

**Planning Policy Assessment****Planning Policy Framework**

The table below outlines the relevant provisions of the Melton Planning Scheme:

<b>State Planning Policies</b>	Clause 11 – Settlement
	Clause 13 – Environmental Risks
<b>Local Planning Policies</b>	Clause 22.08 – Rural Land Use Policy
<b>Zone</b>	Clause 35.04 – Green Wedge Zone Clause 35.06 – Rural Conservation Zone Clause 36.01 – Public Use Zone 1 (Service & Utility)
<b>Overlays</b>	Clause 42.01 – Environmental Significance Overlay 1 and 2 Clause 43.01 – Heritage Overlay (HO19) Clause 44.06 – Bushfire Management Overlay
<b>Particular Provisions</b>	Clause 52.01 – Public Open Space Contribution and Subdivision Clause 52.27 – Planning for Bushfire
<b>General Provisions</b>	Clause 64.03 – Subdivision of land in more than one zone Clause 65 – Decision Guidelines Clause 66 – Referral and Notice Provisions

The planning provisions above are discussed in detail below:

**State Planning Policies**

## Clause 11 – Settlement

The relevant Strategies and Objectives of the State Planning Policies are detailed below:

- *Planning for urban growth should consider: Service limitations and the costs of providing infrastructure.*
- *Concentrate urban expansion into growth areas that are served by high-capacity public transport.*
- *Use the city structure to drive sustainable outcomes in managing growth.*

Clause 11.06-7 Green wedges states the following objectives and strategies:

**Objectives:**

- *To protect the green wedges of Metropolitan Melbourne from inappropriate development.*

**Strategies:**

- *Ensure strategic planning and land management of each green wedge area to promote and encourage its key features and related values.*
- *Support development in the green wedge that provides for environmental, economic and social benefits.*
- *Consolidate new residential development within existing settlements and in locations where planned services are available and green wedge area values can be protected.*
- *Plan and protect major transport facilities that serve the wider Victorian community, such as airports and ports with their associated access corridors.*
- *Protecting important productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula.*
- *Protect areas of environmental, landscape and scenic value.*
- *Protect significant resources of stone, sand and other mineral resources for extraction purposes.*

Clause 13.05 Bushfire states the following objective:

- *To assist to strengthen community resilience to bushfire*

The proposal is assessed against the relevant State Planning Policies below:

- The subject site is serviced by the necessary services including potable water.
- The proposed subdivision will not result in lots that cannot be used for agricultural / rural purposes and are as such considered appropriate.
- No development is proposed at this stage.
- The proposed subdivision will not have adverse safety outcomes from a bushfire perspective.

**Local Planning Policies****Clause 22.08 – Rural Land Use Policy**

The objectives of the Rural Land Use Policy are:

- *To maintain the rural areas predominantly in sustainable, agricultural use and to provide opportunities for alternative, more intensive rural uses.*
- *To encourage the consolidation of lots to ensure more effective land management practices and infrastructure provision.*
- *To provide opportunities for rural living in controlled, well planned, economically sustainable developments which minimise environmental impact in locations accessible to infrastructure and services.*
- *To promote economic development, tourism and rural enterprises which are compatible with, and ancillary to, rural activities.*
- *To ensure all land use and development is in accordance with proper land management practices which will conserve the natural resources, amenity and environmental values of the rural areas, particularly with respect to air quality, noise and watercourse capacity.*

- *To maintain and enhance the landscape of the rural areas by encouraging development that is in harmony with the rural landscape.*

The proposal is considered to be consistent with the Local Planning Policy given the following:

- The proposed lots can sustain agricultural uses into the future.
- The requirement of a Section 173 Agreement as a condition of permit will ensure the future use of the lot will be predominantly for agricultural / rural purposes. By restricting further fragmentation of the land.
- The proposal will not compromise the environmental value of the site or have unreasonable adverse environmental impacts.

### **Zone**

The site contains three zones. The majority of the site is located within the Green Wedge Zone. The Rural Conservation Zone is located along the western boundary of the subject site. The Public Use Zone's access Road and a misalignment of the Zone results in a small portion of the site being subject to the Public Use Zone.

#### Green Wedge Zone

The purpose of the Green Wedge Zone is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*
- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.*

The proposal is considered to be generally in accordance with the purpose of the Zone given the following:

- The proposed seven lot subdivision is able to be considered under the Schedule of the Zone, subject to a condition being placed on the permit requiring that a Section 173 Agreement be entered prohibiting future subdivision.
- The proposed lots will ensure the land can continue to be used for agricultural purposes.
- Lots 1 - 6 will be land entirely within the Green Wedge Zone, meeting the minimum secondary and primary lot size according to the Schedule of the Zone of land that is located in Area A.

#### Rural Conservation Zone

The purpose of the Rural Conservation Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve the values specified in a schedule to this zone.*
- *To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.*
- *To protect and enhance natural resources and the biodiversity of the area.*
- *To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.*
- *To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.*
- *To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.*

The proposal is considered to be consistent with the purpose of the Zone given the following:

- The existing horse stables, associated buildings and fields are to be accommodated in lot 7 which is adequate in size to ensure the continued viable use for this purpose.
- No works are proposed to be located in the Rural Conservation Zone. It is considered that the proposed subdivision will not compromise the environmental or aesthetic value of the land adjacent to the Djerriwarrh Creek.
- The proposed subdivision will not compromise the cultural significance of the land in the Rural Conservation Zone. The subdivision will allow future owners to establish management regimes appropriate to the cultural and environmentally (includes environmental risks) sensitive areas on the property, whilst providing for the current and future economic viability of rural enterprise and/or agricultural activity.

#### Public Use Zone 1 (Service & Utility)

The purpose of the Public Use Zone is to:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

The proposal does not impact the Public Use Zone as the Zone is proposed to be wholly located within a separate Title.

Western Water is the authority managing the Public Use Zone and they have not objected to the proposal. As such the proposed subdivision is considered to be consistent with the purpose of the Public Use Zone.

It should be noted that Council has commenced strategic work to correct the anomaly of the alignment of the Public Use Zone to ensure the Zone boundaries reflect the property boundaries and the area used by Western Water for the purposes of a treatment facility.

#### **Overlays**

##### Clause 42.01 – Environmental Significance Overlay 1 and 2

The environmental objective to be achieved for the Environmental Significance Overlay 1 - Remnant Woodlands, Open Forests and Grasslands is as follows:

- *To protect and conserve remnant native woodlands, open forests, grasslands and associated under storey and discourage inappropriate use and development.*

The environmental objectives to be achieved for the Environmental Significance Overlay 2 - Wetlands, Waterways and Riparian Strips are as follows:

- *To protect and conserve wetlands and to discourage inappropriate use and development.*
- *The role and function of wetlands will be taken into account in respect to any proposed use or development on or adjacent to a wetland area.*
- *To protect and conserve the riparian habitat and associated escarpment and to discourage inappropriate development.*
- *To identify, conserve and enhance the character of significant landscapes.*
- *To recognise areas of high fire hazard, and to ensure all development acknowledges any potential risk.*

The proposal is considered to be in accordance with the objectives of the two Environmental Significance Overlays, given the following:

- The proposed subdivisions will not compromise the environmental value of either the Remnant Woodlands, Open Forests and Grasslands or the Wetlands, Waterways and Riparian Strips as no works are proposed and the subdivision will not facilitate works in the area affected by the Environmental Significance Overlay.
- The inclusion of the condition requiring a Section 173 Agreement will also minimise risk that works associated with a future subdivision may impact upon the Overlay area.
- Lastly future works will likely trigger planning approval that will be assessed against the Overlay.

#### Clause 43.01 – Heritage Overlay (HO19) - Cornwall Park Stud

The Heritage Overlay impacts a small area of the site towards the north-west corner.

The following is extracted from the table at the Schedule to the Heritage Overlay:

PS Map Ref	Heritage Place	External Paint Controls Apply	Internal Alteration Controls Apply	Tree Controls Apply	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995	Prohibited uses may be permitted	Name of Incorporated Plan under Clause 43.01-2	Aboriginal Heritage place
HO19	Cornwall Park Stud 2389-2485 Diggers Rest Coimadai Road The heritage place is the main Federation house, former coach house/stables and	No	No	No	Yes	No	Yes	-	No

The purpose of the Heritage Overlay is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*

- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

The proposal is considered to be consistent with the Heritage Overlay given the following:

- No works are proposed adjacent to the Heritage Building. The proposed subdivision will ensure the Horse Stables and associated buildings etc can be used for their current purpose into the future.
- Permit conditions will be included that will ensure conservation of the significance of the heritage place.

#### Clause 44.06 – Bushfire Management Overlay

The purpose of the Bushfire Management Overlay is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

The proposal is considered to be in accordance with the Bushfire Management Overlay given the following:

- The proposed subdivision will not increase the bushfire risk to adjoining properties or land owners.
- The existing buildings are located in the area already affected by the Bushfire Management Overlay.
- No new buildings are proposed.

#### **Particular Provision**

#### Clause 52.01 – Public Open Space Contribution and Subdivision

The Schedule to Clause 52.01 does not include the subject site in the areas requiring to pay Public Open Space Contributions.

In accordance with Clause 52.01 "if no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988".

In this instance no Public Open Space Contributions is considered to be required as the proposal is for a two lot subdivision in the Green Wedge Zone and Rural Conservation Zone and the created lots will not generate the demand for public open space.

#### Clause 52.27 – Planning for Bushfire

The objectives of Clause 52.27 are as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

The proposal is considered to be consistent with this policy given the following:

- The creation of additional lots will not increase the risk of fire and any future works the lots created can be undertaken with the necessary fire risk mitigation methods required.

#### **General Provisions**

##### Clause 64.03 – Subdivision of land in more than one zone

- The applicant has not submitted the application under Clause 64.03 of the Melton Planning Scheme as it is not applicable in this instance.

#### **Western Plains North Green Wedge Management Plan**

The Western Plains North Green Wedge Management Plan was adopted by Council on 23 September 2014. Broadly, the plan aims to achieve a balance between the protection of agricultural viability and environmental features and opportunities for other appropriate uses in the Green Wedge.

The subject site is located within Precinct 7, Central Djerriwarrh Creek.

The following Strategic Directions for Precinct 7 are taken from the Management Plan:

- *Additional subdivision within this area should only be supported subject to consideration of impacts on the environmental and landscape characteristics of the area*
- *Flexibility should be considered where this leads to the creation of the identified 'environmental corridor' and can be clearly associated with improved land management outcomes.*

Recommendations for this precinct are as follows:

- *Adjust planning policy to recognise the environmental qualities of the Central Djerriwarrh Precinct and need for sensitivity around additional subdivision.*

The proposal is consistent with the Western Plains North Green Wedge Management Plan given the following:

- The proposed subdivision is considered to have minimal impact on the environmental and landscape value of the surrounds. In particular, it is noted that:

- Lot 1 is considered to be a logical inclusion in the context of the overall subdivision and was discussed with the applicant at a meeting with Council Officers prior to lodgement of the latest proposal.
  - A Section 173 Agreement will prohibit the future subdivision of the lots.
- Future strategic work is to be undertaken to ensure the environmental protection of this precinct. However, it is considered this application will not compromise the future outcomes of such work.