



# Planning Scheme Amendment C117

Planning Scheme Amendment C117 applies a [Development Plan Overlay Schedule 24 \(DPO24\)](#) to residentially zoned land in Lancefield and corrects a mapping error relating to the township boundary. The amendment was approved and gazetted by the Minister for Planning on 16 January 2020.

## Minister's changes to Planning Scheme Amendment C117

The Minister for Planning approved the amendment with changes from the version adopted by Council. Below are the key changes to Development Plan Overlay Schedule 24 made by the Minister:

- Deleting a permit condition requirement relating to the provision of infrastructure
- Providing for no more than two development plans in Area 1 (Council adopted version allows for up to three development plans)
- Including a new requirement in Development Plan Overlay Schedule 24 that development in all areas must have or on completion have more than a BAL-12.5 rating under A53959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).

## Why did the township boundary change?

Prior to September 2015, 8 Kilmore Lancefield Road, which is zoned for residential purposes, was included within the township boundary. Planning Scheme Amendment C84 (Settlement Strategy) made a mapping error which mistakenly excluded the land from the township. Amendment C117 corrects this.

## What is a Development Plan Overlay (DPO)?

The Development Plan Overlay is a flexible tool that can be used to implement a plan to guide the future use and development of the land. The Development Plan Overlay provides direction for development and requires the preparation of a development plan that must be approved by Council before a permit for development can be granted.

## Development Plan Overlay Schedule 24

Development Plan Overlays are applied to multiple areas all throughout the Shire. Each area that the Development Plan Overlay applies is represented by its own numbered schedule, which is specific to that area. For Lancefield, this is Schedule 24 of the Development Plan Overlay (DPO24).

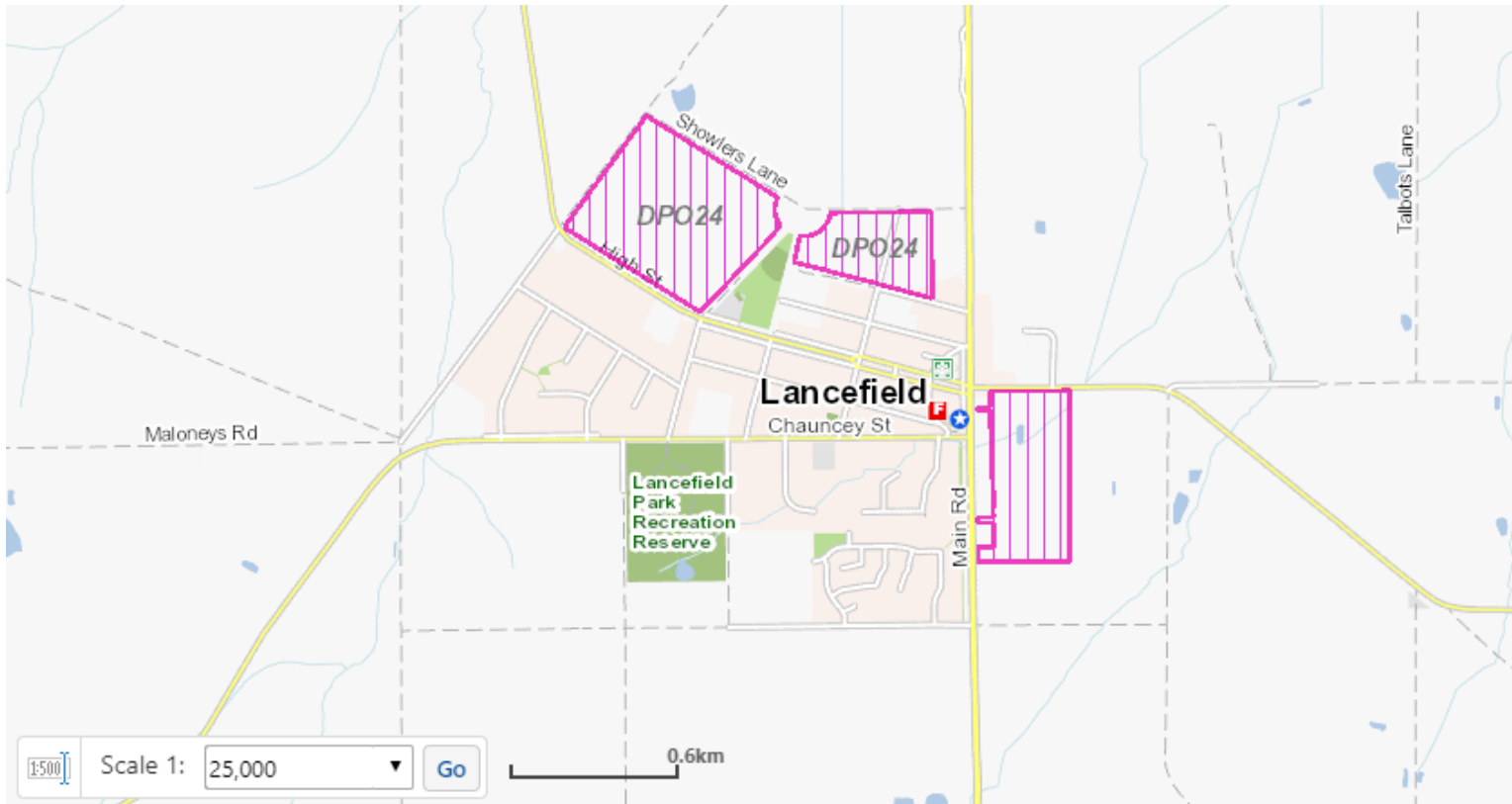
## Why has Council applied DPO24 in Lancefield?

Lancefield is anticipated to grow into a district town by around 2036. Without DPO24 there was limited planning guidance for what subdivision and development should look like. Limited planning guidance can lead to poor and ad hoc development outcomes. DPO24 provides the direction and coordination for development of these areas in order to avoid poor quality development.



## Where does the DPO apply in Lancefield?

DPO24 applies to three areas of residentially zoned land shown highlighted below:



Source: <https://mapshare.vic.gov.au/vicplan/>

### Does DPO24 make people develop their land?

DPO24 does not require anyone to develop their land. If you wish to develop land in the DPO24 area, DPO24 includes a number of requirements and provides a process to follow.

### Does DPO24 encourage development?

DPO24 does not encourage or discourage development. The purpose of DPO24 is to provide guidance for proposed development to achieve well coordinated development outcomes which respect the character of Lancefield and provide well connected and serviced communities.

### Does DPO24 or amendment C117 rezone land?

There is no change to any zoning of land. DPO24 applies to land which was already residentially zoned and capable of being developed.



## DPO24 Requirements

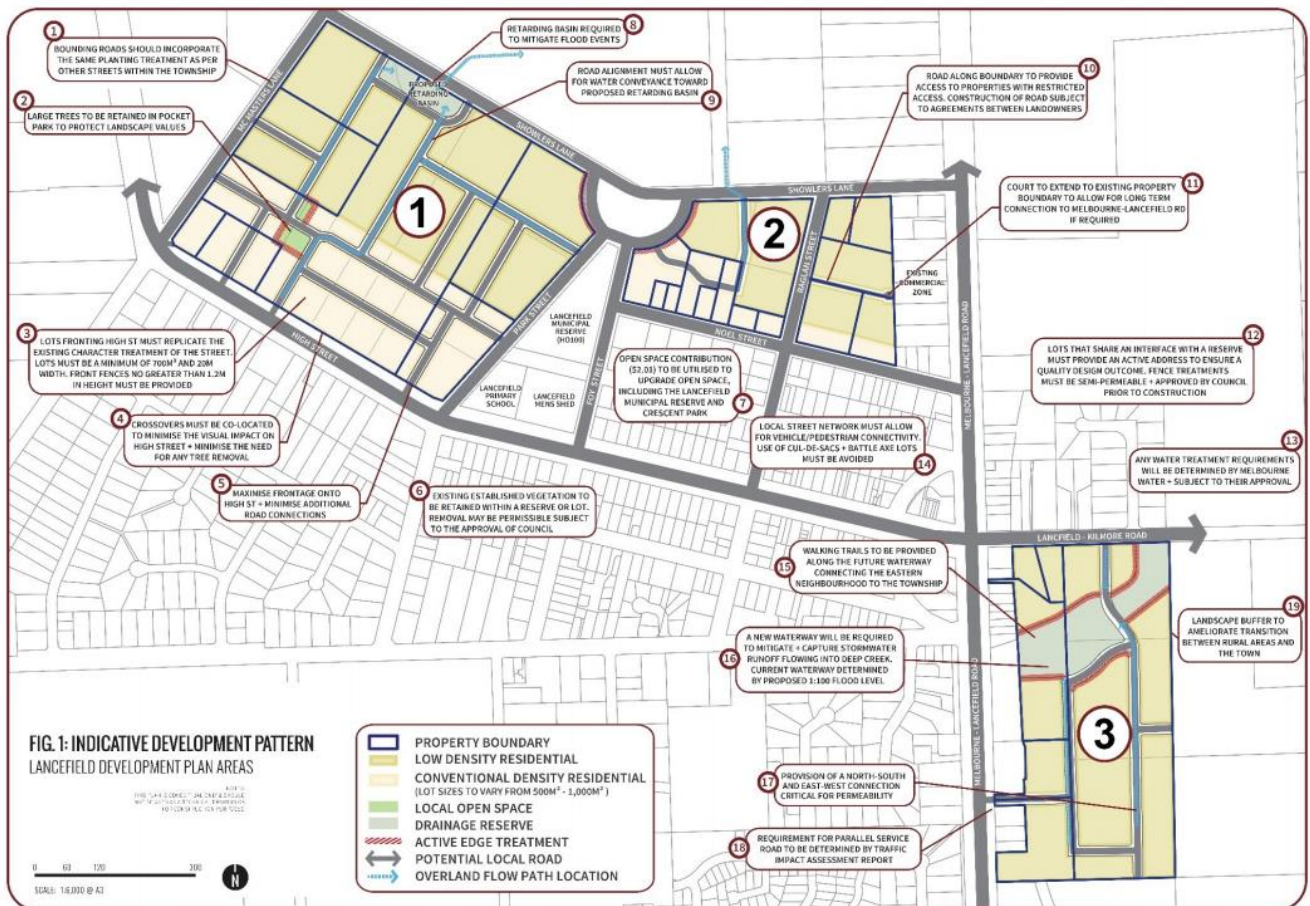
The DPO24 requirements apply to land covered by the Development Plan Overlay shown on the map at page 1. DPO24 requires a development plan to be approved before a planning permit can be granted for a range of matters including subdivision and land use.

It's important to note that some types of development do not require a planning permit. For example, construction and extension of one dwelling on a lot greater than 300m<sup>2</sup> does not require a planning permit. Proposals which don't need a planning permit are unaffected by DPO24.

Section 4 of DPO24 lists the requirements which all development plans needs to include. In addition to requirements which apply to all development plans, DPO24 includes requirements specific to each area (Area 1, 2 and 3). These area specific requirements reflect the specific context of each area.

## Indicative development pattern

Figure 1 to DPO24 below shows an indicative layout of roads, open space and drainage. These are indicative only and will need to be designed in more detail at the development plan and planning permit stage.



Source: [https://planning-schemes.delwp.vic.gov.au/schemes/macedonranges/ordinance/43\\_04s24\\_macr.pdf](https://planning-schemes.delwp.vic.gov.au/schemes/macedonranges/ordinance/43_04s24_macr.pdf)



## Infrastructure and Developer's Responsibility

DPO24 requires new residential development to provide the infrastructure necessary to support future residents of that development. This infrastructure includes roads, electricity, drainage, potable water, sewerage and open space.

An application for a development plan must include an *Infrastructure Report* that reviews the capacity of existing infrastructure to service the development and what, if any, new infrastructure is reasonably required in order to support the development. Before Council approves a development plan application, it will need to be satisfied that the land proposed to be developed can be serviced.

The person wishing to develop their land is responsible for providing the infrastructure needed to service their development. This includes both infrastructure within the development plan area and any necessary infrastructure located outside of the development.

If infrastructure provides a shared benefit to multiple developments, the infrastructure cost can be shared. If cost sharing is proposed, the *Infrastructure Report* must recommend how the cost of infrastructure is to be shared. Land owners may choose to use a Section 173 Agreement which can be a helpful tool to formalise arrangements for infrastructure delivery and infrastructure cost sharing. A Section 173 Agreement is a voluntary agreement entered into between Council and landowners.

Council cannot force any party into signing a Section 173 Agreement. However, Council can grant planning permits conditional to the permit holder entering into a Section 173 Agreement.

## Development Plan preparation costs

The person wishing to prepare a development plan is responsible for the cost of its preparation.

## Notification of a development plan application

If you are considered to be potentially impacted by a development plan application, you will be notified by Council of that development plan application. Those which are considered to be potentially affected by a development plan application will be determined once a development plan application is received by Council.

You are able to object to a development plan application and Council will consider your objection during assessment of the development plan application.

## Review rights of a development plan application

A specified person can apply to the Victorian Civil and Administrative Tribunal (VCAT) to review a decision of Council to approve or refuse a development plan application. A specified person is typically the owner, user or developer of land included in the development plan area. You must be considered a specified person to be eligible to apply to VCAT to review a decision of Council. VCAT is responsible for determining who is a specified person eligible for making a review application.



## **Notification and review rights of a planning permit application**

A planning permit application is exempt from requiring notice and there is no ability for objectors to review a Council decision to grant a permit. If a planning permit application applies to land which you own, the applicant must notify you of the planning permit application.

## **Permission required to enter a private property**

A land owner can choose whether to allow other people to enter their property or not. The Development Plan Overlay does not change owners' rights regarding entry to their property.

## **No compulsory acquisition**

DPO24 does not allow land to be compulsorily acquired by Council. Land which is required for a public purpose such as a natural waterway or retarding basin for storm water, needs to be identified on a development plan and plan of subdivision. Drainage reserves require ongoing maintenance and management by Council and Melbourne Water to keep them functioning properly. To enable this ongoing maintenance and management, public purpose land like drainage reserves would be transferred to Council at the time of subdivision and would become public land. This is not a process of compulsory acquisition, but it is a normal part of developing land.

## **Former unofficial tip site**

The EPA recently conducted an investigation of potential contamination of land in the Showlers Lane road reserve. It was found that the site had been used as an unofficial landfill site until the 1960s before being abandoned. The EPA directed Council (as the landowner) to undertake remediation works on the site to reduce any potential hazards.

Council workers have covered the area with a capping layer (a layer of soil) to minimise potential hazards, such as buried waste, coming to the surface. Following capping works, the site was fenced off and public access is now prohibited.

## **Further assistance**

For further information about how DPO24 may affect your land or proposal to develop, please contact the Macedon Ranges Shire Council Strategic Planning department on (03) 5422 0333.