MELTON PLANNING SCHEME
DEVELOPMENT PLAN OVERLAY REVIEW
MARCH 2013
This page has been intentionally left blank
This page has been intentionally left blank
1. INTRODUCTION

This report essentially reviews the current application of the Development Plan Overlay (DPO) in the Melton Planning Scheme.

The DPO currently applies to significant parts of the municipality as depicted on the map opposite, particularly the area known as the Melton East Growth Area. A recent broader review of the Council’s Planning Scheme has raised issues about the continued applicability of the DPO in areas which are now largely developed.

This report will therefore assess in more detail the need to retain the DPO in these now developed areas and make recommendations on updating the various schedules to the Overlay.

The review is intended to provide the background and justification for consequential changes to the Melton Planning Scheme.
2. PLANNING CONTEXT

The DPO is an overlay contained in the Victoria Planning Provisions that can be applied to planning schemes as required.

The purpose of the overlay is:

- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use and develop the land.
- To exempt an application from notice and review if it is generally in accordance with the development plan.

The VPP Practice Note – *Applying the Incorporated Plan and Development Plan Overlays, January 2003* provides guidance on how to use the DPO in planning schemes. It advises that:

‘Because the DPO has no public approval process for the plan, it 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 more parties and sites that contain no existing residential population and do not adjoin established residential areas.’

It also recommends that the overlay and plans be reviewed on a regular basis due to changing circumstances to ensure that it is still relevant to and supportive of the proposed use and development of the land.

Any change to the application of the DPO areas or schedules requires a formal amendment to the Council’s Planning Scheme. Any planning scheme amendment must be strategically based and justified. The Minister’s Direction No. 11 – *Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments, November 2011* require that the planning authority must address various strategic considerations in the preparation of any planning scheme amendment. These considerations include how the amendment implements the objectives of planning in Victoria, environmental, social and economic effects, compliance with Minister’s Directions, how the amendment supports or implements the State Planning Policy Framework and any adopted State policy and how the amendment supports or implements the Local Planning Policy Framework, specifically the Municipal Strategic Statement.

The Melton Planning Scheme was approved in 1999 introducing the Development Plan Overlay and many of the current schedules. Since that time, further areas have been brought under the DPO provisions in response to specific development proposals and strategic work undertaken.
In Melton’s case, the DPO has traditionally been used as a planning tool to essentially coordinate the integrated use and development of new Greenfield urban areas. The overlay currently contains 15 schedules relating to new towns/suburbs, residential and/or industrial estates, rural living area, tourist precinct, and activity centres. In the new growth areas, the use of the DPO has almost entirely been replaced by the Urban Growth Zone and its requirement for the preparation of precinct structure plans.

Since the introduction of the DPO, many of the areas to which it applies have been either fully or substantially developed. Further with the passage of time, the requirements of some of the schedules have become outdated and in need of review.
3. DEVELOPMENT PLAN OVERLAY AREAS

3.1 Development Plan Overlay – Schedule 1

Melton East Growth Area

Context

The DPO1 extends across a large area in the eastern part of the municipality generally known as the Melton East Growth Area. This area includes the suburbs of Hillside, Taylors Hill, Caroline Springs and Burnside as shown on the map over page. The DPO1 applies to planning scheme maps 10 DPO and 14 DPO.

The schedule dates back to the introduction of the 1999 Planning Scheme and has remained unchanged since that time.

Assessment

The Melton East Growth Area covers an area of about 2,800ha and has been developing at a significant rate for the past 15 years. Development of the area has been guided by the Melton East Strategy Plan, June 1997 which has provided the broad framework for development to occur.

The preparation and approval of development plans has generally occurred on a precinct or neighbourhood basis, normally in concert with subdivision/development approvals for the land. Over the years multiple development plans have been approved by Council and development has occurred generally in accordance with those plans.

Most of the Melton East Growth Area has now been developed for the most part at conventional residential densities with the exception of an area known as the ‘Sugergum Estate’ which contains lower-density residential development on lots of 2,000 and 6,000m².

The most significant undeveloped area is known as ‘The Point’ in Burnside which is bounded by the Kororoit Creek, Westward Drive and the proposed future extension of Rockbank-Middle Road. The land has an area of 88.5ha and to date has not been developed largely due to the presence of significant native vegetation. Aside from this land, there are a number of infill sites scattered across the area.

Given that the Growth Area is now largely developed there would seem no planning rationale to retain the DPO control across the area. In fact, the overlay if anything has and is creating issues and confusion particularly with existing residents in proximity to infill development sites. There have been a number of instances in recent years where sometimes significant proposals for higher density housing development has been exempt from third-party notice and review rights where the proposal is deemed generally in accordance with the approved development plan. This is despite the fact that the surrounding area is largely developed and the proposal had potential to detrimentally affect surrounding residents.
On the basis of the above, it is concluded that the DPO1 is now redundant and should be removed entirely save for the area previously identified as ‘The Point’. The schedule to the overlay will also need to be amended so that it specifically relates to this land. The new schedule will need to address issues relating to:

- Provision of developer contributions
- Provision of public open space
- Extension of Rockbank-Middle Road
- Protection and/or offsetting of native vegetation.

The map opposite shows the proposed area to which the DPO1 should apply. The need for a development plan for ‘The Point’ is considered important given the size of the site, its location surrounded by existing urban development, its environmental constraints, and the important regional infrastructure which will be triggered by development of this land.

**Recommendation**

- Delete the DPO1 from all land apart from the area identified as ‘The Point’ in Burnside as shown on the map opposite.
- Amend the schedule to the overlay such that it relates specifically to this land.
3.2 Development Plan Overlay – Schedule 2

Toolern Employment Node

Context

The DPO2 extends across an area of 31ha generally located south of Abey Road, west of Ferris Road and north of the Melbourne-Ballarat railway line (with a small area south of the railway line). The DPO2 applies to the planning scheme map 8 DPO.

The schedule dates back to the introduction of the 1999 Planning Scheme and has remained unchanged since that time. It should be noted that the overlay originally covered a much larger area however Amendment C84 Part 2 reduced the area to what is currently in the Planning Scheme.

Assessment

The affected land is within the Urban Growth Zone 3 under Council’s Planning Scheme and forms part of the approved Toolern Precinct Structure Plan. The applied zoning of the land under the PSP is part Business 3 and part Business 4. Amendment C84 Parts 1 and 2 essentially related to the approval of the Toolern PSP. Part 2 dealt specifically with this land on the basis that part of the land contains an industrial use which operates industrial refrigerant production, recycling and storage facility. The amendment facilitated changes to the relevant Urban Growth Zone schedule so that sensitive uses are excluded from nominated amenity buffers established for the use.

There would seem to be no planning rationale for retaining what remains of the DPO2 particularly given that the future development of this land is subject to the preparation and approval of an Urban Design Framework. No mention for the need to retain DPO2 is made in the Panel Report for Amendment C82 Part 2. Further the schedule to the overlay provides no relevant guidance to the future development of this land.

Recommendation

- Delete DPO2 in its entirety as shown in the map over page.
3.3 Development Plan Overlay – Schedule 3
Harkness Road Rural Living Area

Context

The DPO3 covers a large area either side of the Western Freeway which is located between the Urban Growth Boundary to the west of Melton Township and the Djerriwarrh Creek. See map over page. The DPO3 applies to planning scheme maps 4 DPO, 5 DPO and 7 DPO.

The DPO dates back to the introduction of the 1999 Planning Scheme and has remained unchanged since that time.

Assessment

The affected land is within the Green Wedge A zone under Council’s Planning Scheme. The schedule to the zone permits subdivision of land down to 5ha for land within 300m of the Djerriwarrh Creek and 2ha for all other land.

Most of the lots within this area are around 12ha in size although there are a number of smaller lots (of around 9ha) and larger lots (in excess of 20ha). Most of the existing lots contain a dwelling and associated development.

The Panel Report for the 1999 new format planning scheme made the following comments:

‘As proposed the Harkness Road DPO does not add anything significant to the controls of the underlying zone other than the requirement for an internal road network and building envelopes. The Panel sees this as a holding device in the knowledge that Council is preparing a Local Structure Plan for this area. When this plan is finalised, it will effectively become the development plan required by the overlay.’

Notwithstanding the above, a Local Structure Plan or Development Plan has yet to be prepared for this area and it is not viewed as a priority project in the short term. A possible catalyst for the preparation of the plan in future may be the future urban development of the land directly to the east which has recently been included in the Urban Growth Boundary as part of the Logical Inclusions process.

It is considered appropriate that the DPO continue to apply to this area although changes to the wording of the schedule will be required to better guide future development.

Currently the schedule to the overlay is very basic and insufficient to guide the preparation and assessment of a development plan for this unserviced area. The schedule also refers to compliance with the *Melton Design and Siting Guidelines for Conservation and Rural Living Zones 1996,*
which is no longer used as an assessment tool. A more detailed, performance based schedule is required which better outlines intended development and design outcomes.

Recommendation

- Retain the existing DPO3.
- Prepare a new more detailed, performance based schedule which better articulates future development and design outcomes for this area.
3.4 Development Plan Overlay – Schedule 4
Tourist Precinct

Context

The DPO4 covers an area of about 86.5ha known as the Melton Tourist Precinct. See map over page. The precinct is located to the south-west of the Melton Highway and Leakes Road in Plumpton – roughly midway between Melton Township and the Melton East Growth Area. The DPO4 applies to planning scheme map 9 DPO.

The DPO dates back to the introduction of the 1999 Planning Scheme and has remained unchanged since that time.

Assessment

The Tourist Precinct is partly developed and currently contains a number of wineries, restaurants, function centres and a hotel. The land is zoned Special Use Zone 5 - with the schedule specifically applying to the precinct.

The DPO requires that the ‘development plan must show how it accords with the Local Area Development Plan – Melton Tourist Precinct, 1997.’ In turn, the Local Area Development Plan requires that an Overall Development Plan must be prepared for each site. The ODP must include the following reports, where appropriate:

- A site analysis plan
- A development concept plan
- An environmental management plan
- A business plan.

Various development plans have been approved by Council over the years to comply with the above requirements.

The Local Area Development Plan has now reached a point where it needs to be comprehensively reviewed, and this review will need to be done in the context that in 2010, the precinct and the surrounding area (south of the Melton Highway) was brought into the Urban Growth Boundary.

The development of a new planning strategy for the precinct will assist in determining whether a DPO control is still needed or whether the Special Use zone provisions with possible modifications will suffice. Until that strategic review is conducted it is considered appropriate that the DPO remain.

Recommendation

- Retain the existing DPO4.
3.5 Development Plan Overlay – Schedule 5
Banchory Grove and Bellevue Hill

Context

The DPO5 covers two triangular shaped areas adjoining the northern boundary of the Urban Growth Boundary in the Melton East Growth Area. The DPO5 applies to planning scheme map 10 DPO.

The DPO dates back to the introduction of the 1999 Planning Scheme and has remained unchanged since that time.

Assessment

The two areas are zoned Residential 1 and are substantially developed at conventional residential densities in accordance with approved development plans.

A number of vacant infill sites still exist – with one recently gaining Council approval for a medium density housing development.

The DPO5 is no longer required and should be removed.

Recommendation

- Delete DPO5 in its entirety.
Ordinary Meeting of Council
Item 11.21 Development Plan Overlay Review
Appendix 4 Development Plan Overlay Review March 2013

3.6 Development Plan Overlay – Schedule 6
Eynesbury Station

Context

The DPO6 is part of a suite of planning zones, overlays and other controls designed to guide the integrated development of the Eynesbury Township – a new town which will ultimately accommodate about 12,000 people, which straddles the municipal boundary of the City’s of Melton and Wyndham. The DPO6 applies to planning scheme maps 11 DPO and 12 DPO.

The schedule was incorporated into Council’s Planning Scheme as part of Amendment C20 in May 2002.

Assessment

The original Eynesbury Township Development Plan was approved by Council in May 2005. The Development Plan (amongst other things) capped the maximum number of lots which could be created to 2,900.

In March 2013, the current Development Plan was approved which increased the lot cap to 4,500 – with about a third of these lots being located in the adjoining City of Wyndham.

The Township is only partly developed to date with about 1,000 lots created.

Recommendation

• Retain the existing DPO6.

The Development Plan continues to provide the broad framework for the on-going development of the Township into the foreseeable future.
3.7 Development Plan Overlay – Schedule 7

Tenterfield

Context

The DPO7 covers the suburb known as Burnside Heights in the Melton East Growth Area. The DPO7 applies to planning scheme map 10 DPO and 14 DPO.

The DPO dates back to the introduction of the 1999 Planning Scheme and has remained unchanged since that time.

Assessment

The area is zoned Residential 1 and is substantially developed at conventional residential densities in accordance with approved development plans.

The DPO7 is no longer required and should be removed.

Recommendation

- Delete DPO5 in its entirety.
3.8 Development Plan Overlay – Schedule 8
511-531 Taylors Road, Burnside

Context

The DPO8 relates to a residential subdivision known as the Taylors Park Estate in Burnside Heights. The DPO8 applies to planning scheme map 10 DPO and 14 DPO.

The DPO dates back to the introduction of the 1999 Planning Scheme and has remained unchanged since that time.

Assessment

The area is zoned Residential 1 and is substantially developed at conventional residential densities in accordance with the approved development plan approved in March 2010.

A number of vacant infill sites still exist – including a lot of about 2ha retained by the original land owner and which has potential for redevelopment in future, subject to the issue of a planning permit.

The DPO8 is no longer required and should be removed.

Recommendation

- Delete DPO8 in its entirety.
3.9 Development Plan Overlay – Schedule 9
Woodgrove Shopping Centre

Context

The DPO9 relates to the Woodgrove Shopping Centre which is bounded by High Street, Coburns Road and the Western Freeway in Melton. The DPO9 applies to planning scheme map 7 DPO.

The schedule was incorporated into Council’s Planning Scheme as part of Amendment C33 in October 2007, which also rezoned the land to Business 1.

Assessment

The Woodgrove Shopping Centre is zoned Business 1 and comprises an existing centre of about 22,000m² of retail floor space. The centre is currently in the process of expanding to about 48,000m² in accordance with a new development plan (dated September 2008) and permit most recently amended in December 2012.

Given the current redevelopment of the centre, it is considered appropriate for the DPO to be retained in this case. Further review of the DPO may occur in light of a Retail and Activity Centre Strategy being prepared by Council and the future review of the Council’s Planning Scheme.

Recommendation

- Retain the existing DPO9.
3.10 Development Plan Overlay – Schedule 11
Clarkes Road, Brookfield

Context

The DPO11 relates to a residential area located between Clarkes Road and Arnolds Creek in Brookfield. The DPO11 applies to planning scheme map 7 DPO.

The schedule was incorporated into Council’s Planning Scheme as part of Amendment C53 (Part 2) in July 2008, which rezoned the land to Residential 1.

Assessment

The majority of the overlay area has been developed for residential purposes. The only remaining undeveloped area is located at the southern end of the precinct which has an approved development plan and permit for a 40 lot subdivision.

On the basis that the development plan contains specific requirements relating to noise attenuation from the adjoining Melton Pistol Club, it is considered prudent to retain the overlay until the development of the remaining land is completed.

Recommendation

- Retain the existing DPO11.
3.11 Development Plan Overlay – Schedule 12
Truganina Industrial Area

**Context**

The DPO12 relates to an industrial area known as the Westpark Estate being developed on the north-west corner of Boundary Road and Robinsons Road in Truganina. The DPO12 applies to planning scheme map 14 DPO.

The schedule was incorporated into Council’s Planning Scheme as part of Amendment C55 in September 2006, which rezoned the land to Industrial 1.

**Assessment**

A development plan for this estate was approved by Council in May 2008 and the land has subsequently been subdivided with internal roads and other services/infrastructure provided. Some industrial development has occurred which is controlled through the issue of individual planning permits and compliance with development design guidelines approved by Council.

The DPO is no longer required and should be removed.

**Recommendation**

- Delete DPO12 in its entirety.
3.12 Development Plan Overlay – Schedule 13
Ravenhall Freeway Business Park

Context

The DPO13 relates to an industrial area known as the Orbis Business Park being developed on land bounded by Robinsons Road, Riding Boundary Road, Deer Park Bypass and the Melbourne-Ballarat rail line. The DPO13 applies to planning scheme map 14 DPO.

The schedule was incorporated into Council’s Planning Scheme as part of Amendment C61 in July 2008, which rezoned the land to Business 3.

Assessment

A development plan was approved by Council for this estate in January 2009 and part of the land has been subdivided and developed.

On the basis that only part of the land has been subdivided / developed to date and that some provisions of the schedule continue to apply to future planning proposals, it is considered that the DPO should be retained.

Recommendation

- Retain the existing DPO13.
3.13 Development Plan Overlay – Schedule 14
Truganina Industrial Area - Balance

Context

The DPO14 relates to an area of 202.6ha on land generally bounded by Robinsons Road, Boundary Road, Middle Road and Christies Road in Truginina. It adjoins the DPO12 area previously discussed. The DPO14 applies to planning scheme map 14 DPO.

The schedule was incorporated into Council’s Planning Scheme as part of Amendment C65 in March 2011, which rezoned the land to Industrial 1.

Assessment

The land is divided into four main parcels, with development plans submitted for Council consideration for the two parcels fronting Boundary Road.

No development has occurred in the area to date. The overlay is therefore still relevant and should be retained.

Recommendation

- Retain the existing DPO14.
3.14 Development Plan Overlay – Schedule 15
Western Highway Restricted Retail Site

Context

The DPO15 relates to a land parcel of some 1.5ha located on the corner of Western Freeway and Chisholm Drive in Burnside. The DPO15 applies to planning scheme map 15 DPO.

The schedule was incorporated into Council’s Planning Scheme as part of Amendment C72 in July 2008, which rezoned the land to Business 4.

Assessment

In August 2011, Council approved a development plan and planning permit authorising development of the land for bulky goods retailing, market, food and drink premises, medical centre and gymnasium.

The site has yet to be developed. Therefore, the overlay should be retained until completion of the development.

Recommendation

- Retain the existing DPO15.
3.15 Development Plan Overlay – Schedule 16
2-40 Calder Highway, Diggers Rest

Context

The DPO16 relates to a land parcel of some 2.5ha located on the Old Calder Highway and backing onto the Melbourne-Bendigo railway line in Diggers Rest. The DPO16 applies to planning scheme map 3 DPO.

The schedule was incorporated into Council’s Planning Scheme as part of Amendment C69 in May 2009, which rezoned the land to Mixed Use.

Assessment

A development plan was approved by Council in August 2009 allowing part of the land to be subdivided for residential development and the remainder developed with a neighbourhood shopping centre. An amended plan was approved in December 2012 reducing the size of the proposed shopping centre and increasing the residential component.

The land is in the process of being subdivided and developed.

The overlay should therefore be retained until after completion of the development.

Recommendation

- Retain the existing DPO16.
4. LOCAL PLANNING POLICY FRAMEWORK

Context

The Local Planning Policy Framework (LPPF) essentially outlines the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. It provides the strategic planning basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by Council.

Council conducted a comprehensive review of the planning scheme in July 2012 and found that the current LPPF was outdated and needed to be rewritten in response to the significant planning changes which had occurred in the last five years.

This review of the planning scheme is underway however will take a number of years to complete given the number of major planning strategies and policies which will need to be prepared by Council to underpin the new LPPF.

Assessment

As previously outlined in the report, the removal of the majority of the DPO1 and DPO 5, 7 and 8 relating to the Melton East Growth Area would represent the biggest change to the area of the overlay in the planning scheme.