

## **MOUNT ALEXANDER PLANNING SCHEME**

### **AMENDMENT C99malx**

#### **EXPLANATORY REPORT**

#### **Overview**

This amendment seeks to correct inconsistencies in the Mount Alexander Planning Scheme (the Planning Scheme) associated with the Heritage Overlay and the Operational Provisions which were identified following the implementation of previous Amendment C97malx.

It does this by updating Planning Scheme Maps for places in the Heritage Overlay (see Appendix 1) and amending the Schedule to Clause 74.02 (Further Strategic Work) to remove reference to rezoning completed as part of Amendment C97malx.

#### **Where you may inspect this amendment**

The amendment can be inspected free of charge at the Mount Alexander Shire Council website at <https://www.mountalexander.vic.gov.au/Home>.

And/or

The amendment is available for public inspection, free of charge, during office hours at the following places:

- Mount Alexander Shire Council, Civic Centre, 27 Lyttleton Street, Castlemaine.

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

#### **Submissions**

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by Wednesday April 3<sup>rd</sup> 2024.

A submission must be sent to:

- Email: [strategicplanning@mountalexander.vic.gov.au](mailto:strategicplanning@mountalexander.vic.gov.au); or
- Mail: Strategic Planning Mount Alexander Shire Council (attention: Strategic Planning), PO Box 185, Castlemaine VIC 3450.

#### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 22<sup>nd</sup> July 2024
- panel hearing: 19<sup>th</sup> August 2024

## **Details of the amendment**

### **Who is the planning authority?**

This amendment has been prepared by the Mount Alexander Shire Council, which is the planning authority for this amendment.

### **Land affected by the amendment**

The amendment affects ten properties within the Mount Alexander Shire.

A mapping reference table identifying the properties is inserted at Appendix 1 to this Explanatory Report.

### **What the amendment does**

The amendment addresses inconsistencies associated with the Heritage Overlay and operational provisions which were identified following the implementation of Amendment C97malx.

Specifically, the amendment proposes to make the following changes to the Planning Scheme:

- Amends the Schedule to Clause 74.02 (Further Strategic Work) to remove the following wording relating to the rezoning of the Calder Freeway area (this rezoning was completed as part of Amendment C97malx): "Engaging with VicRoads to ensure that the reservation of the Calder Freeway is appropriately zoned."
- Correct Planning Scheme Maps for places in the Heritage Overlay (see Appendix 1).

### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The amendment is required to correct inconsistencies identified after the implementation of Amendment C97malx.

The correction of these inconsistencies will contribute to the more effective operation and administration of the Planning Scheme and will help ensure that the planning scheme is correct, up to date and provides a clear basis for decision-making.

#### **How does the amendment implement the objectives of planning in Victoria?**

The amendment ensures that planning scheme provisions are correctly applied.

Specifically, this amendment implements the following objectives of planning in Victoria as outlined in Section 4 (1) of the Planning and Environment Act 1987:

- a) *To provide for the fair, orderly, economic and sustainable use, and development of Land.*

The amendment corrects mapping application of the Heritage Overlay and updates ordinance at Clause 74.02 (Further Strategic Work) to ensure the fair and orderly use and development of the land.

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

The amendment ensures the Heritage Overlay is correctly applied and covers heritage places intended to be protected. These corrections provide for the conservation of heritage places.

#### **How does the amendment address any environmental, social and economic effects?**

There are no adverse social, economic or environmental effects arising from this amendment, as the

amendment is administrative in nature, correcting and resolving inconsistencies and anomalies. However, it is expected that the amendment will have a positive social and economic effect through the preservation of historically significant places often which reflect social history, for the benefit of current and future generations.

#### **Does the amendment address relevant bushfire risk?**

The amendment meets bushfire policy in Clause 13.02 of the Planning Scheme because it is administrative in nature and is not expected to result in any increase to the risk to life, property, community infrastructure and the natural environment from bushfire. The changes are corrections or administrative tidy ups, which are not expected to introduce or intensify development, impact on existing bushfire controls, or increase the net risk to life, property, community infrastructure and the natural environment from bushfire.

The relevant fire authority (Country Fire Authority) was notified of the preparation of Amendment C97malx during the exhibition period, and this amendment seeks to implement corrections arising from Amendment C97malx. A submission was not received from the authority during or after the exhibition period of Amendment C97malx. No further notification to the Country Fire Authority is required to address bushfire risk, however land occupiers and owners of sites affected by this amendment will be notified as part of the amendment process, of which the Country Fire Authority is one.

#### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment considers relevant, and complies with, the following Minister's Directions:

- *Ministerial Direction: The Form and Content of Planning Schemes*

The amendment has been prepared having regard to the *Ministerial Direction – The Form and Content of Planning Schemes* under Section 7(5) of the Act. The ordinance changes reflect the requirements of this Ministerial Direction.

- *Ministerial Direction No. 11: Strategic Assessment of Amendments*

Ministerial Direction No 11 will help to ensure that a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. A strategic assessment of the amendment has been undertaken in accordance with this Ministerial Direction within this Explanatory Report.

#### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The correction of inconsistencies in the Planning Scheme will improve the implementation of the Planning Policy Framework. Specifically, the amendment is supported by and implements the following clauses of the Planning Policy Framework.

- Clause 15.03-1S (Heritage Conservation): the amendment supports the Planning Policy Framework objective to ensure the conservation of places of heritage significance, by correctly and accurately identifying and mapping heritage places within the planning scheme.
- Clause 15.03-1L (Heritage General): the amendment ensures that the heritage places which are relevant to the provisions contained within this policy are accurately protected and identified.

#### **How does the amendment support or implement the Municipal Planning Strategy?**

The amendment implements and supports the Municipal Planning Strategy of the Planning Scheme. The specific Strategic Directions at Clause 2.03 of the Planning Scheme are supported and implemented:

- Clause 2.03-5 (Built Environment and Heritage): Protecting and conserving the historic fabric and maintain the integrity of places of heritage and cultural heritage significance. The

amendment aims to support this Strategic Direction by ensuring places of heritage significance are accurately identified so that they can be protected and conserved to allow their integrity to be maintained.

### **Does the amendment make proper use of the Victoria Planning Provisions?**

This amendment makes proper use of the Victoria Planning Provisions by applying the correct overlay provisions to the affected land. 'A Practitioner's Guide to the Victoria Planning Schemes' has been considered and details of the specific overlay provisions affected by the proposed amendment are listed below:

#### Heritage Overlay (HO):

The Schedule to the HO is the appropriate Victoria Planning Provision tool for heritage controls to properties identified as being of local heritage significance. This amendment identifies where there are inconsistencies associated with the application of the HO and the schedule to the HO in the Planning Scheme and corrects these.

The amendment is consistent with the following relevant Planning Practice Notes (PPN):

- PPN01: Applying the Heritage Overlay
- The PPN provides guidance about the use of the Heritage Overlay.

#### Further Strategic Work (Clause 74.02)

The Schedule to Clause 74.02 is updated to ensure that the Planning Scheme correctly reflects the work undertaken as part of Amendment C97malx.

### **How does the amendment address the views of any relevant agency?**

Relevant agencies and authorities – including Heritage Victoria, the Department of Transport and Planning, the Country Fire Authority, Council's Property Portfolio Coordinator and prescribed Ministers, will be notified during the exhibition process. Given the proposed amendment affects land within a Recognition and Settlement Agreement Area, notice will also be given to the Dja Dja Wurrung Clans Aboriginal Corporation.

### **Does the amendment address relevant requirements of the *Transport Integration Act 2010*?**




The amendment is not considered to have a significant impact on the transport system.





### **Resource and administrative costs**

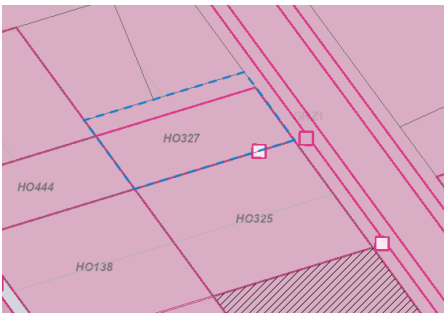

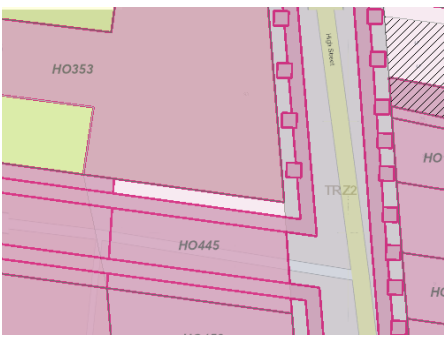
#### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will not result in any significant resource implications or administrative costs to the responsible authority.

## APPENDIX 1 - Mapping reference table

Location	Mapping Reference	Info relating to error and proposed correction	Strategic Justification
85 High Street, Maldon	Map No. 16HO 	Property missing HO445 application across entire site.  Apply HO445 across entire property.	This property is within the 'historic interest zone' surveyed within the Maldon Conservation Study (1977), which now largely forms the boundaries for the 'Historic Central Area' precinct (HO445). Surrounding properties have HO445 applied where an individual HO is not applied.
42 High Street, Maldon	Map No. 16HO 	Property missing HO445 across entire site, and HO221 erroneously abuts into site.  Apply HO445 uniformly across whole property and remove HO221 from site.	This property is within the 'historic interest zone' surveyed within the Maldon Conservation Study (1977), which largely forms the boundaries for the Historic Central Area precinct (HO445). Surrounding properties have HO445 applied where an individual HO is not applied.
2 Francis Street, Maldon	Map No. 16HO 	Property missing HO95 application across northern portion of site.  Apply HO95 uniformly across whole property.	Refer Background Report Amendment C97malx – number 17 for further information regarding this property.

1 Newstead Road, Maldon	Map No. 16HO 	Property missing HO250 application in blank square along north-east of site.  Apply HO250 uniformly across whole of property.	Refer Background Report Amendment C97malx – number 74 for further information regarding this property.
2 Castlemaine Road, Maldon	Map No. 16HO 	Property missing HO37 application in blank square along south-east of site.  Apply HO37 uniformly across whole of property.	Refer Background Report Amendment C97malx – number 58 for further information regarding this property.
(Land outside) 19 Templeton Street, Maldon	Map No. 16HO 	Land in front of property missing HO444 application in blank square.  Apply HO444 across blank square on land in front of property.	HO444 'Maldon Historic Residential Area' is the accurate precinct Heritage Overlay
19 Templeton Street, Maldon	Map No. 16HO 	Property missing HO325 application in northern half of blank square along boundary of site.  Apply HO325 uniformly across whole of property.	HO325 is the accurate Heritage Overlay for this property.

21 Templeton Street, Maldon	<p>Map No. 16HO</p> 	<p>Property missing HO327 application in southern half of blank square along boundary of site.</p> <p>Apply HO327 uniformly across whole of property.</p>	<p>HO327 is the accurate Heritage Overlay for this property.</p>
9 Chapel Street South, Maldon	<p>Map No. 16HO</p> 	<p>Property missing HO444 application in north-east corner of site.</p> <p>Apply HO444 uniformly across whole of property.</p>	<p>HO444 'Maldon Historic Residential Area' is the accurate precinct Heritage Overlay.</p> <p>Refer Background Report Amendment C97malx – number 28 for further information.</p>
Fountain Street Area, Maldon	<p>Map No. 16HO</p> 	<p>Land within road reserve missing HO445 application along street.</p> <p>Apply HO445 to blank area not covered by any HO.</p>	<p>HO445 is applied to the surrounding street areas and is therefore the correct HO for this land.</p>

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*Planning and Environment Act 1987*

**MOUNT ALEXANDER PLANNING SCHEME**

**AMENDMENT C99malx**

**INSTRUCTION SHEET**

The planning authority for this amendment is the Mount Alexander Shire Council.

The Mount Alexander Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 2 attached map sheets.

***Overlay Maps***

1. Amend Planning Scheme Map No. 16HO in the manner shown on the 2 attached maps marked "Mount Alexander Planning Scheme, Amendment C99malx".

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

2. In **Operational Provisions** – Clause 74.02, replace the Schedule with a new Schedule in the form of the attached document

End of document



**SCHEDULE TO CLAUSE 74.02 FURTHER STRATEGIC WORK****1.0**

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Proposed C99malx

**Further strategic work**

- Investigating the application of the most appropriate residential zone to the urban areas.
- 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.
- Developing schedules to the Bushfire Management Overlay to minimise referral requirements.
- Investigating bushfire related issues at a strategic level through a Shire-wide Settlement Strategy.
- 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 Central Victorian Mineral Springs Groundwater Management Area 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.
- Preparing an industrial strategy for the Shire, with a focus on Castlemaine.
- Engaging with VicRoads to investigate the need to retain the proposed road bypass route of Maldon and identify potential alternative uses of the land.
- 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.
- Investigate residential expansion in Castlemaine.
- 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.

## MOUNT ALEXANDER PLANNING SCHEME

- Undertake a review of the Happy Valley Strategic Plan, and investigate any recommendations which have not yet been implemented.
- 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.

**Planning and Environment Act 1987**  
**MOUNT ALEXANDER PLANNING SCHEME**  
**Notice of the preparation of an amendment**  
**Amendment C99malx**

The Mount Alexander Shire Council has prepared Amendment C99malx to the Mount Alexander Planning Scheme.

This amendment seeks to correct inconsistencies in the Mount Alexander Planning Scheme (the Planning Scheme) associated with the Heritage Overlay and the Operational Provisions, which were identified following the implementation of previous Amendment C97malx.

It does this by updating Planning Scheme Maps for places in the Heritage Overlay and amending the Schedule to Clause 74.02 (Further Strategic Work), to remove reference to rezoning completed as part of Amendment C97malx.

You may inspect the amendment, any documents that support the amendment and the explanatory report about the amendment, free of charge, at:

- the Mount Alexander Shire Council's website <https://www.mountalexander.vic.gov.au>
- during office hours at the office of the planning authority, Mount Alexander Shire Council, Corner Lyttleton Street and Lloyd Street Castlemaine VIC 3450
- at the Department of Transport and Planning website [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection)

Any person who may be affected by the amendment may make a submission to the planning authority about the amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

The name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions.

The planning authority must make a copy of every submission available at its office and/or on its website for any person to inspect free of charge for two months after the amendment comes into operation or lapses.

The closing date for submissions is 3 April 2024.

Submissions must be made in writing and sent to the Mount Alexander Shire Council via:

- Email: [strategicplanning@mountalexander.vic.gov.au](mailto:strategicplanning@mountalexander.vic.gov.au) or
- Mail: Strategic Planning Mount Alexander Shire Council (Attention: Strategic Planning), PO Box 185, Castlemaine VIC 3450.

If you make a submission, Council will keep you informed during the amendment process.



**DARREN FUZZARD**  
**Chief Executive Officer**