategies and structure plans for townships to determine the appropriate planning responses.

7. Stakeholder engagement

This section contains an overview and analysis of stakeholder engagement that has informed the Planning Scheme Review. It includes data collected as part of a Council planner survey, responses from key referral agencies and external stakeholders as well as feedback provided by planning staff, key internal staff, and Councillors through a series of workshops.

The intention of this part of the review is to provide context from those who most use the planning scheme and Councillors, as the community representatives. The findings of this engagement help refine the key issues that Council needs to address and prioritise the scope of further strategic work that should be undertaken during the next four years.

Detailed tabulated survey results have been provided separately to Council.

7.1. Planners' feedback

Council planning officers were asked to respond to a survey about the Mount Alexander Planning Scheme, prior to any analysis documents or findings being shared. The survey included questions from an officer perspective, about how well the scheme is performing, controls that need refining or could be removed, applications that are taking more time than they should, and policy gaps.

R10. Recommendations included the following matters about the operation of the Scheme including the:

- Application of the Erosion Management Overlay in areas subject to a subdivision where the land has already been altered as part of the subdivision.
- Large number of Development Plan Overlays are 20+ years old and significantly built out in an ad hoc manner or in a manner that does not make sense now.
- Taradale Development Plan Overlay seems to be a double up of the assessment by water authorities.
- Opportunity for dwellings in the Erosion Management Overlay and Environmental Significance Overlay to utilise VicSmart provisions.
- Referrals to VicRoads for Transport Zone 2 access take too long.
- Clause 66.04 refers to the old Environmental Significance Overlay – Schedule 6 (ESO6) (Highway Protection Environs) rather than the current Environmental Significance Overlay – Schedule 6 (ESO6) (Land South of Diamond Gully Road and east of Sluicers Road).

R11. Recommendations included the following matters about further strategic work and/or implementation to address policy gaps for:

- Policies relating to dwellings in rural zones, particularly the Farming Zone, must be strengthened to provide for better decisions that are consistent with supporting farming and agricultural activities (dwellings, depots and place of assembly applications often end up at the Tribunal).
- Strengthening the requirements of the Significant Landscape Overlay and Environmental Significance Overlay to provide clearer detail for applicants.
- Opportunity to align Environmental Significance Overlay requirements with various water authority requirements.
- Should Agriculture Victoria be a formal referral authority?
- Feedback from the initial planner survey provided the basis for a workshop with Council planners held on 8 November 2023. The workshop expanded on the issues raised in the Planners' survey and analysed planning scheme performance more broadly.

Matters raised in this workshop echoed the survey results but there were further issues raised about:

- The lack of statements of heritage significance is impacting Council's ability to argue against applicants.
- Environmental Significance Overlay – Schedule 6 Landfills – is this still required?
- Challenges with data – Council system impacts the data making it appear there are more applications than there actually are.
- Farming Zone shed applications are being triggered by State provisions. Council has undertaken greater compliance on this which has led to greater public awareness and more applications.
- Rural Land Strategy needed.
- Quality of Agricultural Land and land capability is unclear.
- New guidance notes from Agriculture Victoria.
- Farm Management plans are an issue.
- 40Ha minimum lot size – often not viable but this is not to suggest that 40Ha is not viable lot size.
- Dwelling excisions clause needs to be removed.
- Industry in the Farming Zone is a huge problem.
- 17.03-2L Industrial development in rural areas??
- The Erosion Management Overlay seems redundant - can it be removed? In Bulkeleys Road an 183 lot subdivision has been approved and should have dealt with the erosion issues. Every house still requires a permit under the EMO. Landslip risk assessment – hard for flatter land. Geotech report needed so the control should be reviewed. What is risk related to?
- Contamination - huge issue on old mine sites.
- Horticultural sites - Spray drift issues from agriculture and horticulture.
- The need for Cultural Heritage plans is becoming a bigger issue that Council needs to better understand and manage - Djarra and their role.
- Farming Zone sheds and industry are a big issue that needs resolving.
- VicSmart Options.
- Environmental Significance Overlays don't link to vegetation removal exemptions.
- Environmental Significance Overlay – Schedule 6 – triggers a full planning permit assessment and a Clause 66 referral to water authority - Is this really necessary?
- Memorandum of Understanding with water authority expired 4 years ago. Currently refer all Environmental Significance Overlay applications to the 3 water authorities. Can we get pre-emptive conditions to speed up process - Discussions with water authorities and Catchment Management Authority?
- Environmental Significance Overlay – Schedule 5.
- Clause 66 referrals do not reference the existing Environmental Significance Overlay – Schedule 5. This should not refer to the Roads Authority for land fill matters.

There were also issues raised about the inadequate resourcing of the planning functions at Council particularly in the statutory planning area. The current structure consists of a Director, supported by a Manager and a Coordinator who are supported by 2x Band 4 and 2x Band 6 planners. There is also a Business Support Officer and a Technical Support Officer. There have been significant difficulties in recruiting staff to regional Victorian Councils historically, which has been recently exacerbated.

In December, there were 139 active permits applications and 53 VicSmart applications]. The average applications per planner are currently between 21 – 33 which is reasonable but this depends on the level of complexity of each application. A reasonable application workload at any one time is that staff should have no more than 25 – 35 applications, depending on their level of complexity.

The Statutory Planning Coordinator is spending significant time managing stakeholders, Councillors and mentoring new planners. There is need for a Principal Planner to lead major and more complex applications and for the Coordinator to just review these applications at key stages.

Council also receives 1300 call back requests per year for a planner to return a phone call from a potential applicant, along with 6-7 secondary consents and extensions of time requests each week that are outside of the numbers of applications being formally assessed. A student planner or para planner could undertake these more minor matters leaving the planners to deal with more complex requests and the application workload.

There are only two strategic planners employed at Council to manage many existing strategic projects currently underway and the new projects proposed through future strategic work. This level of resourcing does not enable multiple planning scheme amendments and strategic projects to be progressed, multiple project briefs and consultancy projects to be managed, called-in proposals from State Government to be overseen and planning advice to be provided throughout Council. An additional strategic planner should also be considered to assist with improved resourcing.

The funding of strategic projects and their implementation is also a significant issue for Council in a rate capped and inflationary fiscal environment. There are many other strategic projects including the Rural Land Strategy and an updated heritage study with contemporary statements of significance for all heritage places identified in the HO. Council needs to prioritise funding to these and several other projects in order to implement this planning scheme review. To assist with this, Council should investigate external funding and partnership opportunities that are provided by Victorian Government Departments and Agencies and regional organisations.

Charges

Council fees are not large for its planning function. Many Councils charge significant fees for providing advice about the planning scheme and for tasks such as advertising of applications. Council could consider increasing fees for particular matters such as letters of advice, advertising, other matters that are not covered by a current statutory charge through the Planning and Environment Fees Regulations.

Delegation Policy

Council delegations for planning functions currently state that any application that is proposed for refusal, where five or more objections have been received or the value of the proposal is over \$1M must be determined by Council. This results in Council considering approximately 1-3 applications per month. The level of delegation is insufficient and inconsistent with an efficient and well-functioning planning scheme and the application process and should be reviewed.

Strategic planning matters and applications received and progressed are regularly reported to Council. This enables Councillors to raise any issues with specific matters and to “call-in” planning applications for reporting to Council such as those that raise substantial policy issues. To provide for a better functioning planning function at Council, it is recommended that Council revise its delegations for planning applications so that those that are recommended for refusal and applications with 9 or less objections are determined under delegation by officers.

This leads to an additional recommendation to:

- Review delegations for planning applications and better resource the statutory planning and strategic planning areas.
- As a guide, include a cap of 25-35 applications per statutory planner at any one time.

Refer to Chapter 10 for a more detailed discussion about the matters raised.

7.2. Internal staff

Council staff identified as having an interaction with the Mount Alexander Planning Scheme, either in an internal referral capacity or as an administrator of its policies, were asked to participate in a survey.

While there was limited response, a number of one-on-one meetings were held on 8 November 2023 and 13 February 2024 to seek further input. These responses are detailed below.

Economic development

Currently the team do not have a formal referral process. The team act as a concierge service for business seeking permits such as those who think that planning is getting in the way of business development. There is a need for clearer guidance around what type of businesses should locate where, particularly in the Farming Zone.

A new Economic Development Strategy is currently being prepared. The existing strategy is very out of date. This will impact on the next planning scheme review.

Engineering

Engineering feel they are seeing most of the applications they wish to see. Some applications such as the single dwellings in the Farming Zone do not need to be referred. Building deals with many of the issues related to new dwellings in the Farming Zone.

Environmental Health

The Environmental Health team receives referrals in relation to noise, light spill but mostly waste water issues and installations. This team is responsible for seeking referrals from the water authorities – Coliban Water and Goulburn Murray Water. These two authorities impose different standards and there are inconsistencies. While the Memorandum of Understanding is expired, work is underway through a project working group to align requirements.

Parks, Recreation and Community Facilities

The Parks, Recreation and Community Facilities team, which includes the Parks Team Leader and Natural Environment Officer, receives referral requests in relation to some applications for native vegetation removal/lopping, public open space and landscaping, however there are not dedicated resources for undertaking this work.

The Roadside Conservation Management Plan 2012-2017 provides information about managing roadsides in the Shire and includes an ecological assessment that found 19% of roadsides have high conservation value and 27% have a medium conservation value. This plan is currently being reviewed and an updated plan is expected to be presented to council for adoption in 2024.

The need for a Shire-wide biodiversity strategy has been identified by both the Strategic Planning team and the Parks, Recreation and Community Facilities unit over the past 12 months, however there is no dedicated budget for this strategy at this point in time.

Heritage and Urban Design planners

The Heritage and Urban Design planners receive numerous referrals from the statutory planners and contribute to the strategic planning program. They highlighted the lack of heritage design guidelines (except for Maldon) and the limited guidance this provided in assessing applications. It was felt that the translation of the scheme into the new Planning Policy Framework format has resulted in a loss of guidance in the new heritage policy.

The current heritage policy at Clause 15.03-2S requires strengthening in relation to demolitions. The Heritage Council provided some guidance around heritage demolition by neglect. There is also potential to use a local law to achieve similar outcomes.

The heritage local policy is inconsistent with the terminology used at the State level. There is also a need to develop new heritage studies for selected areas of the municipality with statements of significance for all heritage places, but this is a huge task.

Matters raised by internal staff have provided useful comments about the review relating to the types of planning applications that are referred and some of the strategic gaps in the scheme. Weekly planning referral meetings are held by the Statutory Planning team and internal referral teams are invited to attend to discuss all new planning applications received for that week. An email is sent out to all internal referral teams prior to this meeting with the list of new applications. Internal referrals were considered to be working effectively and efficiently.

Standard conditions have recently been reviewed by some Departments and the pre-filling of planning reports to include paragraphs of information that could be used for similar applications is a new efficiency measure underway..

Projects underway that may have future implications for the scheme include the Industrial Land Strategy and the Housing and Neighbourhood Character Strategy for Castlemaine, Campbells Creek and Chewton. The scheme should be strengthened around environmentally sustainable development requirements and the approved Domestic Wastewater Management Plan.

R12. Recommendations included the following matters about internal Council processes that could be improved:

- Consider the employment of a Principal Planner and a Para Planner in the Statutory Planning Area.
- Consider the employment of an additional Strategic Planner in the Strategic Planning Area.
- Undertake a renewed and updated Memorandum of Understanding with water authorities on water, sewerage, flooding and drainage related issues.

R13. Recommendations included the following matters about planning scheme requirements or further strategic work that should be prepared:

- Include more requirements and considerations for environmentally sustainable development and a better relationship to the approved Domestic Wastewater Management Plan in the planning scheme.
- Undertake a municipal wide Heritage Strategy.
- Undertake heritage studies for areas/places identified through the Heritage Strategy.
- Review the schedule to Clause 43.01s - Heritage Overlay to insert statements of significance for all sites not included in the Victorian Heritage Register.
- Review Schedule 1 to Clause 59.16 - information requirements and decision guidelines for local VicSmart applications to incorporate additional local classes of minor applications.

7.3. Councillors and executive team

The Executive team and Councillors were engaged about the review during 2023 and in a specific briefing on 5 December 2023. At these meetings, the planning scheme review background, an outline of the objectives of planning in Victoria and what the review should achieve, and a summary of analysis findings to date were presented and discussed. Opportunities were also given for feedback to be provided and this has helped to inform the review.

In the briefing, Councillors raised several matters including:

- Dwellings in farming and agricultural areas and providing better guidance around high and low value agricultural land and the need to further understand this better.

- Considering how to separate out dwelling development and subdivision issues in the rural zones.
- Heritage citations/statements are very out of date; undertaking this further work is a priority but is significantly constrained by cost.
- The need for clear statements of significance and heritage design guidelines would assist in clarifying the application requirements and consistency in advice.
- Improving the scheme by removing zoning and overlay anomalies/inconsistencies.
- Costs per application and the relationship to the scheme's requirements, particularly due to the many overlays and little graduation between minor and more complex applications.
- Climate change and impacts on the municipality.

The matters raised above are very important for the review and have been considered/incorporated into the review's recommendations.

7.4. Referral and notice agencies

All relevant referral and notice agencies and the Registered Aboriginal Party were invited to provide their written comments and feedback regarding the current performance of the Mount Alexander Planning Scheme, in relation to their specific area(s) of responsibility. Referral and notice agency responses were provided to Council and are summarised below.

In summary, there were many good suggestions made by referral authorities for the review currently underway. These relate to referrals or notice of permit applications under local provisions as detailed in the schedules to Clauses 66.04 and 66.06. There are several matters listed incorrectly in schedules to overlays in relation to referral or notice requirements that should be removed and relocated in either Clause 66.04 or 66.06 and Department or agency name updates.

Heritage Victoria

The department's feedback questions the unique status granted to Heritage Victoria in Schedule 4 of the Design and Development Overlay in the Mount Alexander Planning Scheme for Pennyweight Flat, a heritage site. The concern is that distinguishing this site for special planning referral provisions, in contrast to the other 119 registered State-level significant places, appears anomalous and potentially unnecessary. The department suggests that, given the Mount Alexander Shire Council's authority to notify Heritage Victoria of planning permit applications under the Planning and Environment Act 1987, the specific reference to Heritage Victoria in Schedule 4 may not be required.

Coliban Water

Coliban Water highlighted that an update is required to the planning scheme to Environmental Significance Overlay – Schedule 1 (ESO1) to bring it in line with Hepburn and Macedon Ranges which have recently been updated through Amendments C80hepb and C145macr. Environmental Significance Overlay – Schedule 5 (ESO5) was also flagged for review as it maps part of the Coliban Water channel system as watercourses subject to erosion, which is not the case.

They also raised the issue of the rezoning of Coliban Water sites, such as McCay Reservoir that is in the Farming Zone, where the Public Use Zone (PUZ) would be more appropriate. The use of the schedule to the Public Use Zone could also be used to identify sites where Coliban Water are not the public land manager but undertake works that should be exempt from the requirement of a planning permit, similar to the Public Use Zone in Macedon Ranges.

There is also potential for land that Coliban Water manage around the Wastewater Reclamation Plant (WRP) or Water Treatment Plant (WTP) to be rezoned from Industrial 1 Zone (IN1Z) or Township Zone (TZ) to Public Use Zone – Schedule 1 based on existing Crown land and/or public land ownership to

make space for future expansion. Exemptions could also be included into the schedule to the Public Use Zone to reflect Coliban Water's assets.

There is also potential to apply a Buffer Area Overlay (BAO) though this will likely require significant strategic work from new environmental assessments and discussions with the Environment Protection Authority Victoria (EPAV).

Environment Protection Authority Victoria

While no response was received in relation to the Planning Scheme Review, recent correspondence in relation to the Castlemaine, Campbells Creek and Chewton Housing and Neighbourhood Character Strategy provides direction on areas the planning scheme review should be considering. The Environment Protection Authority Victoria recommends that the Council includes specific actions in the Strategy, such as conducting a comprehensive buffer area assessment, referencing the Chewton landfill, and considering separation distances based on Environment Protection Authority Victoria guidelines.

The Environment Protection Authority Victoria previously advised against specifying separation distances until their requirements were addressed that will direct future growth away from the Water Treatment Plant pending further assessment being undertaken. Additionally, actions related to the application of the best available option, consideration of human health impacts, adherence to Clause 13.07-1S on land use compatibility in the Mount Alexander Planning Scheme, and compliance with the requirements of Ministerial Direction 1 for future planning scheme amendments will need to be undertaken.

Department of Energy, Environment and Climate Action

Key recommendations from the Department of Energy, Environment and Climate Action include aligning amendments with the biodiversity 2037 plan, conducting a comprehensive review of overlays (i.e. Environmental Significance Overlay – Schedule 5) for biodiversity protection, and refining application requirements.

Specific suggestions involve updating species names, addressing spatial discrepancies in waterway protection overlays, and ensuring clarity in wording. The emphasis is on enhancing the Mount Alexander Planning Scheme by incorporating current environmental considerations and safeguarding biodiversity.

North Central Catchment Management Authority

The North Central Catchment Management Authority (NCCMA) recommend a Memorandum of Understanding (MOU) or updating the schedule to Clause 66.04 to minimise referrals, suggesting specific criteria for referral authority consideration. The Catchment Management Authority highlights spatial constraints and mapping errors in Environmental Significance Overlay – Schedule 5 - Watercourse Protection, proposing changes to the clause.

Additionally, they suggest incorporating recent flood studies into the planning scheme and provide specific recommendations for flood studies, including those for Harcourt, Guildford, Metcalfe, Taradale, Muckleford Creek, Campbells Creek, Sutton Grange, and Elphinstone.

Goulburn Murray Water

Goulburn Murray Water advised that there are no requested changes.

Registered Aboriginal Parties

Dja Dja Wurrung

Discussions with the Dja Dja Wurrung identified a desire to see more about cultural heritage included in the planning scheme starting at higher level. There is strong interest and support for Aboriginal Heritage in the community – this needs to be given more emphasis in the scheme. A broad scale cultural heritage study is required to identify key sites that should be protected.

Concerns were raised that planning applications are only received when a planning application is being sought making it difficult to do much more than minimise damage. A process needs to be developed where areas of significance are identified in the scheme so that developers do not get too far into the project before cultural significance is found. Knowing the areas of cultural significance provides the opportunity to ensure they are protected. When this is not known, and only identified at the statutory planning stage, all that can often be done is to reduce the damage. A mechanism for allowing Dja Wurrung to let council know when new areas of cultural significant are found is needed. This needs to be included in the scheme – as zones of sensitivity.

An ongoing dialog and a stronger relationship between the shire and the Dja Wurrung is needed so they can be brought in early in the planning process. Dja Wurrung now have a staff member working with government agencies, so this is easier.

A Strategic Aboriginal Heritage Assessment is being undertaken that will identify culturally sensitive areas and the Dja Wurrung and Council are keen to explore how this can further inform the planning scheme.

Concerns were raised that the ‘due diligence’ process is not robust enough – may have a report saying there is no cultural heritage when this is not the case. There needs to be more checks and balances to ensure these reports are accurate.

It should be noted that the Dja Dja Wurrung land covers 13 Local Government Authorities so being across all the schemes is a challenge. The turnover of staff (at council) is also a challenge for maintaining relationships with staff. Dja Dja Wurrung can offer cultural awareness sessions for staff and would be keen to progress this.

Taungurung Land & Waters Council

The Taungurung Land and Waters Council (TLAWC) would strongly recommend that Councils in their lands join together to establish an MOU for how they will engage with the TLAWC. Strathbogie Council have recently undertaken this process and could provide a template and learnings for Councils including Mount Alexander.

Mount Alexander Shire covers only a small portion of the TLAWC land.

TLAWC now offer additional options to engage including early engagement or a letter of advice to avoid harm – works with Preliminary Aboriginal Heritage Test (PAHT) – this helps individuals and organisations make better decisions.

It is worth remembering that RAPs are charities – they need to be paid for the time they spend working with Councils – often they are the only ones on reference groups not being paid.

R14. The following recommendations are included:

- Remove Heritage Victoria as a referral authority under the Schedule to Clause 66.06 - Notice of permit applications under local provisions.

- Update the Schedule to Clause 66.04 - Referral of permit applications under local provisions to change reference to the “Secretary to the Department of Environment, Land, Water and Planning” to the “Secretary of the Department of Energy, Environment and Climate Action”.
- Update the Schedule to Clause 66.06 - Notice of permit applications under local provisions to change reference to the “Secretary to the Department of Environment, Land, Water and Planning” to the “Secretary of the Department of Energy, Environment and Climate Action”.
- Rezone Coliban Water sites/assets such as McCay Reservoir and around the Castlemaine WTP from Farming Zone, Industrial 1 Zone (IN1Z) or Township Zone (TZ) to Public Use Zone – Schedule 1 and to other identified Coliban Water assets, as well as use the schedule to the PUZ to identify sites where Coliban Water are not the public land manager but undertake works that should be exempt from the requirement of a planning permit.
- Undertake updates to the Environmental Significance Overlay – Schedule 1 (ESO1) to bring it in line with the Hepburn and Macedon Ranges Planning Schemes which have recently been updated through Amendments C80hepb and C145macr.
- Revise the mapping of the Environmental Significance Overlay – Schedule 5 (ESO5) to reflect the actual Coliban Water channel system as watercourses subject to erosion.
- Potentially apply a Buffer Area Overlay (BAO) through future strategic work to the Castlemaine Water Treatment Plant.
- Undertake a renewed and updated Memorandum of Understanding with water authorities on water, sewerage, flooding and drainage related issues.
- Consider the preparation of an Memorandum of Understanding between Council and the Dja Dja Wurrung Clans Aboriginal Corporation and the Taungurung Land and Waters Council that clearly and consistently outlines roles and responses for each party across a range of scenarios in a partnership approach.

Agencies that did not respond.

There was no response from the Country Fire Authority, Department of Transport and Planning or Parks Victoria.

7.5. Community and other external stakeholders

[Add details after community and other external stakeholder consultation]

7.6. Summary of issues raised through engagement

The following table prioritises the various matters raised during the Stakeholder Engagement phase of the review and recommends appropriate actions:

Issue	Officer survey	Planners	Internal staff	Crs and Executive	Referral Agencies	Community and other external stakeholders
Dwellings and subdivision in the Rural Zones	■	■	■	■		
Identification of High and Low Value Agricultural Land through a Rural Land Strategy	■	■	■	■		
Internal processes, communication and delegations.	■	■	■	■		
Significant landscapes and Significant Landscape Overlay	■	■	■			
Water, Sewerage, Flooding, Stormwater and Drainage	■	■	■		■	
Environment and Environmental Significance Overlays	■	■	■		■	
Neighbourhood Character	■	■	■	■		
Bushfire and Bushfire Management Overlay	■	■	■			
Affordable housing	■	■	■	■		
Environmentally sustainable development	■	■	■	■		
Heritage	■	■	■	■	■	
Climate Change Impacts	■	■	■	■	■	

8. New strategic work

New strategic work that has been adopted by Council and prepared for the Shire was reviewed to identify whether any policy should be included into the scheme.

The intention of this part of the review process is to include policy that may have been developed by another part of Council (for example, Economic Development, Sustainability, Community Planning etc.) and that is unlikely to be incorporated into the planning scheme through a stand-alone amendment.

The scope of this does not include significant strategic land use planning projects such as Structure Plans for townships, or Housing Strategies, which should go through a separate, dedicated planning scheme amendment process.

Regional documents, such as Catchment Management Plans, are also reviewed, to identify if there are any Council specific proposals that should be reflected in the planning scheme. (For example, the construction of a new wetland or an integrated water management plan).

8.1. Council projects and documents

8.1.1. Documents reviewed

The following documents that have been prepared since the last planning scheme review were reviewed:

- Active Transport Strategy 2023-2033 (Mount Alexander Shire, 2023).
- Castlemaine Streetscape Plan and Design Standards (Mount Alexander Shire, June 2020).
- *Climate Change Strategy* (Mount Alexander Shire, 2023).
- Development Contributions Policy (Mount Alexander Shire, 2022).
- *Disability Inclusion Action Plan* (Mount Alexander Shire, 2023-2027).
- *Environment Strategy 2015-2025* (Mount Alexander Shire, 2015).
- *Maldon SLO1 & SLO3 Review* (Claire Scott Planning, 2020).
- Mount Alexander Community Health and Wellbeing Plan 2021-2025 (Mount Alexander Shire, 2021)
- *Mount Alexander Council Plan 2021-2025* (Mount Alexander Shire Council, 2021).
- Mount Alexander Domestic Wastewater Management Plan 2023 -2033 (Mount Alexander Shire, 2023).
- Mount Alexander Shire: Land Supply & Demand Assessment (Remplan, May 2022).
- Mount Alexander Shire: Settlement Planning Assessment (Mount Alexander Shire, February 2023).

8.1.2. Documents with policy implications

Mount Alexander Domestic Wastewater Management Plan 2023 -2033

Council is required to prepare a Domestic Wastewater Management Plan (DWMP) under the State Environment Protection Policy (Waters). Council's Domestic Wastewater Management Plan 2023 provides oversight of domestic onsite wastewater management systems that process flows under 5000 litres each day. They are used at residential, community and business premises where access to the reticulated sewer system is not possible. The Domestic Wastewater Management Plan assesses domestic wastewater (often referred to as on-site wastewater or septic tank) risks in the municipality and develops prioritised actions to address potential impacts. Referencing this document in the

scheme helps to better manage unsewered land for urban development particularly for planning applications that are lodged with Council.

Climate Change Strategy, 2023

The strategy describes how Council will respond to climate change in its operations; partner with the community to respond to climate change and advocate to support response to climate change. Council is a member of CASBE and is seeking to include improved planning responses to climate change and action around environmentally sustainable development for the built environment in the planning scheme. It provides a basis to weave concepts such as net zero emissions and waste, impacts of climate change and more extreme weather events, urban canopy, cooling, environmentally sustainable development and other related concepts into the Municipal Planning Strategy, a new local policy at Clause 15.01-2L.02 and include the strategy as a background document in the Schedule to Clause 72.08.

Castlemaine Streetscape Plan and Design Standards, June 2020

The plan provides long term strategic streetscape direction and short-term recommendations for streetscape projects in the public realm of the Castlemaine town centre. It proposes a palette of materials and treatments that are more attractive, more functional, and more sympathetic to the historical features of the town.

The plan relates largely to capital works initiatives in the public realm but in many instances these proposals will require planning permits under the Heritage Overlay. Content from pages 17-19 of plan could be referenced in a local policy for Castlemaine Commercial Area Urban Design in the scheme at Clause 15.01-1L with design guidelines and/or incorporated into the existing local policy at Clause 11.03-1L.01.

Maldon Significant Landscape Overlay – Schedules 1 and 3 (SLO1 & SLO3) Review, 2020

The Significant Landscape Overlay (SLO) that applies to the historic township of Maldon and its surrounds was reviewed. This included the Significant Landscape Overlay – Schedule 1 (SLO1) (Maldon Landscape Area) and Significant Landscape Overlay – Schedule 3 SLO3 (Scenic Landscape Area – Approaches to Maldon). The review considered the application of the updated Maldon Design Guidelines (August 2020) and their relationship to areas covered by the Significant Landscape Overlay as well as whether the overlay was the most appropriate tool to manage the identified values. It recommended a further detailed landscape study be undertaken.

A small and focused Landscape Assessment Study should be undertaken of the Maldon surrounds and its interface with the township, to accurately determine the extents of the significant landscape, and to confirm that the Significant Landscape Overlay is the appropriate planning tool to apply to the residentially zoned areas of Maldon. The findings of the landscape assessment should underpin the application of the Significant Landscape Overlay (i.e. overlay mapping), and inform the contents of the new schedules.

Through further strategic work, content could be used to update the Municipal Planning Strategy and strategic directions for landscapes at Clause 02.03-2 with a new local policy and map for significant landscapes at Clause 12.05-2L. New or revised schedules 1 and 3 to Clause 42.03 would be an expected output from this work.

Recommendations are made with regard to the following policy documents:

- R15. Reference the Mount Alexander Domestic Wastewater Management Plan 2023 -2033 as a background document at the schedule to Clause 72.08 and in a new local policy at Clause**

14.02-1L Catchment planning and management to better protect catchment waterways and ground water.

- R16. Reference the Climate Change Strategy, 2023 as a background document at the schedule to Clause 72.08 and include a new local policy at Clause 15.01-2L Environmentally Sustainable Development based on the strategy.**
- R17. Reference the overarching strategic directions and design guidelines from the Castlemaine Streetscape Plan and Design Standards, June 2020 into the planning scheme at Clause 15.01-1L with design guidelines and/or incorporated into the existing local policy at Clause 11.03-1L.01 through future strategic work.**
- R18. Consider changes to Clause 42.01 – Schedules 1 and 2 for alignment to other surrounding planning schemes in the region to align to the Domestic Wastewater Management Plan 2023 -2033.**
- R19. Consider removing the existing Dams policy at Clause 14.02-2L due to duplications with other legislative permissions required by the NCCMA and water authorities.**

8.2. Regional projects and documents

8.2.1. Documents reviewed

The following documents were reviewed:

- Loddon Campaspe Integrated Transport Strategy, 2018.
- Loddon Campaspe Regional Economic Development Strategy (Department of Jobs Precincts and Regions, 2022).
- North Central Catchment Management Strategy 2021-2027.

8.2.2. Documents with policy implications

These three regional strategies have high level implications for the review but much of their content is too high level to be specifically included in the planning scheme. Application of these regional strategies should be undertaken through the lens of regional policy rather than local policy and considered further by the Victorian Government. The strategies could be referenced as background documents in the planning scheme through the review.

- R20. Include the Loddon Campaspe Integrated Transport Strategy, 2018, Loddon Campaspe Regional Economic Development Strategy (Department of Jobs Precincts and Regions, 2022) and North Central Catchment Management Strategy 2021-2027 as background documents at the schedule to Clause 72.08.**

9. Work underway

There are two planning scheme amendments currently underway.

C94malx	Implementation of Plan Harcourt (currently undertaking a strategic biodiversity assessment to help inform current stage)
C99malx	Amend the Schedule to Clause 74.02 to remove the dot point relating to the rezoning of the Calder Freeway area. Update Planning Scheme maps to ensure that the correct HO is applied.
C100malx	Implementation of Harcourt flood study recommendations

Council is currently preparing or contributing to the following strategic planning projects:

- Housing and Neighbourhood Character Strategy for Castlemaine, Campbells Creek and Chewton.
- Planning for Housing in Maldon and Newstead (including a Neighbourhood Character Strategy).
- Mount Alexander Shire Industrial Land Use Strategy.
- Castlemaine Heritage Study (stage 1 and 2 completed).
- Maldon Historic Central Area Review.
- Castlemaine Railway Precinct Masterplan.
- Harcourt Infrastructure Plan.
- Harcourt town centre action plan.

These eight projects are significant and a large number of strategic projects for any Council to undertake at the one time, let alone for a regional Council.

Council is currently scoping the following projects and others being undertaken are listed below.

- Flooding Studies for various towns in the municipality in partnership with the North Central Catchment Management Authority (specifically Newstead Flood Study).
- Rural Living Assessment.

Council is currently undertaking a range of strategic planning projects that will implement several of the projects identified in the previous review plus a range of other projects and inputs to projects including the:

- CASBE – Elevating Environmentally Sustainable Development Requirements - Involvement in Stage 2 is on hold until next phase of State Government’s Environmentally Sustainable Development Roadmap is implemented.

These projects are a significant burden on Council’s strategic planning resources. In order to be delivered within the next review period, these existing and all additional projects need to be resourced with additional strategic planning staff resources and budget. Grants and other funding opportunities could also be explored from the Victorian and Commonwealth Governments as well as other avenues.

10. Key issues

Most of the key issues have already been discussed. However, the issue of climate change and environmentally sustainable development requires further elaboration below.

10.1. Climate change and environmentally sustainable development

10.1.1. Issue

Council's recent adoption of the Climate Change Strategy 2023 and how this should be implemented into the scheme on the issues of climate change and environmentally sustainable development.

10.1.2. Discussion

Mount Alexander Shire recently adopted a Climate Change Strategy 2023. This strategy helps provide a framework to better understand and anticipate, and to better plan for, offset and mitigate the impacts of climate change impacts on the Shire.

Natural environmental hazards present risks and constraints for land use and settlement in the municipality and this requires careful management of hazards such as bushfire risk, flooding, drought, coastal erosion and climate change impacts, where more frequent, intense and uncertain weather events are likely. Climate change has the potential to have adverse impacts on the key industries of agriculture, horticulture and tourism and the economic prosperity and viability of the Shire. While significant costs are incurred by direct damage to public and private property, indirect costs to the community such as long-term economic impacts, loss of productivity, displacement of residents, closure of roads, trauma and ill health are also significant.

Council adopted its Climate Change Strategy to help provide a framework to better understand and anticipate, and to better plan for, offset and mitigate the impacts of climate change impacts on the Shire. The strategy describes how Council will respond to climate change in its operations; partner with the community to respond to climate change and advocate to support response to climate change. Council is also a member of the Council Alliance for a Sustainable Built Environment (CASBE) and has been advocating for improved sustainability measures in the planning scheme.

The impacts of climate change can be mitigated in part by supporting alternative energy sources, carbon farming, reducing greenhouse gas emissions, improved building design and adopting environmentally sustainable development principles. Directing future growth to existing townships and away from higher risk areas from bushfire and flooding through the appropriate siting, design and management of uses and developments can significantly improve community safety and help to mitigate climate change impacts.

As an initial first step, this can be done by referencing the strategy as a background document in the planning scheme, acknowledging updated climate change impacts and a potential planning response through an environmentally sustainable development local policy.

Findings/Recommendations

R21. Include greater reference to environmental sustainability in the Municipal Planning Strategy, a new environmentally sustainable development (ESD) policy at Clause 15.01-2L.02 and Council's Climate Change Strategy as a background document at Clause 72.08.

11. Further strategic work

Appendix 2 of this report outlines the strategic planning work that has been identified through this planning scheme review.

Through the review process, the highest priority tasks for Council to undertake over the next four years to improve the planning scheme has been identified and is included in the recommendations below. Numerous other recommendations for further strategic work have been identified through this review and are included in **Appendix 2**.

Council has reviewed this list and removed projects that are no longer required. The list below represents the further strategic work that will have the most positive impact for the Mount Alexander community and the efficient functioning of the planning service.

Only work that can be completed in the next four years should be included in Clause 72.04 of the planning scheme. A recommended Clause 72.04 is included in the marked-up ordinance at **Appendix 2**. This should be considered by Council to ensure that the work is reasonable to complete over the next four years and, if not, the priority projects that should be included in Clause 74.02.

Recommendations:

It is recommended that Council prioritise the following further strategic work over the next four years.

R22. The following further strategic work that should be undertaken in the next four years:

- Investigate the application of the most appropriate residential zones to townships based on preferred future character and housing change areas as identified in the preparation of a residential development framework.
- Implement the framework plan for Harcourt.
- Finalise and implement the industrial strategy for the municipality.
- Prepare a new Rural Land Strategy that:
 - Develops criteria and identifies potential areas for the application of the Rural Conservation Zone, the Rural Activity Zone and other rural zones with tailored schedules to meet agricultural and farming needs.
 - Investigates the protection of existing agriculture activities through the use of separation distances that address issues of noise, dust, odour, hours of operation and spray drift with Agriculture Victoria.
- Review and prepare an updated Mount Alexander Rural Living Strategy to replace the Rural Living Strategy 2006.
- Introduce and/or update flooding provisions and their application based on flood management plans/studies for Newstead, Harcourt, Sutton Grange, Maldon, Guilford, Taradale and the rural areas between Campbells Creek and Guilford.
- Prepare an updated Heritage Strategy in consultation with existing heritage groups and the local Aboriginal party.
- Undertake a retail and commercial strategy for the municipality that considers the inclusion of design guidelines for commercial areas and the potential application of the Commercial 3 Zone.
- Review existing heritage studies that includes recommendations for planning provisions, conservation management, development guidelines and other actions in accordance with the thematic history for the Shire.
- Prepare and implement a structure plan for Newstead.
- Prepare a small towns strategy that includes a review of the framework plans for Elphinstone, Guildford, and Taradale.

- Partner with Goulburn-Murray Water and Coliban Water to investigate extending the Environmental Significance Overlay to include all declared open potable water supply catchments.
- Prepare a new Castlemaine Urban Design Framework to inform Clause 11.03-1L.01 and review the application of the Design and Development Overlays.
- Prepare strategic investigations into wastewater issues for the townships of Taradale, Guildford and Elphinstone.
- Prepare a Scenic Landscapes Strategy to clarify which landscapes and views are to be protected and then a planning scheme amendment to make key technical updates to the schedules to the Significant Landscape Overlay (SLO1-SLO4), following the recommendations of the 2010 and 2020 reviews.
- Investigate the application of the Buffer Area Overlay to the Castlemaine Water Reclamation Plant.
- Investigate the identified former landfill sites and the potential application of the Buffer Area Overlay and Public Use Zone to these sites.
- Undertake further strategic work to review and update the mapping and Schedules to the Environmental Significance Overlay.
- Undertake further investigations into applying the Vegetation Protection Overlay to roadsides of high conservation value and other land as determined through the Roadside Conservation Management Plan and Shire-wide Biodiversity Strategy.
- Prepare and implement a signage policy for the municipality.

Appendix 1

Marked up ordinance with policy neutral and strategically justified changes to the planning scheme.

Circulate as a separate document.

Appendix 2

Comprehensive list of further strategic work

The following list of work is a comprehensive list of all the further strategic work that has been identified through this planning scheme review.

The highest priorities have been identified and included in Chapter 11 of the report. The remaining projects on this list need to be prioritised by Council.

Project Name	Project source
Investigate the application of the most appropriate residential zones to townships based on preferred future character and housing change areas as identified in the preparation of a residential development framework.	Clause 74.02
Implement the framework plan for Harcourt.	Identified in the Mount Alexander Planning Scheme Review 2024
Finalise and implement the industrial strategy for the municipality.	Clause 74.02
Prepare a new Rural Land Strategy that: <ul style="list-style-type: none"> • Develops criteria and identifies potential areas for the application of the Rural Conservation Zone, the Rural Activity Zone and other rural zones with tailored schedules to meet agricultural and farming needs. • Investigates the protection of existing agriculture activities through the use of separation distances that address issues of noise, dust, odour, hours of operation and spray drift with Agriculture Victoria. 	Identified in the Mount Alexander Planning Scheme Reviews 2019 and 2024
Review and prepare an updated Mount Alexander Rural Living Strategy to replace the Rural Living Strategy 2006.	Clause 74.02
Introduce and/or update flooding provisions and their application based on flood management plans/studies for Newstead, Harcourt, Sutton Grange, Maldon, Guilford, Taradale and the rural areas between Campbells Creek and Guilford.	Clause 74.02
Prepare an updated Heritage Strategy in consultation with existing heritage groups and the local Aboriginal party.	Identified in the Mount Alexander Planning Scheme Review 2019
Undertake a retail and commercial strategy for the municipality that considers the inclusion of design guidelines for commercial areas and the potential application of the Commercial 3 Zone.	Identified in the Mount Alexander Planning Scheme Review 2019
Review existing heritage studies that includes recommendations for planning provisions, conservation management, development guidelines and other actions in accordance with the thematic history for the Shire.	Clause 74.02
Prepare and implement a structure plan for Newstead.	Identified in the Mount Alexander Planning Scheme Review 2024
Prepare a small towns strategy that includes a review of the framework plans for Elphinstone, Guildford, and Taradale.	

Project Name	Project source
Partner with Goulburn-Murray Water and Coliban Water to investigate extending the Environmental Significance Overlay to include all declared open potable water supply catchments.	Clause 74.02
Prepare a new Castlemaine Urban Design Framework to inform Clause 11.03-1L.01 and review the application of the Design and Development Overlays.	Clause 74.02
Prepare strategic investigations into wastewater issues for the townships of Taradale, Guildford and Elphinstone.	Clause 74.02
Prepare a Scenic Landscapes Strategy to clarify which landscapes and views are to be protected and then a planning scheme amendment to make key technical updates to the schedules to the Significant Landscape Overlay (SLO1-SLO4), following the recommendations of the 2010 and 2020 reviews.	Identified in the Mount Alexander Planning Scheme Review 2019
Investigate the application of the Buffer Area Overlay to the Castlemaine Water Reclamation Plant.	Clause 74.02
Investigate the identified former landfill sites and the potential application of the Buffer Area Overlay and Public Use Zone to these sites.	Identified in the Mount Alexander Planning Scheme Review 2019
Undertake further strategic work to review and update the mapping and Schedules to the Environmental Significance Overlay.	Identified in the Mount Alexander Planning Scheme Review 2019
Undertake further investigations into applying the Vegetation Protection Overlay to roadsides of high conservation value and other land as determined through the Roadside Conservation Management Plan and State-wide Biodiversity Strategy.	Identified in the Mount Alexander Planning Scheme Reviews 2019 and 2024
Prepare and implement a signage policy for the municipality.	Identified in the Mount Alexander Planning Scheme Review 2019

Appendix 3

State and regional planning scheme amendments and planning practice notes issued since last planning scheme review

VC (Victorian) and GC (group of council) amendments.

Since the last planning scheme review in 2018, 70 VC and GC amendments have introduced new policy and provisions into the Mount Alexander Planning Scheme and many directly relevant to this review:

Table 7: V, VC and GC Amendments to Mount Alexander Planning Scheme From 2018

Amendment number	In operation from	Brief description
VC144	27 FEB 2018	<p>The Amendment changed the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Amending Clause 52.05 (Advertising signs) to specify ‘electronic sign’ in Section 2 of Category 3 - High amenity areas (Clause 52.05-9), with a condition that the advertisement area must not exceed three square metres. ▪ Increase the size of the permitted maximum advertisement area of a ‘promotion sign’ in Section 2 of Category 3 from two to three square metres. ▪ Amending Clauses 52.05 and 73 to replace the term ‘home occupation’ with ‘home based business’. ▪ Correcting minor errors in Clauses 52.05 and 62. <p>Impact on Mount Alexander Planning Scheme: Largely administrative impact only, although the increase to the size allowed for electronic signage in high amenity issues could create issues in residential areas.</p>
VC145	28 MAR 2018	<p>The amendment amended the <i>Victorian Planning Provisions (VPP)</i> and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Amending Clause 11.05-2 – <i>Distinctive areas of state significance</i>, to reference the Yarra Ranges Localised Planning Statement; ▪ Amending Clause 43.01 – <i>Heritage Overlay</i>, to reinstate administrative corrections that were made in Amendment VC132 but inadvertently removed by Amendment VC141; ▪ Amending Clause 52.19 – <i>Telecommunications Facility</i>, to clarify notice and review exemptions for telecommunications facility permit applications that are funded (or partly funded) by the Victorian or Commonwealth government; and ▪ Separating clauses and subclauses into separate documents and the consequential renumbering and rationalisation of certain clauses to enable their migration into the Planning Scheme Information Management System (PSIMS). <p>Impact on Mount Alexander Planning Scheme: Largely administrative impact.</p>
VC143	15 MAY 2018	<p>The Amendment changed the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Amending Clause 32.07 (Residential Growth Zone) to remove Food and drink premises and Shop from Section 1 – Permit not required and make them Section 2 – Permit required uses subject to conditions. ▪ Amending Clause 32.08-4 (General Residential Zone) to enable an area to be exempt from the minimum garden area requirement through a schedule to the zone. ▪ Amending Clauses 32.08-3 (General Residential Zone) and 32.09- 3 (Neighbourhood Residential Zone) to: <ul style="list-style-type: none"> ▪ Exclude the creation of a vacant lot of 400 square metres or greater from the minimum garden area requirement. ▪ Clarify that the minimum garden area requirement does not apply to: <ul style="list-style-type: none"> - The creation of a vacant lot less than 400 square metres where there is a precinct structure plan or equivalent strategic plan. - The creation of a vacant lot less than 400 square metres where there is an incorporated plan or approved development plan.

Amendment number	In operation from	Brief description
		<ul style="list-style-type: none"> - The creation of a vacant lot less than 400 square metres where there is an approved residential development. ▪ Amending clauses 32.08-4 (General Residential Zone) and 32.09- 4 (Neighbourhood Residential Zone) to: <ul style="list-style-type: none"> ▪ Remove the minimum garden area requirement from applying ▪ to the construction or extension of a dwelling or residential building where a planning permit is not required. ▪ Remove the reference to garden area being required to be provided at ground level. ▪ Clarify that the minimum garden area requirement does not apply to: <ul style="list-style-type: none"> - A medium density housing site in an approved precinct structure plan or equivalent strategic plan. - A medium density housing site in an incorporated plan or approved development plan. - An existing building that did not meet the minimum garden area requirement prior to approval of Amendment VC110. ▪ Amending the Garden area definition at Clause 72 (General Terms) to provide greater clarity about garden area inclusions and exclusions. <p>Impact on Mount Alexander Planning Scheme: Significant and includes a minimum garden area requirement in residential zones. Relates to the application of the General Residential Zone and Neighbourhood Residential Zone in the Shire’s townships.</p>
VC146	15 MAY 2018	<p>Amendment VC146 introduced a new overlay, Clause 45.11 (Infrastructure Contributions Overlay).</p> <p>Impact on Mount Alexander Planning Scheme: The planning scheme does not currently have an infrastructure contributions plan. It is however a possibility in the future.</p>
VC148	31 JUL 2018	<p>The amendment changed to the <i>Victoria Planning Provisions</i> and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Deleting the State Planning Policy Framework (SPPF) and replacing it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19. ▪ Deleting Clauses 1.0 (Preliminary) 2.0 (User Guide). ▪ Moving the planning scheme purposes from Clause 1.0 to new Clause 01 (Purposes of this planning scheme) and inserting new Clause 00 (Purpose and Vision). ▪ Moving the operational provisions for the Local Planning Policy Framework (LPPF) to new Clauses 23.02 and 23.03 and inserting a new Clause 23.01 to explain the relationship between the LPPF and the PPF. ▪ Amending provisions (including schedules) to update references to the new MPS and PPF and as a result of the restructure and reorganising of provisions. ▪ Amending Clauses 37.03 (Urban Floodway Zone); 42.01 (Environmental Significance Overlay); 42.02 (Vegetation Protection Overlay); 42.03 (Significant Landscape Overlay); 43.01 (Heritage Overlay); 43.02 (Design and Development Overlay); 43.04 (Development Plan Overlay); 44.01 (Erosion Management Overlay); 44.02 (Salinity Management Overlay); 44.03 (Floodway Overlay); 44.04 (Land Subject to Inundation Overlay); 44.05 (Special Building Overlay and 52.28 (Gaming) to enable schedules to specify additional matters. ▪ Amending Clause 43.01 (Heritage Overlay) to require the schedule to the overlay to specify a statement of significance for each heritage place included in the schedule and the ability to incorporate heritage design guidelines for a heritage place. ▪ Amending Clause 43.04 (Development Plan Overlay) to clarify when an application is exempt from the notice and review requirements. ▪ Introducing the Specific Controls Overlay (Clause 45.12). ▪ Organising particular provisions into three new categories at Clauses 51, 52 and 53. ▪ Inserting a new section, ‘Operational provisions’ (Clauses 70 to 74) that consolidates operational, administrative and other provisions. ▪ Making various changes to advertising signs provisions at Clauses

Amendment number	In operation from	Brief description
		<p>32.04 (Mixed Use Zone), 52.05 (Signs), 62.02, 62.01 and at newly numbered Clauses 73.02 (Sign terms) and 73.03 (Land use terms).</p> <ul style="list-style-type: none"> ▪ Amending Clause 52.29 (Land Adjacent to a Road Zone 1, Category 1, or a Public Acquisition Overlay for a Category 1 Road) to exempt an application from notice and review requirements and to clarify permit exemptions. ▪ Amending Clause 33.01 (Industrial 1 Zone) to remove the requirement to obtain a planning permit to use land for a 'convenience shop' and 'take away food premises'. ▪ Amending Clause 33.03 (Industrial 3 Zone) to remove the requirement to obtain a planning permit to use land for a 'service industry' (in certain circumstances) and a 'take away food premises'. ▪ Deleting Clause 52.12 (Service station). ▪ Amending Clauses 33.01 (Industrial 1 Zone) and 32.04 (Mixed Use Zone) to ensure impacts of service stations are considered. ▪ Deleting Clauses 52.13 (Car wash) and 52.14 (Motor vehicle, boat or caravan sales). ▪ Amending Clause 52.06 (Car parking) to change the planning permit requirements and number of spaces to be provided in certain circumstances. ▪ Introducing incorporated document <i>Principal Public Transport Network Area Maps</i> (State Government of Victoria, 2018). ▪ Deleting the VicSmart provisions in Clauses 90 to 95 and consequently: relocating classes of State VicSmart applications to the applicable zones, overlays and particular provisions, local VicSmart provisions to a new Clause 59 (VicSmart applications and requirements) and operational provisions to new Clause 71.06. ▪ Making consequential changes to the schedules of applicable particular provisions in planning schemes, including inserting new schedules. <p>Impact on Mount Alexander Planning Scheme: Significant. The Amendment began the translation of the Mount Alexander Planning Scheme into the new format required by the State Government and provided the basis for Amendment C95malx.</p>
VC151	6 AUG 2018	<p>Updated the <i>Principal Public Transport Network Area Maps</i> (State Government of Victoria, 2018) with a corrected version of the document.).</p> <p>Impact on Mount Alexander Planning Scheme: Limited. This is a policy natural amendment.</p>
VC147	14 SEP 2018	<p>The amendment made administrative (formatting and clerical matters) changes to the Victoria Planning Provisions (VPP) and all planning schemes.</p> <p>Impact on Mount Alexander Planning Scheme: Minimal. This is a policy neutral amendment</p>
VC150	21 SEP 2018	<p>The Amendment changed the Victoria Planning Provisions (VPP) and all planning schemes by updating reference documents and provisions relating to animal industries.</p> <p>Impact on Mount Alexander Planning Scheme: Significant as it clarifies and changes the way many farming uses are considered in the Mount Alexander Planning Scheme and assessed.</p>
VC149	4 OCT 2018	<p>The Amendment changed the Victoria Planning Provisions (VPP) by inserting a new Commercial 3 Zone at Clause 34.03.</p> <p>Impact on Mount Alexander Planning Scheme: Minimal. The Shire has no C3Z land. Other aspects of the amendment further support solar and wind energy.</p>
VC153	4 OCT 2018	<p>Amended Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to extend the expiry date to 30 September 2019.</p> <p>Impact on Mount Alexander Planning Scheme: Administrative and has now expired.</p>
VC152	26 OCT 2018	<p>Responded to various accommodation matters for shared housing, rooming houses, aged care, nursing homes and crisis accommodation.</p> <p>Impact on Mount Alexander Planning Scheme:</p>

Amendment number	In operation from	Brief description
		Supports and augments current housing provisions for various types of important accommodation and aged care facilities.
VC154	26 OCT 2018	<p>Changed the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Deleting Clause 14.02-3S (Water conservation) and integrating these policy statements into a new Clause 19.03-3S (Integrated water management). ▪ Amending Clause 19.03-3S (Water supply, sewerage and drainage) to update and broaden water, drainage and stormwater policies to integrated water management policies. ▪ Deleting Clause 19.03-4S (Stormwater) and integrating this policy into the new Clause 19.03-3S (Integrated water management), with consequential renumbering throughout Clause 19.03. ▪ Inserting a new particular provision at Clause 53.18 for ‘Stormwater management in urban development’. ▪ Amending Clause 55 (Two or more dwellings on a lot and residential buildings) to provide transitional provisions for residential development applications to be assessed against the Clause 55 provisions as they existed before the approval date of Amendment VC154. ▪ Amending Clause 55.03-4 (Permeability) to rename the standard ‘Permeability and stormwater management’ and amend the standard to include a new stormwater purpose, requirements and decision guidelines. ▪ Amending Clause 55.07 (Apartment developments), Clause 56.07 (Integrated water management) and Clause 58.03 (Site layout) to generally align with the new particular provision. ▪ Amending Clause 73.01 (General terms) to insert a new general term and definition for ‘stormwater’. <p>Impact on Mount Alexander Planning Scheme: Significant and supports current provisions relating to water management for two or more dwellings on a lot and commercial and industrial developments.</p>
VC155	26 OCT 2018	<p>Amended the Victoria Planning Provisions and all planning schemes by:</p> <ul style="list-style-type: none"> ▪ Amending Clause 15.03-1S (Heritage conservation) to include an additional strategy and policy guideline. ▪ Amending Clauses 54.03-5 (Energy efficiency protection), 55.03-5 (Energy efficiency) and 55.07-1 (Energy efficiency) to replace the word ‘capacity’ with ‘performance’ and specify that a rooftop solar energy facility must exist at the time an application is lodged. <p>Impact on Mount Alexander Planning Scheme: Significant and supports and augments current provisions.</p>
VC157	15 MAR 2019	<p>Introduced changes to the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes to require planning approval for power lines to connect new large-scale electricity generation facilities to the electricity network.</p> <p>Impact on Mount Alexander Planning Scheme: May impact on future transmission lines connecting wind farms across the state.</p>
VC156	11 APR 2019	<p>Introduced changes to the Victoria Planning Provisions and all planning schemes to correct formatting and spelling errors and omissions and to clarify the operation of certain provisions.</p> <p>Impact on Mount Alexander Planning Scheme: Minimal. This is a policy neutral amendment.</p>
VC159	8 AUG 2019	<p>The Amendment supported Smart Planning and addressed land use terms.</p> <p>Impact on Mount Alexander Planning Scheme: Minimal and largely administrative with updated land use definitions used in planning applications.</p>
VC163	16 AUG 2019	<p>Corrected an error in Clause 73.04 (nesting diagrams)</p> <p>Impact on Mount Alexander Planning Scheme: Minimal. This is a policy neutral amendment.</p>

Amendment number	In operation from	Brief description
VC161	17 SEP 2019	Amended the Victoria Planning Provisions and all planning schemes to introduce new requirements for renewable energy facilities and a State planning policy for the protection of declared irrigation districts, and makes an administrative correction in relation to Amendment VC157. Impact on Mount Alexander Planning Scheme: Minimal.
VC164	26 SEP 2019	The Amendment changed the Victoria Planning Provisions and all planning schemes by amending Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to extend the expiry date to 31 March 2020. Impact on Mount Alexander Planning Scheme: Minimal as this Clause has expired.
VC158	26 NOV 2019	Introduced a new particular provision to exempt combustible cladding rectification on buildings subject to an emergency order, building notice or building order under Part 8 of the Building Act 1993. Impact on Mount Alexander Planning Scheme: Minimal due to the low rise residential nature of the Shire.
VC165	3 DEC 2019	Amended the Victoria Planning Provisions and all planning schemes to introduce notice and review exemptions and to amend the responsible authority status for certain planning applications for non-government primary and secondary schools. Impact on Mount Alexander Planning Scheme: Minimal.
VC160	24 JAN 2020	Amended the Victoria Planning Provisions and all planning schemes to correct errors and omissions, clarify the operation of certain provisions, and implement planning reforms for extractive industries. Impact on Mount Alexander Planning Scheme: Minimal but has some impact on the assessment of extractive industries.
VC170	31 JAN 2020	Introduced a new particular provision to facilitate the Level Crossing Removal Project. Impact on Mount Alexander Planning Scheme: Minimal.
VC168	11 FEB 2020	Updated the PPF and Operational Provisions to reference the Plan Melbourne 2017-2050: Addendum 2019 and introduced a new strategy and spatial framework at Clause 11.01-1R Settlement-Metropolitan Melbourne. Impact on Mount Alexander Planning Scheme: Minimal.
VC177	11 MAR 2020	The Amendment changes the VPP and all planning schemes in Victoria by inserting a new particular provision at Clause 52.07 to facilitate and support recovery from bushfire. Impact on Mount Alexander Planning Scheme: Has ongoing impact on the Shire due to the nature of bushfire risk and ongoing recovery efforts from the 2009 bushfires.
VC181	6 APR 2020	Changes the VPP and all planning schemes were revised with a new Clause 52.18 (State of emergency exemption), to facilitate the delivery of food and other essential goods during and following a state of emergency declared in relation to Novel Coronavirus 2019 (2019-nCoV). Impact on Mount Alexander Planning Scheme: Had some impact on the Shire but its effect is now negligible.
VC178	9 APR 2020	Changes the VPP and all planning schemes were revised with an amended expiry date for Clause 52.13-7 (2009 Bushfire – Recovery Exemptions) to 30 June 2020 as well as changes to the terms 'extractive industry' and 'solar energy system' to align with the intent of Amendment VC160.

Amendment number	In operation from	Brief description
		Impact on Mount Alexander Planning Scheme: Had ongoing impact on the Shire but the Clause has expired.
VC179	6 MAY 2020	Inserts a new provision at Clause 52.10 to facilitate rebuilding following the 2019/20 bushfires and amends the Schedule to Clause 72.01 in all planning schemes to designate the Council CEO as the responsible authority for Clause 52.10. Impact on Mount Alexander Planning Scheme: Has no impact on the Shire.
VC175	26 MAY 2020	Improves the way the planning system addresses buffers for amenity, human health and safety impacts by updating the PPF and Clause 53.10, as well as introducing the Buffer Area Overlay (BAO). Impact on Mount Alexander Planning Scheme: Has ongoing impacts on separation distances for industrial and other hazardous land uses to more sensitive land uses and enables the BAO to be applied to uses where risk assessments related to the environmental hazard have been undertaken.
VC176	5 AUG 2020	Changes the VPP and all planning schemes by amending Clause 52.12 (Bushfire Protection: Exemptions) to align the 10/30 and fence line vegetation exemptions with the Bushfire Prone Area map across all Victorian councils, making administrative updates and further clarifies the exemptions for dwellings and defensible space under the BMO. Impact on Mount Alexander Planning Scheme: Has ongoing impacts on the Shire and bushfire requirements.
VC186	27 AUG 2020	The amendment inserts a new particular provision at Clause 51.06 (Secondary Dwelling) to facilitate the development of a secondary dwelling in the Greater Bendigo, Kingston, Moreland and Murrindindi Planning Schemes. Impact on Mount Alexander Planning Scheme: Had no impact on secondary dwellings in the Shire.
VC183	28 SEP 2020	Introduces a new state planning policy Clause 13.07-3S (Live Music) and makes changes to Clause 53.06 (Live Music Entertainment Venues) of the VPP and all planning schemes to encourage, create and protect opportunities for the enjoyment of live music. Impact on Mount Alexander Planning Scheme: Had ongoing impacts on live music venues in the Shire.
VC169	9 OCT 2020	Changes the VPP and all planning schemes by changing the PPF to help direct balanced outcomes for housing growth and built form while also clarifying and consolidating housing policy. Impact on Mount Alexander Planning Scheme: Has ongoing impacts on residential development in the Shire in townships and settlements.
VC193	21 OCT 2020	Amends clause 52.18 (State of emergency exemption) to support Victoria's social and economic recovery from the coronavirus (COVID-19) pandemic through temporary planning scheme and permit condition exemptions that enable outdoor dining and facilitate the reopening and safe operation of restaurants and other food and drink businesses. Impact on Mount Alexander Planning Scheme: Had some impact on the Shire but its effect is now negligible.
VC191	5 NOV 2020	Clarifies permit requirements for rectification works on government buildings related to Clause 52.01 ('Combustible cladding rectification exemptions'). Impact on Mount Alexander Planning Scheme: Is administrative in nature but has ongoing impacts on development in the Shire.

Amendment number	In operation from	Brief description
VC192	16 NOV 2020	Clarifies Clause 72.01-1 to make the Minister for Planning the responsible authority for all large energy generation facilities and electrical utility installations, including large renewable energy facilities and large scale battery facilities that store electricity from any source. Impact on Mount Alexander Planning Scheme: Is administrative in nature and clarifies decision making roles.
VC187	1 DEC 2020	Introduces a new particular provision for 'Housing by or on behalf of the Director of Housing' at Clause 53.20 and streamlines the planning permit process for residential development made by or on behalf of the Director of Housing. Impact on Mount Alexander Planning Scheme: Is administrative in nature and reflects existing roles for social and affordable housing.
VC190	1 DEC 2020	Introduces a new particular provision for 'Victoria's Big Housing Build' at Clause 52.20. Clause 52.20 and streamlines the planning permit process for residential development made by or on behalf of the Director of Housing. Impact on Mount Alexander Planning Scheme: Is administrative in nature and reflects existing roles for social and affordable housing.
VC180	4 DEC 2020	Facilitates the development of new, and the upgrade and expansion of existing, non-government primary and secondary schools. Impact on Mount Alexander Planning Scheme: Has an ongoing role for the development of non-government schools.
VC188	14 DEC 2020	Removes Clause 52.13 2009 Bushfire: Recovery Exemptions and references to it from all planning schemes following its expiry. Impact on Mount Alexander Planning Scheme: Is administrative in nature and removes an expired clause.
GC175	18 FEB 2021	Updates the Schedules to Clause 53.06 and changes the parent provision to reflected scheduled provisions. Impact on Mount Alexander Planning Scheme: Is administrative in nature and relates to live music venues.
VC195	11 MAR 2021	Modifies the particular provision at clause 52.32 (Wind energy facilities) to streamline the application process for minor changes to approved wind energy facilities, clarify consent requirements and simplify review and panel exemptions. Impact on Mount Alexander Planning Scheme: Is administrative in nature and clarifies existing responsibilities.
VC194	25 MAR 2021	The amendment inserts two new particular provisions at clauses 52.30 and 52.31 to facilitate state projects and local government projects. Impact on Mount Alexander Planning Scheme: Reflects the ability to identify state and locally significant projects, exemption and permit requirements.
VC185	30 APR 2021	Modifies Clause 72.01-1 to make transitional provisions for an energy generation facility or utility installation to be determined by the council instead of the Minister for Planning if made prior to the approval date of Amendment VC192. Impact on Mount Alexander Planning Scheme: Is administrative in nature and clarifies existing responsibilities.
VC198	14 MAY 2021	The amendment introduces new particular provisions at clauses 52.35 (Major Road Projects) and 52.36 (Rail Projects) and makes other changes related to delivery of projects carried out by or on behalf of Major Road Projects Victoria and Rail Projects Victoria. Impact on Mount Alexander Planning Scheme:

Amendment number	In operation from	Brief description
		Reflects the ability to identify state significant projects, exemptions and permit requirements.
VC189	3 JUN 2021	Amends Clause 12.04-1S Sustainable development in alpine areas, to reference the <i>Alpine Resorts Strategic Plan 2020-2025</i> , a new Municipal Planning Strategy at Clause 02 and local policies within the Planning Policy Framework at Clauses 11-19, and administrative changes. Impact on Mount Alexander Planning Scheme: Has no impact on the Shire.
VC203	1 JUL 2021	Implements a new environment protection framework in the VPP and all planning schemes through updates to the PPF to align with new requirements for contaminated and potentially contaminated land, revises clause 45.03 (Environmental Audit Overlay) and replaces references to State Environment Protection Policies with new content references to related to the <i>Environment Protection Act 2017</i> . Impact on Mount Alexander Planning Scheme: Has ongoing impacts on land in the Shire.
GC161	08 JUL 2021	Includes maps and transfers sites from the Schedule to Clause 51.01 (Specific Sites and Exclusions) into the Schedule to Clause 45.12 (Specific Controls Overlay) or deletes expired documents from the Schedule to Clause 51.01 and makes other related consequential changes. Impact on Mount Alexander Planning Scheme: Is administrative in nature and reflects existing requirements.
VC206	3 AUG 2021	Changes the VPP and all planning schemes by aligning planning provisions for a wind energy facility with the requirements of the <i>Environment Protection Act 2017</i> for the regulation of wind turbine noise and updates licencing references in the Port Zone. Impact on Mount Alexander Planning Scheme: Is administrative in nature but reflects updated requirements.
VC196	19 AUG 2021	Changes the VPP and all planning schemes by providing stronger recognition and protection of existing extractive industries, and to designate land with State-significant earth resources, where extractive industries may be established in the future, as strategic extractive resource areas. Impact on Mount Alexander Planning Scheme: Has ongoing requirements for land identified as strategic extractive resource areas.
VC171	6 SEP 2021	Changes the VPP and all planning schemes to implement the Marine and Coastal Policy, support coastal hazard planning and sea level rise adaptation, and update policy references. Impact on Mount Alexander Planning Scheme: Has little impact on the Shire given its inland location.
VC211	14 SEP 2021	Modifies clause 67.02 to enable the application of exemptions set out in clause 52.31 and updates clauses 66.05 and 67, consolidates clauses 67.02, 67.03 and 67.04 under clause 67.02, and deletes clauses 67.03 and 67.04. Impact on Mount Alexander Planning Scheme: Is administrative in nature and has little impact.
VC208	5 OCT 2021	Amends Clause 52.10 to apply the use, notice and review exemptions to other types of emergencies. Impact on Mount Alexander Planning Scheme: Is administrative in nature and has little impact.
VC202	12 OCT 2021	Introduces a land use term and definition for Rural worker accommodation and modifies clause 35.07 (Farming Zone) to introduce exemptions for use of land for Rural worker accommodation that accommodates no more than 10 persons and introduces a permit requirement for use of land for Rural worker accommodation for more than 10 persons.

Amendment number	In operation from	Brief description
		Impact on Mount Alexander Planning Scheme: Has an ongoing impact on Farming Zone land throughout the Shire and enables rural worker accommodation to be more easily provided.
VC212	13 OCT 2021	Makes changes to Clause 35.07 (Farming Zone) and to notice requirements to minimise the potential for land use conflict from as-of-right accommodation uses in the Farming Zone, in the vicinity of proposed and approved wind energy facilities. Impact on Mount Alexander Planning Scheme: Is administrative in nature and has little impact.
VC214	19 NOV 2021	Amends the exemptions at clause 52.18 (State of Emergency and Recovery Exemptions) to apply to a broader range of uses. Impact on Mount Alexander Planning Scheme: Is administrative in nature and has little impact.
VC204	9 DEC 2021	Changes the VPP and all planning schemes in Victoria by modifying Clause 18 of the Victoria Planning Provisions to implement changes to State planning policy for transport. Impact on Mount Alexander Planning Scheme: Is administrative in nature and has little impact.
VC174	20 DEC 2021	Changes the VPP and all planning schemes by implementing the Better Apartment Design Standards for all apartment developments. Impact on Mount Alexander Planning Scheme: Minimal due to the low rise residential nature of the Shire.
VC207	20 DEC 2021	Changes the VPP and all planning schemes by implementing the revised Better Apartment Design Standards into clauses 52.20 and 53.20. Impact on Mount Alexander Planning Scheme: Minimal for the Shire.
VC205	20 JAN 2022	Introduces a new Transport Zone to replace the Road Zone and Public Use Zone Schedule 4 with consequential changes. Impact on Mount Alexander Planning Scheme: Is administrative in nature but affects all transport land.
VC199	3 FEB 2022	Changes the VPP and all planning schemes by aligning existing provisions with current policy, guidelines and legislation, deleting redundant content and correcting clerical errors. Impact on Mount Alexander Planning Scheme: Is administrative in nature and has little impact.
VC200	17 FEB 2022	Changes the VPP and all planning schemes by introducing planning permit exemptions for specified types of transport projects and specifies the Minister for Planning as the responsible authority for transport projects. Impact on Mount Alexander Planning Scheme: Is administrative in nature and has little impact.
VC209	8 MAR 2022	Changes the VPP and all planning schemes by removing clause 51.06 (Secondary dwelling) from the VPP and the Greater Bendigo, Kingston, Moreland and Murrindindi planning schemes, and updating clause 52.18 (State of emergency and recovery exemptions) to reflect the new pandemic declaration powers under the <i>Public Health and Wellbeing Act 2008</i> . Impact on Mount Alexander Planning Scheme: Has no impact on land in the Shire.
VC219	22 MAR 2022	Changes the VPP and all planning schemes to support the ongoing operation of extractive industry across Victoria and increase amenity protections for nearby accommodation.

Amendment number	In operation from	Brief description
		Impact on Mount Alexander Planning Scheme: Has ongoing requirements for extractive industry and adjoining sensitive uses in the Shire.
VC210	4 MAY 2022	Makes changes to the VPP and all planning schemes to ensure they are current and correct obvious or technical errors. Impact on Mount Alexander Planning Scheme: Is administrative in nature.
VC218	18 MAY 2022	Changes the VPP by updating the PPF to further implement the National Airports Safeguarding Framework in Victoria. Impact on Mount Alexander Planning Scheme: Has some but limited impact to land in the Shire.
VC220	30 MAY 2022	Changes the VPP and all planning schemes by supporting the efficient delivery of neighbourhood batteries into the electricity distribution network by amending clause 73.03 Land use terms. Impact on Mount Alexander Planning Scheme: Has ongoing impact to land in the Shire.
VC216	10 JUN 2022	Changes the VPP and all planning schemes by altering the PPF to support Environmentally Sustainable Development (ESD). Impact on Mount Alexander Planning Scheme: Has ongoing impact to land in the Shire around ESD.
VC213	14 JUL 2022	Makes changes to the VPP and all planning schemes to ensure consistency with existing requirements under the Melbourne Strategic Assessment (MSA) Program to achieve specific biodiversity outcomes within Melbourne's growth corridors. Impact on Mount Alexander Planning Scheme: Has no impact on land in the Shire.
VC230	14 JUL 2022	Updates clauses 52.20 (Victoria's Big Housing Build) and 72.01 (Responsible authority for this planning scheme) to replace the Minister for Planning as the responsible authority. Impact on Mount Alexander Planning Scheme: Is administrative and has little impact on the Shire.
VC221	4 AUG 2022	Facilitates all-electric developments to support implementation of Victoria's <i>Climate Change Strategy 2021</i> and <i>Gas Substitution Roadmap 2022</i> and changes the VPP and all planning schemes by amending clauses that require developments to be connected to reticulated gas and amending the referral requirements. Impact on Mount Alexander Planning Scheme: Reflects climate change and energy related considerations for land in the Shire.
VC223	12 AUG 2022	Amends Clause 73.01 (General terms) to define Minister for Planning to mean a Minister for the time being administering the <i>Planning and Environment Act 1987</i> . Impact on Mount Alexander Planning Scheme: Is administrative and has little impact on the Shire.
VC225	15 SEP 2022	Makes changes to the VPP and all planning schemes to correct obvious or technical errors and ensure they are current. Impact on Mount Alexander Planning Scheme: Is administrative and has little impact on the Shire.
VC222	29 SEP 2022	Changes to the VPP and all planning schemes to support the co-location of new government primary schools with kindergartens and facilitate projects that support the 2026 Commonwealth Games. Impact on Mount Alexander Planning Scheme:

Amendment number	In operation from	Brief description
		Has ongoing and potentially large impacts on the Shire's early childhood education provision and facilities.
VC224	28 OCT 2022	Changes the VPP and all planning schemes that relate to declared irrigation districts and solar energy facilities, delivery exemptions, electorate offices, Future Homes, healthy waterways, land use terms, stormwater management and tree removal under VicSmart. Impact on Mount Alexander Planning Scheme: Is largely administrative in nature but has ongoing impacts for land in the Shire.
VC226	4 NOV 2022	Makes changes to the VPP and all planning schemes to support emergency recovery, telecommunications, solar energy systems and community care accommodation. Impact on Mount Alexander Planning Scheme: Is largely administrative in nature.
VC227	14 NOV 2022	Changes the VPP and all planning schemes to support the facilitation of container deposit scheme (CDS) infrastructure under the <i>Victorian Government's Recycling Victoria: a new economy policy</i> . Impact on Mount Alexander Planning Scheme: Has ongoing impacts for recycling in the Shire.
VC228	22 NOV 2022	Changes to the VPP and all planning schemes to facilitate Victoria's recovery from emergencies by allowing an exemption from operation hours for extractive industries. Impact on Mount Alexander Planning Scheme: Is administrative in nature.
VC201	16 DEC 2022	Updates the PPF, introduces two new regional policies and a series of new Significant Landscape Overlays to recognise, protect and improve waterway health, amenity, access and community values. Impact on Mount Alexander Planning Scheme: Provides updates to waterway policy across the State including the Shire.
VC215	3 MAR 2023	Implements the <i>Melbourne Industrial and Commercial Land Use Plan</i> in the PPF. Impact on Mount Alexander Planning Scheme: Has no impact on land in the Shire.
VC229	20 MAR 2023	Makes changes to the VPP and all planning schemes to correct obvious or technical errors and ensure they are current. Impact on Mount Alexander Planning Scheme: Is administrative in nature.
VC231	6 APR 2023	Amends the Victoria Planning Provisions and 60 planning schemes in Victoria by amending existing planning permit exemption thresholds for dwelling extensions, out-buildings and buildings used for agriculture in clauses 35.03 (Rural Living Zone), 35.07 (Farming Zone) and 35.08 (Rural Activity Zone). Impact on Mount Alexander Planning Scheme: Reduces permit requirements for some rural zones in the municipality.
VC234	4 JUL 2023	Clarifies noise requirements for wind energy facilities and the responsible authority for enforcement matters. Clause 52.32 is revised to refer to Division 5 Part 5.3 of the Environment Protection Regulations 2021. Impact on Mount Alexander Planning Scheme: Clarifies requirements but has minimal impact on land in the municipality.
VC236	14 AUG 2023	Supports renewable hydrogen gas production and distribution and makes the Minister for Planning the responsible authority for large-scale production of hydrogen gas. Impact on Mount Alexander Planning Scheme: Supports renewable energy but at this point has minimal impact on land in the municipality.

Amendment number	In operation from	Brief description
VC238	3 AUG 2023	Amends clause 52.13, Victoria's container deposit scheme by revising the permit exemption threshold in clause 52.13 to enable an automated collection point to occupy 5 car spaces instead of 4 if the land contains 50 or more car spaces. Impact on Mount Alexander Planning Scheme: Is administrative in nature.
VC242	20 SEP 2023	Introduces two new particular provisions to facilitate significant residential development and significant economic development through clauses 53.22 and 53.23. It also makes changes to the RGZ, GRZ and NRZ to allow retail premises and offices subject to specific land use conditions. Impact on Mount Alexander Planning Scheme: Has significant impact on residential and commercial land in the municipality for the provision of affordable and social housing as well as retailing and commercial premises. Makes the Minister for Planning the responsible authority for applications subject to these two clauses.
VC243	22 SEP 2023	Supports the delivery of housing in Victoria by codifying residential development standards, implementing the Future Homes project across Victoria, removing permit requirements for single dwellings on lots of 300 square metres or more and introducing VicSmart permits for single dwellings on lots less than 300 square metres. Impact on Mount Alexander Planning Scheme: Has significant impact on residential land in the municipality for the provision of all types of housing and their assessment.
VC246	26 SEP 2023	Introduces new land use controls to improve facilitation of Victoria's Container Deposit Scheme by introducing a new land use term, Container deposit scheme centre, nested under Transfer station and corrections to ordinance in clause 52.13. Impact on Mount Alexander Planning Scheme: Is administrative in nature but supports recycling in the municipality.
VC247	6 OCT 2023	Extends planning exemptions under clauses 52.07 (Emergency recovery) and 52.18 (Coronavirus (COVID 19) pandemic and recovery exemptions) and makes corrections to ordinance introduced in VC246 related to Container deposit scheme centres. Impact on Mount Alexander Planning Scheme: Is administrative in nature and has minimal impact on land in the municipality.
VC241	17 OCT 2023	The amendment removes prohibitions for specified sign types for a Freeway service centre, Service station and Open sports ground in a zone where Category 4 - Sensitive areas sign controls apply. Impact on Mount Alexander Planning Scheme: Has some impact on signage at Freeway service centres, service states and open sports grounds in the municipality by removing the prohibitions on signage where Category 4 signage controls apply.
VC234	18 OCT 2023	The amendment clarifies noise requirements for wind energy facilities and the responsible authority for enforcement matters. Impact on Mount Alexander Planning Scheme: Is administrative in nature and has minimal impact on land in the municipality.
VC238	1 NOV 2023	The amendment changes the permit exemption threshold in clause 52.13 to enable an automated collection point to occupy 5 car spaces instead of 4 if the land contains 50 or more car spaces. Impact on Mount Alexander Planning Scheme: Is administrative in nature and has minimal impact on land in the municipality.
VC253	14 DEC 2023	The amendment introduces a new land use term and siting, design and amenity requirements for a small second dwelling into the Victoria Planning Provisions (VPP) and all planning schemes to implement Victoria's Housing Statement: The decade ahead 2024-2034 by making it easier to build a small second dwelling.

Amendment number	In operation from	Brief description
		Impact on Mount Alexander Planning Scheme: Is significant and will have a large impact on land in the municipality for the provision of small secondary dwellings.

11.1.1. New Planning Practice Notes and Guidance Materials

Since the last planning scheme review in 2018, Several Planning Practice Notes (PPNs) and guidance materials have been introduced which impact on the strategic directions and drafting of the Mount Alexander Planning Scheme.

Table 8: New or Updated Ministerial Directions and Planning Practice Notes From 2019

Resource	Summary of Document	Implications for Mount Alexander Planning Scheme
<p>Planning for Housing and Using the Residential Zones (Planning Practice Notes 90 and 91) December 2019 planning-practice-notes</p>	<p>In the last decade, the Victorian Government has revised housing and residential zone resources and approaches with extensive changes and improvements to residential zones, overlays and guidelines through Planning Practice Notes (PPN) 90 and 91.</p> <p>A residential development framework is required to be prepared usually at a municipal level that identifies residential changes areas and implementation mechanisms. Built form outcomes are driven by the application of specific types of residential zones.</p> <p>In 2017 changes to residential zones restricted building height to 9 metres in the Neighbourhood Residential Zone and 11 metres in the General Residential Zone with a garden area requirement. Application of the Residential Growth Zone encourages four storey development and Mixed Use Zones have no height limit unless specified in a schedule to the zone. Low Density Residential Zones are applied to low density areas usually between 0.2 and 0.4 hectares (minimum) with no minimum height requirement in the zone. Township Zones continue to apply in smaller townships with a minimum height requirement only if specified in a schedule to the zone and allow a wide range of commercial, residential, industrial and community uses.</p>	<p>The principles established through these PPNs are sound and need to be nuanced to settlement hierarchies based on a housing and settlement strategy and the preferred neighbourhood character for residential areas.</p> <p>These PPNs have been in operation since the last review and provide different guidance to previous documentation.</p>
<p>A Practitioner's Guide to Victorian Planning Schemes, April 2022 (Version 1.5) practitioners-guide</p>	<p>The guide applies to the preparation and application of a planning scheme provision in Victoria. It is primarily intended for use by practitioners considering or preparing a new or revised provision for a planning scheme. The guide sets out and explains:</p> <ul style="list-style-type: none"> The principles that should underpin the creation, selection and application of a planning scheme provision. How a planning scheme relates to the VPP. 	<p>This guide establishes the VPP principles and good drafting conventions and examples.</p> <p>It must be followed when preparing a planning scheme policy or provision and has been updated since the last review.</p>

Resource	Summary of Document	Implications for Mount Alexander Planning Scheme
	<ul style="list-style-type: none"> Rules and advice about how the various components of a planning scheme operate. How to select, write and apply various elements of a planning scheme. 	
<p>Managing buffers for land use compatibility (Planning Practice Note 92)</p> <p>planning-practice-notes</p>	<p>The PPN provides guidance about planning for land use compatibility and the PPF and planning requirements relating to the management of buffers such as Clause 53.10 Uses and activities with potential adverse impacts and Clause 44.08 Buffer Area Overlay.</p> <p>The BAO supports implementation of the objective and strategies in Clause 13.07-1S - Land use compatibility. The BAO complements Clause 53.10 to help ensure that industry establishes appropriately and addresses the reverse situation so that land use and development around existing industry is appropriate.</p> <p>Buffers can be used to manage both land use and development and should be applied to address different issues of risk and land use compatibility.</p>	<p>This PPN relates to Amendment VC175 and was prepared after the last review in 2019. It provides clearer guidance for industrial uses and maintaining separation distances to sensitive uses and how to apply the BAO to industrial facilities.</p>
<p>Ministerial Direction on the Form and Content of Planning Schemes 5 April 2023 The role of the Minister (planning.vic.gov.au)</p>	<p>This Direction provides the schedule template for zone, overlay, particular provision and general provision schedules and how local planning schemes are to be prepared based on the VPP. It includes requirements and parameters about how State provisions can be applied at the local level and how local provisions can be given effect.</p>	<p>These templates can change from time to time and should be used as the basis for the preparation of new or revised schedules in the scheme.</p>
<p>Ministerial Direction 19 – Preparation and Content of Amendments That May Significantly Impact the Environment, Amenity and Human Health October 2018 The role of the Minister (planning.vic.gov.au)</p>	<p>This Direction requires planning authorities to seek the views of the Environment Protection Authority (EPA) in the preparation of planning scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste. The Direction applies to any strategic plan or its review that forms the basis of a planning scheme amendment relating to the use or development of land within a buffer area or separation distance of industry and specified industrial uses.</p>	<p>This Direction is triggered for any planning scheme amendment or a planning scheme review.</p>
<p>Ministerial Direction 20 – Major Hazard Facilities October 2018 The role of the Minister (planning.vic.gov.au)</p>	<p>This Direction aims to minimise potential human and property exposure from the risk of incidents that may occur at a major hazard facility and ensure their ongoing viability. The Direction requires planning authorities to seek and have regard to the views of WorkSafe Victoria and the Minister for Economic Development when preparing a planning scheme amendment which rezones land for, or is within the threshold distance of, a major hazard facility.</p>	<p>This Direction is triggered for any planning scheme amendment that relates to a threshold distance for a major hazard facility.</p>