Planning and Environment Act 1987

Panel Report

Macedon Ranges Planning Scheme Amendment C117
Lancefield Planning Controls

1 February 2019
Planning and Environment Act 1987
Panel Report pursuant to section 25 of the Act
Macedon Ranges Planning Scheme Amendment C117
Lancefield Planning Controls
1 February 2019

Lester Townsend, Chair
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  - Terry Foster and Narelle Stebbis represented by Chris Banon of Banon Consultants  
  - Debbie and Kaye Madigan  
  - Steven McMaster  
  - Angela and Douglas Ogilvie  
  - Sharon Groombridge  
  - Richard and Judy Stanley  
  - Robert Green  
  - Sydney Green |
| **Citation** | Macedon Ranges PSA C117 2019 PPV |
| **Date of this Report** | 1 February 2019 |
Executive summary

(i) Summary

Macedon Ranges Planning Scheme Amendment C117 (the Amendment) seeks to apply Schedule 24 to the Development Plan Overlay (DPO24) to three large undeveloped, residentially zoned areas within the Lancefield Township to guide coordinated development of these areas. The Amendment also proposes to rectify a township boundary mapping error at 8 Kilmore Lancefield Road, Lancefield, shown on the Lancefield Strategic Framework Plan at Clause 21.13 (Local Areas and Small Settlements) of the Municipal Strategic Statement (MSS).

DPO24 applies to approximately 60 hectares of land and a total of 27 properties.

The Amendment was exhibited between 10 July and 13 August 2018. As a result of the exhibition of the Amendment, a total of 16 submissions were received.

The Panel Hearing took place on 10 December 2018.

Key issues raised in submissions and discussed at the Hearing include:

- the choice of planning control and its associated removal of third party notice and review rights
- that the preparation of the development plan is a burden
- the requirement of one only development plan per precinct is too limiting
- the appropriateness of future road connections
- a range of detailed concerns about DPO24.

The Panel concludes that the Amendment is strategically justified. The application of a Development Plan Overlay in an area where new urban development is permitted (even if some current land owners do not have development aspirations) is prudent and sensible. The Panel notes that DPO24 calls for a range of reports. Whether the preparation of these reports will be an onerous requirement will depend in part as to whether a common sense approach is taken to their preparation.

The Council proposed a number of post-exhibition changes to DPO24 to address submissions and these changes are supported by the Panel.

In response to specific issues, the Panel concludes:

- the change to the township boundary at 8 Kilmore–Lancefield Road is justified
- there is no need for a development plan to be prepared simultaneously with the application of the Development Plan Overlay
- the preparation of a maximum of one development plan for Area 3 is appropriate
- the indicative plan is appropriate
- the proposed lot sizes are appropriate
- bushfire risk is not heightened as a result of the Amendment
- bushfire risk can be appropriately managed through the general requirements of the development plans
- the requirements in relation to potentially contaminated land are appropriate
• the deletion of the indicative Melbourne–Lancefield service road from the Indicative Development Pattern plan with the retention of the service road text annotation is appropriate and will allow the detailed planning process to identify the most appropriate access arrangements
• the Amendment can proceed without a Development Contributions Plan
• the future road connections described in the Indicative Development Pattern plan are appropriate
• the consideration of the staging of development is appropriate.

The Panel notes that addressing the fact that land at 12 Noel Street is in two zones is out of the scope of the Panels consideration.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Macedon Ranges Planning Scheme Amendment C117 be adopted as exhibited subject to the following changes to Schedule 24 to the Design and Development Overlay:

• Make the post-exhibition changes proposed by Council and presented as Attachment 23 to Council’s Part A submission.
• Allow the preparation of more than one development plan for Areas 1 and 2.
• Require the identification of existing wells on adjoining properties on the Melbourne-Lancefield Road with an appropriate separation for any sewer pipes.
1 Introduction

1.1 The Amendment and affected land

(i) Amendment description

The Amendment proposes to:

- Amend Clause 21.13 (Local Areas and Small Settlements) of the Municipal Strategic Statement (MSS) to update the subsection on Lancefield (Clause 21.13-8) by correcting a township boundary mapping error shown on the Lancefield Strategic Framework Plan at 8 Kilmore Lancefield Road, Lancefield.
- Insert a new Schedule 24 to Clause 43.04 Development Plan Overlay (DPO24) and apply it to three large undeveloped areas in Lancefield to guide a coordinated and site responsive approach to future residential subdivision.

(ii) Affected land

The Amendment applies to approximately 60 hectares of land across three precincts within Lancefield as outlined in Figure 1. The affected land is generally in fragmented ownership, undeveloped and is zoned either General Residential or Low Density Residential. The land is unaffected by any overlays.

Figure 1: Land affected by Amendment C117

Source: Macedon Ranges C117 Explanatory Report
Area 1 fronts High Street and is the western most precinct. The land is within the General Residential Zone (GRZ) and Low Density Residential Zone (LDRZ) and comprises a number of properties owned by few landowners.

Area 2 is located directly north of the core town centre and is a mixture of GRZ and LDRZ land. Land in Area 2 is owned by multiple landowners.

Area 3 is east of Melbourne–Lancefield Road and is zoned LDRZ. It has one main landowner with a number of individual ownerships along Melbourne–Lancefield Road.

(iii) Purpose of the Amendment

The purpose of the Amendment is to ensure that the future subdivision of the land occurs in a coordinated and site responsive manner by applying the Development Plan Overlay over these areas.

The Amendment also corrects a mapping error relating to the township boundary at 8 Kilmore Lancefield Road by removing the land from the growth boundary.

1.2 Background to the Amendment

Council advised in its Part A submission that a number of enquires have been made by landowners and potential developers to subdivide properties within the three precincts. There is a concern that in the absence of specific development controls in the planning scheme, the development of these sites may result in ad hoc, uncoordinated development outcomes, such as a series of court bowl subdivisions.

As noted in the Council Meeting Minutes of 22 March 2017, the Macedon Ranges Small Towns Study identified the following strategy in Lancefield:

\[\text{Residential development of vacant [residential] zone land should aim to respect the principles of original settlement, including where practicable grid street patterns, wider road reserves in key access streets, soft engineering solutions, and street tree planting consistent in pattern and structure with older parts of town.}\]

The need for planning controls to guide the development of these sites was identified as a planning policy gap as some of the sites have been recently sold as future development sites. Prospective landowners have since sought guidance from Council regarding the type of development allowed.

These sites are capable of being serviced by water and sewerage.\(^1\) Currently most of these areas have gravel roads, with limited if any existing drainage infrastructure. There was concern raised by both Council’s Engineering and Planning Departments that if these properties were developed individually an integrated response to road design and servicing (including water sensitive urban design) would be difficult to coordinate and may result in poor ad hoc design outcomes, as demonstrated by pre-application submissions received.

\(^1\) The Panel notes that some adjacent properties rely on bore water.
One of the implementation strategies listed under Clause 21.04 ‘Settlement’ is to apply the Development Plan Overlay (or other suitable control) to new greenfield development areas to ensure coordinated development and high-quality design responses.

1.3 Post exhibition changes

The following post-exhibition changes were made by Council for the DPO24:

- The addition of 3 objectives to Clause 1.0 (to align with the requirement of VC148 and the Ministerial Direction on the Form and Content of Planning Schemes).
- Minor changes to improve clarity, including differentiating between reports required to support the preparation of the development plan and reports required to be submitted with the development plan.
- The removal of the requirement that arrangements between landowners outlining cost sharing of infrastructure must be in place prior to lodging an application. An infrastructure delivery and staging plan will now have to include recommendations on how the cost of the infrastructure is to be borne or shared between landowners.
- The addition of a requirement that bushfire protection measures should be considered in the layout and development of the subject land.

The following post-exhibition changes were proposed by Council for the Indicative Development Pattern plan:

- The removal of existing trees and buildings shown, as the Indicative Development Pattern plan is not a survey plan.
- In Area 3 – the removal of the parallel service road along Melbourne–Lancefield Road, as its requirement is yet to be determined by a Traffic Impact Assessment Report.
- In Area 3 – the relocation the east-west access road of Area 3 to the Melbourne–Lancefield Road to coincide with the existing vehicular access of 20-34 and 36 Main Road.
- The deletion of the reference to "min. lot size 2,000m2" from the legend of the Indicative Development Pattern plan. This is not a requirement, only a reference to the current provision under the LDRZ for lots connected to reticulated sewerage.

1.4 Summary of issues raised in submissions

The key issues by landowner submitters were:

- insufficient strategic work
- proposed lot sizes
- fairness of preparing a development plan
- perceived increase in rates
- loss of third party appeal rights
- road connections and access
- requirement for applicants to prepare design guidelines.

The key issues for the Country Fire Authority were:

- the need to ensure adequate water pressure can be provided for firefighting purposes
• the desirability to incorporate a fuel modified buffer using open space.

Submissions were received by DELWP and the EPA which did not raise any issues.

1.5 Issues dealt with in this Report

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

• Township and zone boundaries
  - Township boundary
  - The split zoning at 12 Noel Street

• Use of the Development Plan Overlay
  - Application of the Development Plan Overlay
  - Preparation of a development plan
  - One development plan per area

• Issues in the schedule
  - Role of the Indicative Development Pattern plan
  - Lot sizes
  - Bushfire risk
  - Land contamination
  - Melbourne–Lancefield service road
  - Development contributions
  - Future road connections
  - Staging of development
  - Water quality.

1.6 Limitations

A number of submissions raised concerns in relation to a perceived increase in property rates or decrease in property value as a result of this Amendment. The Panel agrees with Council that these matters are outside the scope of the of the Planning and Environment Act 1987 and the Victoria Planning Provisions.
2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council’s response and the policy context of the Amendment and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

2.1 Planning Policy Framework

(i) State planning policies

Council submitted that the Amendment is supported by the following State planning policies:

- Clause 11.02-1S (Settlement) – supported by the requirement to prepare a development plan ensuring orderly development of urban land
- Clause 12 (Environmental and Landscape Values) – supported by the creation of a waterway corridor that provides for multiple ecological and environmental needs, passive recreation and the retention of significant trees and native vegetation
- Clause 13.02 (Bushfire) – supported by reducing the vulnerability of future residents through consideration of bushfire risk early in the planning process, reflected in the area concept layouts
- Clause 13.04-1S (Contaminated and Potentially Contaminated Land) – supported by the requirement for a site assessment of land identified as potentially contaminated and associated compliance with identified requirements or testing
- Clause 14.02-2S (Water Quality) – supported by the proposed DPO requiring all future development to be connected to reticulated sewerage
- Clause 15.01-3S (Subdivision Design) – supported by the DPO ensuring designs of subdivisions achieve attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods
- Clause 15.01-5S (Neighbourhood Character) – supported by a requirement that new developments respect the principle of the original settlement, including grid street patterns.

(ii) Local planning policies

Council submitted that the Amendment is supported the following local planning policies:

- Clause 21.04 (Settlement)
  - Objective 1 identifies Lancefield as a small town in 2011 which is envisaged to move up the settlement hierarchy to a District Town by 2036.
  - Strategy 1.6 seeks to accommodate moderate growth in Lancefield whilst recognising the limited transport infrastructure and the need to protect the town’s significant character, heritage tourism potential and surrounding agricultural areas.
One of the specific implementation strategies listed is to apply the Development Plan Overlay to new greenfield development and rural living areas to ensure coordinated development and high quality design responses.

- Clause 21.13-8 (Lancefield)
  - Objective 2 provides for the retention of established urban form and heritage character of the area, including the street design and grid layout
  - Strategy 2.4 is to ensure new development respects the principles of the original settlement, including grid street patterns, wider road reserves in key access streets, use of soft engineering solutions, and street tree planting consistent in pattern and structure with older parts of the town.

The Amendment responds to the above objectives and strategies by applying the Development Plan Overlay to encourage the development of the subject land in accordance with local policy.

(iii) Other planning strategies or policies used in formulating the Amendment

Macedon Ranges Statement of Planning Policy, 2018

The Macedon Ranges Statement of Planning Policy (‘the Statement’) was developed to create a framework for the future use and development of land in the Macedon Ranges Shire area. It is intended that the Statement, once endorsed by the Minister for Planning, will be an incorporated document in the Macedon Ranges Planning Scheme.

Relevant to this Amendment, the Statement includes mapping which shows the protected settlement boundary for the Lancefield area. This boundary does not accord with the current map at Clause 21.13-8 of the Macedon Ranges Planning Scheme, which excludes land at 8 Kilmore–Lancefield Road (contained in Area 3). The Amendment proposed to correct this by replacing the existing map with a map that includes 8 Kilmore–Lancefield Road within the township boundary. This change will bring the mapping in line with the protected settlement boundary in the Statement.

2.2 Planning scheme provisions

(i) Zones

The GRZ and LDRZ apply to the land within the Amendment area. No rezoning is proposed through the Amendment.

The purpose of the GRZ is:

- **To implement the Municipal Planning Strategy and the Planning Policy Framework.**
- **To encourage development that respects the neighbourhood character of the area.**
- **To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.**
- **To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.**
The purpose of the LDRZ is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

2.3 Ministerial Directions and Practice Notes

Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of:

- Ministerial Direction 1 (Potentially Contaminated Land)
- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction 19 (Views of Environment Protection Authority)
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act – referred to as Ministerial Direction 7(5) in this report.

Planning Practice Notes

Council submitted that the Amendment is consistent with:

- Planning Practice Note 23 Applying the Incorporated Plan and Development Plan Overlays, November 2018 (PPN23)
- Planning Practice Note 30 Potentially Contaminated Land, June 2005 (PPN30)
- Planning Practice Note 46 Strategic Assessment Guidelines, August 2018 (PPN46)

2.4 Discussion

The municipality of Macedon Ranges is contained within the Loddon Mallee South region of Victoria, the growth of which is guided by the Macedon Ranges Planning Scheme and the Statement, which establish a hierarchy of settlements within the municipality, along with a vision of that hierarchy by 2036. Lancefield is anticipated to change in classification from a small town to a district town in that time, however this move does not envisage further land being required. Rather, the growth will be contained within the protected settlement boundary provided for in the Statement.

In line with this, local policy identifies the key issues for Lancefield, which are to limit growth within and around the township; and to maintain the town’s characteristics and landscape setting.

The Amendment responds to the projected modest growth of the township, as it seeks to correct an anomaly within the settlement boundary and provide for cohesive and appropriate development of existing residential land.

It responds to the regional and local vision for Lancefield’s growth and provides an appropriate response to effectively manage that growth. The areas subject to the Amendment are zoned residential and can be developed regardless of the proposed application of the DPO through the Amendment. Currently, the assessment of planning
permit applications for these areas occurs in the absence of specific planning controls to guide co-ordinated development or the funding of infrastructure.

2.5 Conclusion and recommendation

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to the post-exhibition changes and addressing the more specific issues discussed in the following chapters.

The Panel recommends that Macedon Ranges Planning Scheme Amendment C117 be adopted as exhibited subject to the further recommendations contained in this report.
3 Township and zone boundaries

3.1 Township boundary

(i) The issue
The issue is whether the proposed change to the township boundary is justified.

(ii) What does the Amendment provide for?
The Amendment seeks to correct a mapping error which affects 8 Kilmore–Lancefield Road, Lancefield Road by amending Clause 21.13 (Local Areas and Small Settlements) of the MSS to update the subsection on Lancefield (Clause 21.13-8), and correcting the township boundary on the Lancefield Strategic Framework Plan.

(iii) Submissions
Council submitted that the error consists of the exclusion of land previously zoned for residential purposes from the township boundary. This land historically fell within the township boundary as per the diagram below:

**Figure 2:** Lancefield Framework Plan

(NOTE: This Lancefield Framework Plan was in the planning scheme until the gazettal of amendment C84 in 2015)


Council submitted that the error occurred as part of the approval of Planning Scheme Amendment C84 (Settlement Strategy) in 2015, which inadvertently introduced the mapping error into the Planning Scheme.
Council stated that the township boundary, once corrected, will match the settlement boundary in the Statement.

No objecting submissions were received in relation to this component of the Amendment.

(iv) Discussion

The change to the Township boundary was not contested through submission.

The Panel notes that the land inadvertently excluded from the township boundary was previously zoned for residential use through the LDRZ. The Panel agrees with Council that the correction to the Township boundary is a straightforward matter and should be supported.

(v) Conclusion

The Panel concludes:
- the change to the township boundary at 8 Kilmore–Lancefield Road is justified.

3.2 The split zoning at 12 Noel Street

(i) The issue

The issue is whether the Amendment should address the split zoning at 12 Noel Street, Lancefield, located in Area 2. The current zoning of the land is shown in Figures 3 and 4.

Figure 3: Zoning at 12 Noel Street, Lancefield

Source: VicPlan
(ii) What does the Amendment provide for?

The Amendment:

- applies DPO24 to the land
- does not make any zoning changes.

(iii) Submissions

Submission 12 advised that the land at 12 Noel Street, Lancefield is currently subject to a “split zoning issue”, whereby the property is included within both the GRZ and LDRZ. The submission was primarily concerned that the boundary of the two zones separated the dwelling from the balance of the property. It was concerned that this split zoning would have an adverse impact on the viability of any future redevelopment of the land. The submission requested that the Amendment redress this perceived zoning error by rezoning the entirety of the land to one zone.

Council in its response to submissions clarified that its starting point for the Amendment was not a presumption that an existing house will necessarily stay on the land. It advised it has endeavoured to ensure that where possible, existing houses can fit within future development.

In considering the economic viability of the land, Council submitted that if the full potential of the GRZ is to be realised within its current boundary alignment, then in this instance it might be more economic to remove the dwelling and the sheds in question in a redevelopment of the land.

In closing, Council advised that it was not aware of the genesis of the split zoning of the land, nor the reason for it. The Amendment did not contemplate any rezoning.
Council advised that while the land is a large potential redevelopment lot, there is no requirement for the landowner to develop the land, it is simply an option open to it.

(iv) Discussion

The Panel is sympathetic to the concerns raised through submission regarding the uncommon nature of the existing zoning. Whilst it is good practice to apply zones along property or title boundaries and to avoid multiple zones applying to one land parcel, the Panel considers that there is no immediate need to resolve this issue. If there were a need to resolve this issue as part of the Amendment then further notice would be required.

The Panel agrees with Council that there is no obligation for the landowner to subdivide along the boundary to create lots that comply with the zones. The Panel understands that a lot containing the house and its associated garden could be created that complied with the provisions of the LDRZ, even though the bulk of that lot would be in the GRZ.

(v) Conclusion

The Panel concludes:

- the rezoning of land at 12 Noel Street is out of the scope of the Panel’s considerations.
4 Use of the Development Plan Overlay

4.1 Application of the Development Plan Overlay

(i) The issue

The issue is whether the application of the Development Plan Overlay is the appropriate instrument to achieve the desired outcome of coordinated development.

(ii) What does the Amendment provide for?

The Amendment proposes the application of DPO24 to three residential areas in Lancefield (see Figure 1).

The DPO provides that:

Clause 43.04-3 Exemption from notice and review

If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 51(1)(a), (b) and (d), the decision requirements of section 61(1), (2) and (3) and the review rights of section 82(1) of the Act.

(iii) Submissions

Various submissions were received in relation to the appropriateness of the DPO24 and more generally the concern that the application of the DPO24 signalled an intent for redevelopment of the three subject areas. Submissions outlined concern about the loss of third party rights, while others contended that the requirements of DPO24 are burdensome. Some submitters noted their intention to remain in their existing dwellings, while others were complimentary of the vision for coordinated development.

Several submitters raised concerns about the onerous nature of the requirements for a development plan. They observed that approximately 14 studies or supporting reports were required. They considered that the preparation of these would be a costly process and if too costly, would blight the land. Concerns were also raised that the application of the DPO24 may increase property rates.

Submitter 7 advised that he does not wish to move or redevelop. He expressed his desire to open a tractor museum.

Submitter 6 submitted that they and their immediate neighbours had no interest in subdividing their land and contended that there has been no interest by any third party regarding the redevelopment of this land. Submitter 7 also expressed their desire to remain on their land.

Submitter 11 was concerned that the “green light may have been given for developers to harass landowners into selling their house...[which] most don’t want to leave”.

Mr Banon argued that the application of the DPO24 was not strategically justified. He referred to Planning Practice Note 23 – Applying the Incorporated Plan and Development
Plan Overlays August 2015 (PPN23), which provides guidance on circumstances in which a DPO should be applied. It notes that the DPO is a flexible tool, stating that the DPO:

... should normally be applied to development proposals that are not likely to significantly affect third-party interests, self-contained sites where ownership is limited to one or two parties and sites that contain no existing residential population and do not adjoin established residential areas.

Submitter 10 supported the intent of the Amendment, particularly the coordinated manner regarding roads, utility services and connections to the town centre.

Council submitted that the DPO is the appropriate tool to guide the future development of the land and to ensure that future subdivision and development is coordinated and responsive to the character of Lancefield. Council argued that without a DPO in place, Lancefield would be subject to the potential for undesirable planning outcomes including overdevelopment and subdivision patterns inconsistent with the local areas. Council argued that the application of the DPO provides a net community benefit outcome.

In response to concerns about a perceived pressure to redevelop these areas, Council stressed that the Amendment would not force any redevelopment outcomes if landowners did not wish to redevelop. The application of the DPO simply provides for a coordinated approach, should landowners choose to redevelop.

(iv) Discussion

The Panel acknowledges that the application of the DPO to the land will result in the loss of third party notice and review rights for any future planning permit application. This issue has been raised through numerous other panels considering the application of a DPO. Previous panels have recommended the inclusion of a requirement for informal consultation. This approach has not been supported by the DELWP or the Minister for Planning. Given the extent of concern raised in submissions about this issue, if it were possible for the Panel to recommend the informal consultation, it would.

The Panel is sympathetic to concerns that the DPO may trigger the redevelopment of the land. The Panel understands that planning processes can be complex and daunting for those affected. However, the Panel supports the submission of Council that application of the DPO does not unlock any further development capacity than currently applies. Additionally, the DPO does not force landowners to develop their land or to stop any lawful use of their land.

In response to concerns that the preparation of a development plan will be costly, burdensome and difficult to coordinate, the Panel considers that these are potentially valid concerns. The issue is not so much the number of reports but the detail that might be required when they come to be prepared. The reports all cover matters that need to be considered and the real issue will be whether common sense applies in the approval stage of the development plan.

The Panel agrees with Council that the introduction of the DPO will guide a coordinated and site responsive approach to future residential development and subdivision. It considers that the choice of the DPO is the preferable tool, because alternative overlays that allow for
master planning of an area, such as the Incorporated Plan Overlay, are restrictive: any modifications to the plan over the life of the project would require a further planning scheme amendment. The DPO is a flexible tool that can guide the development of land through the implementation of a development plan or master plan.

The Panel considers that the introduction of the DPO24 and associated development plans will provide a greater level of guidance to the future development of these areas whether it be in the short, medium or long term, to ensure they retain the key characteristics of Lancefield. The Panel is satisfied that the DPO is the appropriate tool to guide the future development of the Lancefield development areas in accordance with the objectives and strategies of the Planning Policy Framework.

In relation to concerns raised by Submitter 7, the Panel considers the any future preparation of a development plan would not preclude the submitter from making an application to Council for the use of his land as a Tractor Museum. The Panel notes that this land use, likely classified as a Museum or Place of Assembly, is a section 2 use and requires a permit.

(v) Conclusion

The Panel concludes:

- that the DPO is an appropriate tool to guide the residential development of the three development areas in Lancefield.

4.2 Timing of the preparation of development plans

(i) The issue

The issue is whether the DPO24 should be applied without the preparation of development plans.

(ii) What does the Amendment provide for?

The Amendment proposes to apply DPO24 without the preparation of development plans.

(iii) Submissions

Mr Banon submitted that the application of the DPO24 without the preparation and approval of accompanying development plans is premature and is likely to blight the subject land. He referred to PPN23 which states:

*If the overlay is approved without a plan, then a proposal for which a permit is required cannot meet the overlay requirement unless the schedule has provided for it. The effect can be to blight the future use and development of the land until a plan is prepared.*

*Applying either overlay without a plan can have a significant impact on an individual’s ability to use and develop their land. The explanatory report for the Amendment introducing an overlay without a plan should explain the effects of not preparing a plan and the justification for taking this step. Care should be taken to ensure that the effects are understood by landowners. If necessary, the schedule to both overlays can be used to enable the responsible*
authority to consider defined classes of permit applications in the period before the plan is introduced. These should be necessary to the ongoing management of the land and should not prejudice the long-term proposed use or development.

Council observed that there are many DPO Schedules that have been applied that require the preparation of a development plan.

In closing, Council rebutted the proposition put by Mr Banon that the preparation of a development plan was the responsibility of Council. Council said that there was no obligation on a responsible authority or planning authority to prepare the development plan.

(iv) Discussion

PPN23 does not require a plan to be prepared simultaneously, nor for Council to be responsible for the development plan itself nor prescribe a process whereby Council is obliged to undertake the background studies that are required under the DPO Schedule. PPN23 provides that:

It is possible to introduce either overlay into the planning scheme before the plan is in place. However, if the overlay is approved without a plan, it is essential that a strategic framework is in place to provide direction and certainty about the future form of development of the land.

If the overlay is approved without a plan, then a proposal for which a permit is required cannot meet the overlay requirement unless the schedule has provided for it. The effect can be to blight the future use and development of the land until a plan is prepared.

(v) Conclusion

The Panel concludes:

• there is no need for a development plan to be prepared simultaneously with the application of the Overlay.

4.3 One development plan per area

(i) The issue

The issue is whether the requirement for the preparation of a maximum of one development plan per redevelopment area is appropriate.

(ii) What does the Amendment provide for?

The exhibited DPO24 states at Clause 4 – Requirements for development plan:

Only one development plan may be approved for each of the areas, shown as Areas 1, 2 and 3 in the “Lancefield Development Plan Areas – Indictive Development Pattern” concept plan forming part of this schedule.
(iii) Submissions

Concerns were expressed that the requirement to prepare a development plan across the whole of one area was not justified because different parts of the area could be developed independently. It was submitted that some lots could be developed without the need for a plan for the whole area.

Submission 15 noted the requirement for the preparation of a single development plan for each of the identified areas. They questioned the viability and appropriateness of this approach given the land ownership is fragmented.

In its response to submissions, Council highlighted the fragmented nature of land ownership within the redevelopment areas. It observed that this fragmentation and the need for a coordinated approach to redevelopment was a key reason why it sought the preparation of development plans.

Council clarified that extensions, additions or modifications to dwellings and existing use and development would still be permissible prior to the preparation of a development plan.

In its summary of submissions, Council stated that:

*The DPO is a tool that provides direction to ensure a logical subdivision pattern across separate allotments to achieve an outcome that is best for the area as a whole and not for individual owners.*

In closing, Council conceded that there are opportunities to consider whether some minor changes to the DPO schedule can alleviate some of the concern expressed through submissions in order to facilitate development.

Council considered that Development Areas 1 and 2 may lend themselves to a more nuanced approach, with the possibility of Area 1 to be split into 3 sub areas and be the subject of up to three development plans. Council advised that Area 2 may be split into two sub areas, with Raglan Street used as the natural divide between the two. However, Council insisted that Area 3 remain intact as one area.

(iv) Discussion

The Panel supports the closing submission of Council that allows for Areas 1 and 2 to be split. Area 3 will need to be planned as one unit.

The Panel acknowledges that landowners will be required to work together to coordinate the preparation of a development plan. The Panel does not consider this requirement too onerous so as to compromise the objectives of coordinated development. It notes that there will be an incentive for landowners to share costs of preparing a development plan.

(v) Conclusions and recommendation

The Panel concludes:

- the option for the development of more than one development plan in Areas 1 and 2 should not be precluded
- the preparation of a maximum of one development plan for Area 3 is appropriate.

The Panel recommends:
Change Schedule 24 to the Design and Development Overlay to allow the preparation of more than one development plan for Areas 1 and 2.
5 Issues in the schedule

5.1 Role of the Indicative Development Pattern plan

(i) The issue
An Indicative Development Pattern plan forms part of the DPO24 and is labelled “Fig 1: Indicative Development Pattern”. The issue is whether the use of an Indicative Development Pattern plan within the DPO24 is appropriate.

(ii) What does the Amendment provide for?
A range of indicative roads are shown on the Indicative Development Pattern plan for the Amendment land. Any development plan prepared must be generally in accordance with the Indicative Development Pattern Plan in DPO24.

(iii) Submissions
Council submitted that roads shown on the Indicative Development Pattern plan are indicative only and will be the subject of design detail at the development plan stage.

Council explained that the indicative road layouts on the Indicative Development Pattern plan were determined:
- with the view that access be achieved to all properties
- having regard to property ownership boundaries
- providing for the most efficient use of land (with Lancefield character considerations in mind).

(iv) Discussion
As the roads are indicative, it goes without saying that they are not necessarily exact. The Panel understands that they will be the subject of greater detailed work to explore the appropriateness of their precise location and configuration. The Panel agrees that it is not reasonable or realistic to expect work at this higher level to showcase with precision the very level of information that can only be captured at a more detailed design stage.

Under current controls it is likely that any road proposal for the development or subdivision of this land would need to prepare a traffic impact assessment as part of a planning permit application.

The Panel notes that the exhibition process resulted in a modification being made to the indicative road layout as it applies to the southern end of Area 3.

The Panel shares concerns about the impact of roads on vegetation but notes that the DPO24 requires the development plan to be informed by a biodiversity assessment and arborist report.

(v) Conclusion
The Panel concludes:
- the Indicative Development Pattern plan is appropriate.
5.2 Lot sizes

(i) The issue
The issue is whether the minimum lot sizes are appropriate.

(ii) What does the Amendment provide for?
The DPO24 includes an objective at Clause 1.0 that calls for a range of lot sizes that respond to and manage site features, location and constraints.
The DPO24 also includes requirements that:
- all lots to be connected to reticulated sewerage
- a subdivision layout plan based on the Indicative Development Pattern plan that considers, among other things:
  - the provision of a variety of lot sizes across the development area
  - the transition in lot size between lots in the GRZ and land in rural zones.
The DPO24 also provides for area specific requirements at Clause 4.0 including specific outcomes for lot sizes for Area 1:

  The development plan must provide for the following:
  - Maximise lot width frontage onto High Street, with lots providing a minimum frontage width of 20 metres and an area of at least 700 square metres.
  - Lots along McMasters Lane must have an area of at least 1,000 square metres to provide for a transition between the General Residential Zone and the Farming Zone.

The Indicative Development Pattern plan illustrates the areas where the GRZ area is anticipated to have lot sizes ranging between 500 square metres and 1,000 square metres.
The post-exhibition changes to the Amendment to align with Amendment VC148 introduced three objectives at Clause 1.0 of the DPO24. One of these was to have regard to character considerations.

(iii) Submissions
Submitter 8 suggested the Amendment will compromise his ability to conduct farming activities on his land and he questioned the history of the land’s residential zoning.
Submitter 6 was concerned that the lot sizes proposed were too small, while Submitter 13 was concerned about the impact of the lot sizes on the interface between new residential development with land in the Farming Zone land and the Rural Living Zone.
Submitter 15 raised the issue of lot yield and it being insufficient from a land supply perspective. However, by contrast, Submitter 10 argued that Lancefield is an inappropriate location for significant growth.
Council outlined that to facilitate the subdivision of lots to 2,000 square metres in the LDRZ, it is a perquisite for lots to be connected to reticulated sewerage. It noted that the LDRZ
provides for land to be subdivided to 2,000 square metres on the basis of sewerage connection pursuant to Clause 32.03-3 of the Scheme.

Council submitted that in terms of the GRZ land, at present, land can theoretically be subdivided into lots less than 500 square metres.

In determining whether a minimum of 500 square metres is reasonable, Council noted that this provides for:

- efficient use of land
- discourages battle axe development
- is reflective of recent subdivisions
- recognises the proximity of the Amendment land to the Town Centre.

Council advised that it has also been influenced by the Victorian and Civil Administrative Tribunal’s (VCAT) consideration of appropriate lot sizes for these areas. This arises by having regard to the need to balance accommodating some growth with protecting and preserving the valued character of the area. VCAT’s decision in *Davis v Macedon Ranges SC [2010] VCAT 28* (Davis v Macedon) is such an example. VCAT (constituted by Senior Member Rickards) made the following observations on appropriate lot sizes for the area:

> Whilst Lancefield can be characterised as a small agricultural township the area in which the subject land is located is zoned for residential use and as such there is an expectation that development will occur on lot sizes of somewhere between 500 and 700 square metres generally found in a residential setting, rather than on larger lot sizes currently found in the area.

Council submitted that having regard to VCAT decisions in an endeavour to strike the right balance for future growth, Council considered that 500 square metres within the internal future layout of Area 1 was an appropriate outcome with some larger lots to be provided on Area 1’s perimeter to achieve a respectful streetscape interface, such as along High Street.

(iv) Discussion

The requirement for lots to be connected to reticulated sewerage is a prerequisite to facilitate subdivision of the lots in the LDRZ to 2,000 square metres.

In the post-exhibition version of the Amendment, Council introduced three objectives; one of these provides expressly for a range of lot sizes to be provided having regard to character considerations.

The Panel agrees that there is a need to strike the right balance for future growth in term of lot sizes and believes that DPO24 does this.

(v) Conclusion

The Panel concludes:

- the proposed lot sizes are appropriate.
5.3 Bushfire risk

(i) The issue

The issue is whether bushfire risk has been adequately mitigated through the Amendment.

(ii) What does the Amendment provide for?

The exhibited DPO24 did not specifically address bushfire risk and mitigation measures.

(iii) Submissions

The Country Fire Authority (CFA) generally supported the Amendment, subject to a change in wording to the DPO24 regarding bushfire protection measures. The CFA advised that Lancefield may be subject to exposure to grassfire events, particularly coming from the Cobaw Forest. It noted that the areas subject to the Amendment were not within the higher risk areas and were not covered by the Bushfire Management Overlay.

The CFA advised that the design and layout of the development plan must provide a separation between rural grassfire risk and the proposed urban development. It suggested that this be provided for through a ring boulevard type road network that eliminated the likelihood of fire impacting directly on residential allotments. To achieve this, the CFA drafted the following General Requirement for Clause 4 of the DPO24:

*Consideration of bushfire protection measures in the layout and development of these areas, in particular the outer perimeter of Areas 1 and 2 should incorporate a fuel modified buffer via the use of managed open space/reserves/front gardens in conjunction with the ... road reserve.*

Additionally, the CFA raised concern as to water supply, noting:

*Water supply is critically important for the safety of the community particularly during emergency events. The relevant Water Authority should demonstrate there is adequate water “pressure and flow” to service the future demand on this community – particularly for firefighting purposes.*

The Submitter 13 expressed concern regarding the bushfire risk to new development areas.

Submitter 8, a Lancefield resident and CFA volunteer for over 30 years, submitted that he held grave fears that Lancefield may be burnt out.

Council submitted that this Amendment is not a case in which a substantial bushfire risk is present. It noted that it was cognisant of Amendment VC140’s expansion of Clause 13.02 Bushfire Risk (previously Clause 13.05) gazetted on 12 December 2017, and the heightened emphasis placed on bushfire risk in the strategic planning process.

In its Part B submission, Council advised that it had made enquiries with the relevant water authority, Western Water, regarding the CFA’s concerns over water supply. Council submitted that they were advised that there is no known water supply issue and that the general standard for water supply by the Water Services Association of Australia, called the *Water Supply Code of Australia – WSA - 3 - 2011-3.1*, provides criteria and clauses regarding firefighting flows.
Council advised that it had relied on the formal advice of the CFA and has incorporated the CFA’s endorsed wording of the bushfire protection measure.

(iv) Discussion
The Panel agrees with Council that this Amendment is not a case in which a substantial bushfire risk is present. While the land is not subject to the Bushfire Management Overlay, and it is important to recognise this, it is within a designated a Bushfire Prone Area. This status has elevated consideration of bushfire risk at the strategic planning stage.

The Panel considers that bushfire risk is not increased as a result of this Amendment. It is acknowledged that the land is already within a residential zone. This Amendment does not increase the development potential or intensity.

The Panel considers that bushfire risk can be appropriately managed through the requirement of a development plan to consider bushfire protection measures.

(v) Conclusions
The Panel concludes:
- bushfire risk is not heightened as a result of the Amendment
- bushfire risk can be appropriately managed through the general requirements of the development plans.

5.4 Land contamination

(i) The issue
The issue is whether the Amendment appropriately responds to potential land contamination.

(ii) What does the Amendment provide for?
The DPO24 provides the following:

An application for approval of a development plan must be accompanied by the following reports. The reports may, if appropriate, be endorsed as part of the development plan.

Contamination
A preliminary site assessment undertaken by a suitably qualified person of the potential for contamination on land at 82 (CA71 T/Lancefield) and 114 High Street (CA74 T/Lancefield, CA75 T/Lancefield, CA76 T/Lancefield, Lots 3 and 4 TP667676), Lancefield.

(iii) Submissions
The Submitter 13 questioned why potentially contaminated land in the area, and the extent of the measures required to make residential development on such land feasible, were not being identified in the Amendment through the application of an Environmental Audit
Overlay. It was submitted that dealing with this through a DPO only does not sufficiently respond to potentially contaminated land that is not able to be developed.

In response, Council advised that in the absence of specific information regarding the environmental conditions of potentially contaminated land, namely that at 82–114 High Street, Lancefield, the requirements of the DPO will provide for that information to be obtained before development. Further, the land is already zoned for residential purposes and does not require a permit for its use for this purpose, nor does the DPO enable the land to be used for a sensitive use that is not currently allowed.

Council also relied on the submissions of the EPA which identified the land as potentially having commination issues, but that the “EPA has no concerns with the proposed amendment to this planning scheme with the information that has been provided.”

(iv) Discussion

A responsible authority is obliged to consider land contamination issues whether or not the Environmental Audit Overlay is applied. The Panel agrees that there is insufficient information to justify the proposition that the proposed requirements in the DPO would be insufficient to deal with potentially contaminated land. The EPA has not expressed any concerns which would support measures beyond those proposed.

(v) Conclusion

The Panel concludes:

- the requirements in relation to potentially contaminated land in the DPO24 are appropriate and sufficient.

5.5 Melbourne–Lancefield service road

(i) The issue

The issue is whether the Melbourne–Lancefield service road should be shown on the Indicative Development Pattern plan.

(ii) What does the Amendment provide for?

The exhibited Indicative Development Pattern plan shows a parallel service road along Melbourne–Lancefield Road within Area 3.
The post-exhibition DPO24 provides at Clause 4.0, Area Specific Requirements:

A parallel service road, if identified by a traffic impact assessment report as a requirement, must be provided to ensure the ability of existing landowners to access their properties from Melbourne–Lancefield Road.

(iii) Submissions

Submitter 14 submitted that only one entry/exit point to Area 3 should be provided as a connection to the Melbourne–Lancefield Road to alleviate traffic congestion, vegetation loss, pedestrian movement and off-site amenity impacts.

Submitter 10 argued that the entry point of Area 3 onto the Melbourne–Lancefield Road should be relocated to the north where it will have a lesser impact on trees and amenity of residents adjoining the DPO area.

In its Part A submission Council advised that the following change was proposed:

Area 3: Relocate the east-west access road of Area 3 to the Melbourne–Lancefield Road to coincide with the existing vehicular accesses of 20-34 and 36 Main Road. The landowners of 20-34, 36 and 42 Main Road, who are
directly affected by the proposed change were informed. The landowners of 42 Main Road did not make a submission to the amendment but were provided with the opportunity to communicate any desire to participate in the panel process. No responding correspondence has been received from them.

Whilst VicRoads did not formally make a submission to the Amendment, its comments were sought by Council prior to exhibition of the Amendment. Council stated in its Part B submission that considered it appropriate that the requirement for a one-way service road be determined by a traffic impact assessment at the time of preparing the development plan for Area 3. This requirement is included within DPO24.

(iv) Discussion

The relocation of the existing access is supported. The proposed location will decrease impacts of the access road.

The Panel considers that the removal of the indicative service road from the Indicative Development Pattern plan alleviates the concern of submitters whilst not precluding future service road options.

This approach enables a traffic impact assessment report to be undertaken to determine whether the service road is required, and if there is an impact, to determine the form of mitigation works that may need to be undertaken.

(v) Conclusions

The Panel concludes:

- the access point into Area 3 should be relocated to the north, to align with the existing vehicular accesses of 20-34 and 36 Main Road
- the indicative Melbourne–Lancefield service road should be deleted from the Indicative Development Pattern plan
- the text about the possible provision of the service road if identified as needed by a traffic impact assessment is appropriate and should be retained, as it will allow the detailed planning process to identify the most appropriate access arrangements.

5.6 Development contributions

(i) The issue

The issue is whether:

- the preparation of a development plan should include the requirement for a section 173 agreement dealing with the cost sharing of infrastructure
- a Development Contributions Plan is required to provide transparency around infrastructure funding.

(ii) What does the Amendment provide for?

A Development Contribution Plan is not proposed through the Amendment.

The Amendment requires at Clause 3 of the DPO24 that an Infrastructure and Staging Plan be prepared and form part of the approved development plan.
(iii) Submissions

In its response to submissions, Council stated that officers recommend that the DPO24 be revised to remove the requirement that arrangements be made between landowners outlining cost sharing of infrastructure.

Council submitted that it had hoped to use the standard Infrastructure Contributions system, which currently is only applicable in designated metropolitan greenfield growth areas. Council stated:

We are hopeful that the Department will finalise the off the shelf plans in the not too distant future. They have been saying that it is a matter that is going to be addressed for some time. If they become available, they will be examined for use here.

Council submitted that DELWP’s current practice is to not allow requirements specifying the entering of s173 agreements to require the payment for contributions towards infrastructure.

Council submitted that the preparation of the DPO24 will help inform the infrastructure works required to facilitate the coordinated development of each area and identify the impacts and contributions to infrastructure beyond the development area.

(iv) Discussion

The Panel supports the proposition put forward by Council that a Development Contributions Plan is not required given the relatively small size of the subject land area and the level of infrastructure required.

Even if the Panel concluded that a Development Contributions Plan were required it is not clear that this would be a reason not to apply the Development Plan Overlay.

The Panel agrees with Council’s submission that the preparation of the DPO24 will help inform the infrastructure works required.

The Panel accepts Council’s submission that DELWP’s current practice is to not allow requirements specifying the entering of s173 agreements to require the payment for contributions towards infrastructure.

(v) Conclusion

The Panel concludes:

- the Amendment can proceed without a Development Contributions Plan.

5.7 Future road connections

(i) The issue

The issue is whether the proposed future road connections shown in the Indicative Development Pattern plan in DPO24 are appropriate.
(ii) **What does the Amendment provide for?**

The Indicative Development Pattern plan shows potential local roads in Area 3 extended to the eastern and southern boundaries. A notation is included stating “*Provision for a future connection to the north-south and east-west connection critical for permeability*”. It further shows the extension of the court bowl in Area 2, at point 11, to the existing property boundary with the notation “*court to extend to existing property boundary to allow for long term connection to Melbourne–Lancefield Road if required*”. Refer to Figure 6 for more detail.
(iii) Submissions

Submissions 10, 13, and 14 raised concerns about the proposed future road connections in Area 3. It was submitted that these connections are “superfluous” and “roads to nowhere”
as they connect to land zoned as Rural Living Zone. Indeed, the only reason such connections would be required is if the land is anticipated to be rezoned to allow for more intensive development in contravention to state policy, which the submitters thought may be the future intention of Council.

Council responded by advising that Council had no current plans to extend or allow the development anticipated by the DPO into surrounding Rural Living Zone land. In any case, the future road connections are the product of best practice planning to ensure that neighbourhoods are connected by permeable, well-connected, traditional grid street networks.

Submission 16 concerned the proposed court bowl in Area 2, shown as No 11 in Figure 6 above, which extended to the submitter’s property. It was argued that the Indicative Development Pattern plan, which mentions the potential for long term connection to Melbourne–Lancefield Road, shows an intention to run a road connection through their property, which they strenuously oppose.

Council provided the following response:

There is no plan to extend the road through to the Melbourne–Lancefield Road but if that opportunity did arise with, for example, a redevelopment of the commercial zoned land, then that may be a desirable outcome. We are not planning any Public Acquisition Overlay over any part of the land.

(iv) Discussion

The Panel understands the concerns of submitters regarding how the current Amendment may affect future development, however agrees with Council that the future road connections that have been proposed represent sensible, best practice planning.

The provision in the Indicative Development Pattern plan of a well-connected, grid street network is appropriate to achieve the objectives of coordinated and responsible development.

(v) Conclusion

The Panel concludes:

- the future road connections described in the Indicative Development Pattern plan are appropriate.

5.8 Staging of development

(i) The issue

The issue is whether the Amendment appropriately allows for the staging of development.

(ii) What does the Amendment provide for?

The exhibited DPO24 states at Clause 2, under ‘Application requirements’ that a permit must be accompanied by:
An infrastructure delivery and staging plan that demonstrates the capacity of infrastructure to service the development and a staging plan for the coordinated delivery of all infrastructure to service the development plan area.

The post-exhibition version of the DPO24 requires:

An infrastructure report that reviews the capacity of existing infrastructure to service the development which is proposed and what, if any, new infrastructure such as roads, intersections or drainage infrastructure is reasonably required in order to develop the land. The report must be consistent with the Infrastructure Delivery and Staging Plan forming part of the approved development plan.

(iii) Submissions

Submitter 9 was concerned that the Amendment would possibly impede the subdivision of his land. The submitter desires to subdivide his land by creating a battle axe lot to the rear of a lot fronting Noel Street. He explained that without a battle axe configuration the rear component of the land would be landlocked and have no access to Noel Street. The Indicative Development Pattern plan identifies a potential local road that the rear portion could gain access from, but this road would need to be completed across adjoining land to provide access to an existing street.

In response, Council submitted that such a situation is not uncommon in development areas, particularly greenfield or growth areas. To avoid the situation where one land parcel must wait on the development of adjoining land before it can be developed, Council sought to provide roads on lot boundaries to share the impost with landowners. However, it conceded that even with good road planning, identified roads will cross neighbouring properties and require coordination in delivery.

Council also argued that the form of development proposed by the submitter was generally undesirable. Council stated that it envisaged a standard level of residential density rather than the medium density proposed.

(iv) Discussion

The Panel agrees with Council that the issue of new roads and connections can be a common concern for landowners or developers in new or development areas. It considers that the DPO24 appropriately provides for staging considerations across the precinct through the proposed provision in Clause 3.0, as amended in the post-exhibition version.

In terms of the submitter’s proposed subdivision, the Panel questions how the landowner would be able to meet the objectives of the Particular Provision 56.06-B, Lot access objective. The submitter may wish to consider working with the adjoining land owner and Council to investigate options for interim access arrangements.

(v) Conclusion

The Panel concludes:

- the consideration of the staging of development is appropriate.
5.9 Water quality

(i) The issue
The issue is whether the Amendment appropriately provides for the protection of water quality.

(ii) What does the Amendment provide for?
The DPO24 requires that all lots must be connected to reticulated sewerage.

(iii) Submissions
Submitter 14 raised concerns about the effect that a reticulated sewerage system in adjoining lots would have on their water supply from two connected wells. The submitter thought that the requirement for reticulated sewerage was not sufficient due to potential for that system to leak or fail, threatening their water supply.

The submitter requested that the Amendment incorporate a buffer zone of 20 metres around their water supply, free from any sewerage pipes, outlets and overflow valves.

In response to submissions, Council contended that the requirement to connect to reticulated sewerage was sufficient to address the concerns raised by the submitter.

(iv) Discussion
While the Panel agrees that the requirement for connection to a reticulated sewerage goes a long way to addressing the concerns over the water supply being affected, the Panel appreciates the concerns of the submitter.

The Panel considers that the submitter’s access to potable water supply should not be adversely impacted through any future redevelopment of the areas. The Amendment would be better served by including an explicit requirement for the infrastructure report to identify and map any appropriate protection buffers for existing private access to potable water wells.

Additionally, any planning permit application which seeks to construct sewerage infrastructure within any identified potable water well buffer should demonstrate how any adverse impacts on existing private potable water wells will be mitigated.

(v) Recommendation
The Panel recommends:

Change Schedule 24 to the Development Plan Overlay to require the identification of existing wells on adjoining properties on the Melbourne-Lancefield Road with an appropriate separation for any sewer pipes.
## Appendix A  Document list

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<td>Mr Stanley</td>
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<td>12</td>
<td></td>
<td>Submission of Mr R Green</td>
<td>Mr Green</td>
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<td>13</td>
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<td>Closing submission of Council</td>
<td>Mr Montebello</td>
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<td>14</td>
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<td>DELWP letter of Authorisation</td>
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<td>15</td>
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<td>Plan of subdivision; 80-90B Main Road, Lancefield</td>
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<td>16</td>
<td></td>
<td>Site/ Layout Plan Development Summary; 90 Main Road, Lancefield</td>
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<td>17</td>
<td></td>
<td>Neighbourhood Character Town Planning; 9 Louise Lance, Lancefield</td>
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Further correspondence from Ms Groombridge and Ms K Madigan was received by Planning Panels Victoria in January 2019 elaborating points made in their submissions.