

*Planning and Environment Act 1987*

Panel Report

Melton Planning Scheme Amendment C200

Municipal Strategic Statement Review

9 November 2018

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Panel Report pursuant to section 25 of the Act

Melton Planning Scheme Amendment C200

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Lester Townsend, Chair

## Contents

|  | Page     |
|--|----------|
| <b>1 Introduction.....</b>   | <b>1</b> |
| 1.1 The Amendment.....   | 1        |
| 1.2 Background to the Amendment.....   | 1        |
| 1.3 Summary of issues raised in submissions .....                                      | 3        |
| 1.4 Issues dealt with in this Report .....   | 3        |
| <b>2 Planning context .....</b>  | <b>5</b> |
| 2.1 Policy framework.....  | 5        |
| 2.2 Ministerial Directions and Practice Notes.....                                     | 5        |
| 2.3 Discussion and conclusion.....   | 6        |
| <b>3 Consideration of submissions .....</b>  | <b>7</b> |
| 3.1 City West Water .....  | 7        |
| 3.2 Moorabool Shire Council.....   | 7        |
| 3.3 Mobile Carriers Forum .....  | 8        |
| 3.4 Mario, Emanuel, Connie and Kathy Cachia .....                                      | 10       |
| 3.5 Sustainability Victoria and Metropolitan Waste and Resource Recovery<br>Group..... | 12       |
| 3.6 Environment Protection Authority.....  | 13       |

### Appendix A Document list

## List of Abbreviations

|                   |  |
|-------------------|--|
| Background Report | <i>Municipal Strategic Statement Rewrite Background Report June 2017</i>     |
| Code              | <i>A Code of Practice for Telecommunications Facilities in Victoria 2004</i> |
| DELWP             | Department of Environment, Land, Water and Planning                          |
| EPA               | Environment Protection Authority   |
| ESO               | Environmental Significance Overlay   |
| LPPF              | Local Planning Policy Framework  |
| Metro Group       | Metropolitan Waste and Resource Recovery Group                               |
| MSS               | Municipal Strategic Statement  |
| PPF               | Planning Policy Framework  |
| SPPF              | State Planning Policy Framework  |
| SV                | Sustainability Victoria  |
| WRR               | Waste and Resource Recovery  |

## Overview

| Amendment summary         |  |
|---------------------------|--|
| <b>The Amendment</b>      | Melton Planning Scheme Amendment C200  |
| <b>Common name</b>        | Municipal Strategic Statement Review   |
| <b>Brief description</b>  | The Amendment proposes to implement the findings of the Municipal Strategic Statement Rewrite Background Report June 2017  |
| <b>Subject land</b>       | The Amendment applies to all land within the City of Melton  |
| <b>The Proponent</b>      | Melton City Council  |
| <b>Planning Authority</b> | Melton City Council  |
| <b>Authorisation</b>      | 3 April 2018   |
| <b>Exhibition</b>         | Between 17 May and 16 July 2018  |
| <b>Submissions</b>        | <p>Number of Submissions: 9 (including one late submission).<br/>           Objecting: 6 Supporting: 3</p> <ol style="list-style-type: none"> <li>1. Moorabool Shire Council</li> <li>2. Victorian Planning Authority</li> <li>3. City West Water</li> <li>4. EPA Victoria</li> <li>5. Sustainability Victoria (SV) and Metropolitan Waste and Resource Recovery Group (Metro Group)</li> <li>6. Matt Evans Planning on behalf of Mobile Carriers Forum</li> <li>7. Town Planning Group on behalf of Mario, Emanuel, Connie and Kathy Cachia</li> <li>8. Transport for Victoria (DEDJTR)</li> <li>9. Country Fire Authority</li> </ol> |

| Panel process              |  |
|----------------------------|--|
| <b>The Panel</b>           | Lester Townsend, appointed 27 August 2018  |
| <b>Directions Hearing</b>  | Planning Panels Victoria, 17 September 2018  |
| <b>Panel Hearing</b>       | Planning Panels Victoria, 15 October 2018  |
| <b>Appearances</b>         | <ul style="list-style-type: none"> <li>- Melton City Council represented by Greg Tobin of Harwood Andrews</li> <li>- Mobile Carriers Forum represented by Matthew Evans of Evans Planning Pty Ltd</li> <li>- Mario, Emanuel, Connie and Kathy Cachia represented by Adam Parker of Town Planning Group</li> <li>- Sustainability Victoria and Metropolitan Waste and Resource Recovery Group represented by Sam Trowse and Michelle Lee</li> <li>- Environment Protection Authority represented by Kate Summons</li> </ul> |
| <b>Citation</b>            | Melton PSA C200 [2018] PPV   |
| <b>Date of this Report</b> | 9 November 2018  |

## Executive summary

### (i) Summary

City of Melton forms a key part of Melbourne's western growth corridor. Melton Planning Scheme Amendment C200 (the Amendment) seeks to implement the findings of the *Municipal Strategic Statement Rewrite Background Report June 2017 (Background Report)*.

In summary, the Amendment:

- replaces the entire existing Municipal Strategic Statement (MSS) by repealing clauses 20.00 – 20.05 and inserting new clauses 21.01 – 21.12
- replaces clauses 22.02 – 22.05, 22.07 – 22.09 with "no content" clauses.

Council submitted that the Amendment is required to ensure that the Local Planning Policy Framework (LPPF) remains current and provides adequate guidance for the modern development profile of the City of Melton. The current MSS is outdated and has been identified for revision, and the Amendment has resulted from significant strategic work undertaken by Council.

The Amendment was exhibited between 17 May and 16 July 2018 and attracted a total of nine submissions including six objecting submissions, mostly on discrete issues that suggested improvements to drafting. The Panel notes that no submission sought abandonment of the Amendment or any substantial change to the Amendment. Council responded to a number of submissions with changes to the Amendment which it presented in its Part A submission.

A Panel Hearing was held on 15 October 2018 at Planning Panels Victoria.

The MSS rewrite is a significant undertaking by Council. The Panel has considered the submissions and concludes that the Amendment is fundamentally sound and strategically justified.

### (ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Melton Planning Scheme Amendment C200 be adopted as presented in Council's Part A submission (Document 1) with the following changes:

1. **Insert at Clause 21.01 Figure 2, the footnote: "Proposed Kororoit Creek Regional Park (exact boundary to be determined)", as consistent with the wording of the Western Growth Corridor Plan.**
2. **Amend the legend of Figure 2 'Strategic Framework Plan' to identify the 'Ravenhall Precinct waste and resource recovery hub and quarries' and make any required consequential changes to the Local Planning Policy Framework text.**

## 1 Introduction

### 1.1 The Amendment

The Amendment proposes to implement the findings of the Municipal Strategic Statement *Rewrite Background Report* June 2017 (*Background Report*). The Background Report stated:

*It is recommended that the MSS be rewritten to incorporate the content of the strategies, plans and policies that have been adopted by Council, and to ensure the MSS continues to be relevant and consistent with the SPPF.*

...

*It is recommended that Council adopt the structure of the SPPF to ensure we are consistent with our MSS and themes into the future.*

In summary, the Amendment:

- replaces the entire existing MSS by repealing clauses 20.00 – 20.05 and inserting new clauses 21.01 – 21.12
- replaces clauses 22.02 – 22.05, 22.07 – 22.09 with “no content” clauses.

### 1.2 Background to the Amendment

Council submitted that the Amendment is required to ensure that the LPPF remains current and provides adequate guidance for the modern development profile of the City of Melton. The current MSS is outdated and has been identified for revision, and the Amendment has resulted from significant strategic work undertaken by Council.

In 2008, Council adopted a draft MSS. As the Urban Growth Boundary was revised before the relevant planning scheme amendment could be progressed, the draft MSS was abandoned.

Amendment C157, which updated parts of the MSS from a 1997 draft to a 2014 draft, was the most recent significant update of the MSS. Amendment C157 was primarily prepared to implement the recommendations of the *Melton Housing Diversity Strategy May 2014*, by applying the then reformed residential zones.

Over the last four years, Council has commissioned several strategies and plans that provide strategic support for the Amendment.

#### **Amendment C171**

Amendment C171 seeks to implement the City of Melton Retail and Activity Centres Strategy 2014 by introducing a new Clause 21.05 (Activity Centres and Retail Provision) and Clause 22.06 (Retailing Policy). The Panel report was submitted on 3 May 2017, and Council adopted the Amendment on 29 May 2017.

Council submitted that no changes to Amendment C200 would be required by the approval of Amendment C171.

Council noted that if Amendment C171 is approved in a different form, minor post-exhibition changes to Clause 21.06 – Activity Centres and Retail Provision may be required.



The Amendment was approved on 8 November 2018. The Panel has not reviewed whether changes to Amendment C200 are required.

**Amendment C173**

Amendment C173 relates to the Significant Landscape of the City of Melton. It proposes to extend the existing Significant Landscape Overlays to include additional land surrounding Mount Cottrell, Mount Atkinson and Mount Kororoit volcanic cones and other planning scheme changes. The Panel submitted its report in April 2018. The Panel Report for Amendment C173 was considered at Council Meetings on 25 June and 15 October 2018. The Panel understands that Council has not decided on Amendment C173.

Council submitted that no changes would be needed to Amendment C200 if Amendment C173 is not adopted by Council or is not approved by the Minister for Planning. The inclusion of the Significant Landscape Features Strategy as a reference document would, regardless of the outcome of Amendment C173, be supported by the strategy's status as adopted Council policy.

**Implications of Amendment VC148 on the Amendment**

In June 2018, DELWP released Advisory Note 71 (AN71) Planning Policy Framework (PPF). AN71 provides an overview of the new PPF structure which combines state, regional and local planning policy in one set of planning policy. It states:

*At this stage, local content has not been introduced into the PPF. The Department of Environment, Land Water and Planning (DELWP) will shortly provide further information of how existing LPPF content will be translated into the PPF, completing the integration of all tiers of policy into a single PPF in each planning scheme. DELWP will work closely with local councils on the future integration of local content into the PPF.*

Accordingly, the LPPF continues to apply until such a time as it is translated into the PPF.

Clause 23.01 provides transitional provisions for the continued operation of Clause 21 and 22 by deeming clauses 21 and 22 to form part of the PPF. This preserves the operation of the LPPF until it is translated. Council submitted that the transitional arrangements also protect the currency of the Amendment.

Council submitted:

*The changes sought by the Amendment will result in an MSS that is able to function, from an Amendment VC148 perspective, in the same way as every other MSS in the state.*

*If the Amendment is approved then the revised Clause 21 and 22 will continue to operate by being deemed to form part of the PPF by Clause 23.01.<sup>1</sup>*

....

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<sup>1</sup> Council Part B submission p4.

*The alternative to progressing the Amendment would be to wait for DELWP to provide guidance on how to translate the LPPF into the PPF and then prepare a planning scheme amendment.*

*The timeframe for receiving detailed guidance on how to translate the LPPF into the PPF is uncertain. It would follow that the current, outdated, MSS would remain in force for some time.<sup>2</sup>*

### **1.3 Summary of issues raised in submissions**

The key issues raised in the submissions of the various parties are briefly summarised as follows:

#### **(i) Planning Authority**

The key issues for the Council were:

- Council responded to wording suggestions to the MSS made in submissions.

#### **(ii) Relevant agencies**

The key issues for the agencies were:

- City West Water requested a change to remove some ambiguity regarding responsibility for the management and development of water and sewerage networks.
- Moorabool Shire Council requested two changes to Clause 21.02-3 to mitigate land use conflicts in Parwan and Hopetoun Park North.
- Sustainability Victorian and the Metropolitan Waste and Resource Recovery Group (Metro Group) requested that a change to identify the Ravenhall Waste and Resource Recovery (WRR) site as the Ravenhall WRR Hub, Landfill and Quarry.
- Environment Protection Authority supported ensuring adequate separation distances between sensitive land uses and uses with adverse amenity potential.

#### **(iii) Individual submitters or groups of submitters**

The key issues by submitters were:

- The Mobile Carriers Forum raised issues in relation to how the Melton Planning Scheme references the siting and design of new infrastructure.
- Mario, Emanuel, Connie and Kathy Cachia raised issues in relation to the proposed Kororoit Creek Regional Park.

### **1.4 Issues dealt with in this Report**

The Panel has reviewed these changes and supports them subject to specific recommendations in this Report. Council has resolved a number of issues with individual submitters and these changes are reflected in their Part A submission's version of the controls.

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<sup>2</sup> Council Part B submission p4.

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:

- Planning context
- City West Water
- Moorabool Shire Council
- Mobile Carriers Forum
- Mario, Emanuel, Connie and Kathy Cachia
- Sustainability Victoria and Metropolitan Waste and Resource Recovery Group
- Environment Protection Authority.

## 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 planning strategies.

### 2.1 Policy framework

#### (i) Planning Policy Framework (PPF)

The Amendment is based on the structure of the former State Planning Policy Framework (SPPF) and proposes the following clauses:

- Clause 21.01 – Introduction
- Clause 21.02 – Settlement
- Clause 21.03 – Environment and Landscape Values
- Clause 21.04 – Environmental Risks
- Clause 21.05 – Natural Resource Management
- Clause 21.06 – Activity Centres and Retail Provision
- Clause 21.07 – Built Environment and Heritage
- Clause 21.08 – Housing
- Clause 21.09 – Economic Development
- Clause 21.10 – Transport
- Clause 21.11 – Infrastructure
- Clause 21.12 – Local Areas.

Aligning local policy with state policy is considered to be the best practice approach in drafting local policy. The Panel accepts that with the introduction of the PPF, further restructuring will be required but this can take place at a later date.

#### (ii) Local Planning Policy Framework

The MSS, largely prepared in 1997, is currently comprised of:

- Clause 21.01 – Snapshot of Melton City in 2014.
- Clause 21.02 – Key Issues in the City.
- Clause 21.03 – Planning Visions and Objectives for Melton.
- Clause 21.04 – Housing Within the Established Residential Areas.
- Clause 21.05 – Implementation and Review.

### 2.2 Ministerial Directions and Practice Notes

Council submitted that the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act
- Planning Practice Note 46 (PPN46) Strategic Assessment Guidelines, June 2015

- Advisory Note 71 (AN71) Planning Policy Framework.

The Panel agrees that the Amendment is consistent with published guidance.

### **2.3 Discussion and conclusion**

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the S 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.

### 3 Consideration of submissions

#### 3.1 City West Water

##### The issue and submissions

The City West Water submission requested a change to Clause 21.11-2.1 *Protection of Infrastructure*, paragraph 2, sentence 1, to remove some ambiguity regarding responsibility for the management and development of water and sewerage networks.

##### Discussion

Melton City Council included the requested change and City West Water confirmed that subject to this revision, the submission has been resolved.

##### Conclusions

The Panel concludes that this submission has been resolved.

#### 3.2 Moorabool Shire Council

##### The issue

Moorabool Shire Council requested two changes to Clause 21.02-3 which relate to Parwan and Hopetoun Park North which are both located in the southwestern corner of the Bacchus Marsh District.

##### Submissions

Moorabool Shire Council requested:

- a. *Reference should be made to mitigating the potential for future land use conflict in the non-urban areas adjacent the parts of Moorabool identified for future development in Parwan and Hopetoun Park North as part of the Bacchus Marsh Urban Growth Framework (Amendment C81) (attached). It should be noted that these areas have yet to be confirmed in the Planning Scheme but are proposed as part of Amendment C81.*
- b. *Reference should be made to mitigating the potential for land use conflicts with the Parwan Waste Water Treatment Plant, noting that the buffer for this facility extends inside Melton's administrative boundary. It is also noted that the plant is likely to require future expansion to accommodate increased population growth, which may result in an increase to the existing buffer.*

Plan 1 to the *Bacchus Marsh District Urban Growth Framework* (October 2017) was attached to the Moorabool Shire submission.

Council noted that Amendment C81 has not yet been approved, and that it would be "...premature to respond to growth planned against its municipal boundary in circumstances where the strategic planning for that growth is not yet resolved".<sup>3</sup> Council noted that

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<sup>3</sup> Council submission Part B p6.

Parwan and Hopetoun Park North have been earmarked for future growth and will each undertake their own structure planning process.

Council submitted that the exhibited Clause 21.07-2 – Objective – *Managing urban growth* reflects the following:

- Plan 8 to the *Bacchus Marsh District Urban Growth Framework* (October 2017) designates Parwan Station and Parwan Employment Precinct as the subject of a future precinct structure plan
- Hopetoun Park North will be subject of a future development plan.

Council submitted that several other Precinct Structure Plans (PSPs) have included provisions for interface treatments and land use conflicts. These issues are resolved through the master plan rather than through the MSS.

#### **Discussion**

The Panel sought clarification in relation to how a neighbouring property would be aware of the Parwan Wastewater Treatment Plant. The Panel notes that the facility is within the land in the Public Use Zone, but there are no buffers in the Moorabool Planning Scheme related to the facility. A planner would need to undertake the usual assessment process for any application within the Green Wedge Zone and the impact of nearby land uses should be considered. The issue is one of ease of use of the scheme and clear policy position of what uses (if any) should be restricted within a buffer.

The Panel notes that further strategic work is foreshadowed at proposed Clause 21.11-2.4, in relation to whether Melton should include demonstrative buffers within the Planning Scheme.

#### **Conclusion**

The Panel considers the revisions to the LPPF proposed by Council appropriately address the issue of buffers to industrial uses. The Panel notes the inclusion of strategies dealing with buffers at:

- clause 21.02-3.3, strategy 1.3
- clause 21.02-1.3, strategy 10.

### **3.3 Mobile Carriers Forum**

#### **The issue**

The Mobile Carriers Forum raised issues in relation to how the Melton Planning Scheme references the siting and design of new infrastructure.

As exhibited, Objective 5 and Strategies 5.1 and 5.2 to Clause 21.11 state:

**Objective 5** *To ensure that new communications infrastructure does not adversely impact upon sensitive uses and landscape features whilst also facilitating a world class communications network.*

**Strategy 5.1** *Protect significant landscape features including volcanic cones from any adverse visual impact through careful design and siting of the facility.*

*Strategy 5.2 Support the early provision of communications infrastructure in Precinct Structure Plans and new development.*

Further strategic work includes:

*Implement the City of Melton Communications Infrastructure Policy Framework December 2017 that provides location and siting guidance for the location and design of communications infrastructure into the Melton Planning Scheme.*

### **Submissions**

Mr Matthew Evans of Evans Planning Pty Ltd, presented on behalf of Mobile Carriers Forum in relation to the proposed strategies 5.1 and 5.2 to Clause 21.11.

He submitted that a lack of guidance exists in relation to how the siting and design of new infrastructure would improve the protection of significant landscape features, including protecting volcanic cones from an unpleasant visual impact.

Mr Evans stated that strategy 5.1 duplicates the requirements of *A Code of Practice for Telecommunications Facilities in Victoria 2004* (Code).

However, Council submitted that the Code supplements the statewide policy at Clause 19.03-5S. Council stated that landscapes should be protected or at least prevent further damage, while achieving a quality communications system. Council submitted that objective 5 and strategy 5.1 outlines the types of environment and adverse impacts to be protected and balanced.

Council noted that the strategies seek to implement objective 5. This will balance the needs of ensure that the new telecommunications infrastructure does not negatively impact on sensitive uses and landscape features while supporting a world class communications network.

### **Discussion**

The Panel notes that Clause 21.11-1.1 references providing a world class telecommunications network in the second dot point to Clause 21.11-1.1.

The Panel notes that Council's Framework on mobile infrastructure includes guidance material in relation to permit applications and provides visual impact assessment guidance that is well regarded by various planners.

In relation to criticism of the hierarchy of *preferred* locations within the Framework, the Panel notes that the hierarchy is not part of the scheme, but may be useful in documenting Council's thinking on these issues.

The issue of small cell mobile technology<sup>4</sup> was raised in the Hearing. The Panel notes that it is questionable whether the small cell mobile technologies referred to would even trigger a permit under Clause 52.19. The assessment of visual impact of infrastructure is linked to the

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<sup>4</sup> 'Small cells' is an overarching term for low-powered radio access nodes that help provide service to both indoor and outdoor areas. These nodes have a range between 10 metres and two kilometres.



size of the infrastructure. The Panel would be surprised if these small cells are assessed under a policy of this nature.

In relation to Mobile Carriers Forum's comments about Strategy 5.2 within Clause 21.11 Infrastructure, the Panel considers that strategic support exists for the early implementation of mobile services, and that the strategy will support a competent permit application.

#### **Conclusion**

The Panel does not consider changes to the Amendment are warranted.

### **3.4 Mario, Emanuel, Connie and Kathy Cachia**

#### **The issue**

The submission of Mario, Emanuel, Connie and Kathy Cachia was opposed to the inclusion of the Kororoit Regional Park notation in Clause 21.01 and made other suggestions in relation to the references to the proposed Regional Park.

#### **Submissions**

Mr Adam Parker of Town Planning Group presented on behalf of Mario, Emanuel, Connie and Kathy Cachia. Mr Parker submitted that the Kororoit Regional Park notation in Clause 21.01, Figure 2, should be removed because the boundaries of the Regional Park have not yet been fixed. Mr Parker submitted that inclusion of Regional Park should be subject to consideration by the independent Regional Parks Standing Advisory Committee in the context of Amendment GC99.<sup>5</sup>

Council submitted that the notation should be retained, noting that the Regional Park boundaries at Figure 2 are consistent with the *West Growth Corridor Plan* (August 2012). Council submitted that the boundaries used in the *West Growth Corridor Plan* should be shown in the MSS until they are revised, following the Minister's decision on the Advisory Committee's report.

Mr Parker submitted that under 'Further Strategic Work' in Clause 21.03-1.4 Council should insert the following:

*Remove land from Environmental Significance Overlay, where no significant environmental factors are demonstrated.*

This is to ensure that the environmental values of the land are considered, noting that there are no environmental values over half his client's land.

Council had suggested the following change:

*Work with DELWP to investigate the removal of land from the Environmental Significance Overlay where no significant environmental factors are demonstrated.*

Mr Parker did not consider this to be a definitive enough statement.

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<sup>5</sup> The Committee held public hearings in September 2018 and submitted its report on 2 November 2018.

Council responded that *“It is not necessary to either remove reference to the Significant Landscape Features Strategy as a reference document within Clause 21.03 or to amend the strategy document”, as “Council does not update each and every aspect of each of its strategic plans all of the time ... It is not necessary and that single page in the reference document will have no real weight in decision making”*.<sup>6</sup>

Council noted that in relation to Clause 21.03-1.4, the proposed text is under the heading “further strategic work” and submitted that Council will consider the removal of land from the Environmental Significance Overlay (ESO) where there are no significant environmental attributes. In practice, this will take place when the precinct structure plan is being prepared.

Mr Parker submitted that the proposed reference document, the *Melton Significant Landscape Features Strategy*, does not accurately show the environmental values of the Kororoit Regional Park area and their locations, and the Strategy should be amended or removed. Council responded that earlier this year, the *Significant Landscape Features Strategy* was tested and endorsed by a Planning Panel as a part of Amendment C173. The Strategy does not introduce new concepts. Council noted that the land (to the extent it is not required for conservation) will be subject to detailed precinct structure planning in the future, which will adequately map and consider the opportunities and constraints of the land.

Mr Cachia submitted that in relation to Clause 21.04-2, strategies 2.2 and 2.3, which relate to Floodplains and protecting the community from flooding, the two strategies be qualified by the following words: *“where possible and practical for the development”*. Council submitted that this proposed change is unnecessary. Council stated, *“The submission appears to be motivated by a specific development objective on the land but this is not a reason to change such broad and laudable objectives”*.

#### **Discussion**

At the Hearing, Council agreed to translate the relevant footnote from the West Growth Corridor Plan to Figure 2 in the proposed MSS at Clause 21.01 Figure 2, to properly reflect the status of the park. This does not detract from Council’s statement that it will update the plan if and when the park is finalised. The footnote reads *“Proposed Kororoit Creek Regional Park (exact boundary to be determined)”*.

The Panel considers that Council’s proposed wording footnote to be included at Clause 21.01 Figure 2, provides adequate clarification that the exact boundary of the Regional Park is yet to be determined.

The Panel agrees that Council’s exhibited changes to work with DELWP to consider the removal of land from the ESO, provides adequate guidance. If the work finds there are no significant environmental factors, Council will consider the removal of land from the ESO at the appropriate time.

The Panel considers that the *Melton Significant Landscape Features Strategy* was tested and endorsed by a Planning Panel as a part of Amendment C173.

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<sup>6</sup> Council closing submission

The Panel considers that changes in relation to Clause 21.04-2, strategies 2.2 and 2.3 (flooding) are unnecessary and appear to be motivated by a specific development objective.

#### Recommendations

The Panel recommends:

1. **Insert at Clause 21.01 Figure 2, the footnote: “Proposed Kororoit Creek Regional Park (exact boundary to be determined)”, as consistent with the wording of the Western Growth Corridor Plan.**

### 3.5 Sustainability Victoria and Metropolitan Waste and Resource Recovery Group

#### The issue

Sustainability Victoria (SV) and the Metro Group, in a joint submission, requested that a change to the legend is made to Clause 21.01 Figure 2 – Strategic Framework Plan, to identify the Ravenhall Waste and Resource Recovery (WRR) site as the Ravenhall WRR Hub, Landfill and Quarry.

#### Submissions

SV and the Metro Group requested the following revisions to the Amendment:

- *Specific mention of the Ravenhall Precinct in the MSS on the basis that it is a waste and resource recovery Hub of State Importance in the Statewide Waste and Resource Recovery Infrastructure Plan (Statewide Plan).*
- *The inclusion of text from page 67 of the Statewide Plan in the MSS.*
- *Notation in Clause 21.09 that the Ravenhall Precinct is a centre for employment that may attract additional non-sensitive use that may work in synergy with the precinct.*
- *Notation that the Ravenhall Precinct has a separation buffer that should be protected.*

Council submitted that the majority of the issues raised in the SV and Metro Group submission are resolved by the tracked changes clauses circulated with the Part A submission.

SV and Metro Group submitted that in relation to Clause 21.01 Figure 2 – Strategic Framework Plan, which identifies Ravenhall WRR Hub and Landfill as “extractive industry”, a further change should be made to the legend to identify the site as the Ravenhall WRR Hub, Landfill and Quarry. This was the only unresolved issue at the Hearing.

Council stated that it agrees to the tracked changes language at page 1 of 5 in Clause 21.01, stating that the text clearly articulates each of the relevant components and the fact of a resource recovery hub of State importance. The text reads:

*The City of Melton also contains state significant industrial land in the east of the municipality which incorporates the Ravenhall Precinct a waste and resource recovery hub of state importance (including Boral Quarry, Cleanway Melbourne Regional Landfill Ravenhall). This state significant industrial land*

*will be a key employment generator for the City of Melton and wider western region.*

Council stated:

*Council support amending this precinct by including the area on the plan and adding a new reference within the legend that reads 'Ravenhall Precinct'. The more detailed text on page 1 of 5 will provide detail around the content of the 'Ravenhall Precinct' and when read together Council submit this will successfully communicate the various components of the precinct to the reader without rendering Figure 2 difficult to read.*

Council supported adding a new reference within the legend that reads 'Ravenhall Precinct'. This can be read in conjunction with the more detailed text on page 1 of 5 to provide the content for the 'Ravenhall Precinct'.

Council submitted that it decided against including an additional strategy at Clause 21.11-2.3 related to resource recovery and its function being an important part of the whole waste system. It submitted that this would go no further than Clause 19.03-6S and would duplicate state policy.

#### **Discussion and conclusions**

The Panel considers that the proposed wording change to Clause 21.01 is appropriate as it identifies the Ravenhall Precinct as being of state significance, and the legend at Figure 2 should be updated accordingly. This is state significant industrial land which the Panel considers should be identified in the Planning Scheme. The Panel does not consider that it is necessary to include an additional strategy at Clause 21.11-2.3 as this will duplicate state policy.

#### **Recommendations**

The Panel recommends:

- 2. Amend the legend of Figure 2 'Strategic Framework Plan' to identify the 'Ravenhall Precinct waste and resource recovery hub and quarries' and make any required consequential changes to the Local Planning Policy Framework text.**

### **3.6 Environment Protection Authority**

#### **The issue**

EPA submitted on issues that related to ensuring adequate separation distances between sensitive land uses and uses with adverse amenity potential.

#### **Submissions**

Kate Summons presented at the Hearing on behalf of EPA. EPA supported ensuring adequate separation distances between sensitive land uses and uses with adverse amenity potential. EPA's submission raised the following issues:

- The MSS does not identify existing industries of significance such as the Ravenhall Landfill, closed Melton landfill, waste water treatment plants, high pressure pipelines and materials recycling facilities.*

- *Land use conflicts at the interface between residential and industrial areas.*
- *Encroachment on separation distances and buffers surrounding existing industry and infrastructure.*

Council submitted that the issues raised by the EPA have been addressed by its proposed revisions circulated with the Part A submission. EPA confirmed that it is satisfied with the revised clauses.

EPA requested that consideration be given to including reference to the role of industrial land and industry of statewide significance as a relevant consideration up front within the Municipal profile. EPA stated that industry including the Ravenhall Landfill, waste water treatment plants, high pressure pipelines and materials recycling are important considerations in the regional context. Council submitted that it does not support the inclusion of the generic State EPA guidance documents as requested because:

- *While it may be appropriate these documents are reference documents, they have no local relationship to the Melton Planning Scheme.*
- *The commencement of the ad hoc implementation of these documents within planning schemes commencing with Melton does not assist either in the ongoing management of the Melton Planning Scheme or the coordinated implementation of landfill planning and materials recycling across Victoria.*

Council requested that the Panel recommend the Amendment be approved, subject to the changes circulated with the Part A submission.

#### **Discussion and conclusions**

The Panel considers that the proposed changes outlined in Council's Part A submission are appropriate.

The Panel agrees with Council to not include reference to the role of industrial land and industry of statewide significance as a relevant consideration up front within the Municipal profile. This is because it is not appropriate to include ad hoc documents in the Municipal profile and they have no local relationship with the Melton Planning Scheme.

## Appendix A Document list

| No. | Date     | Description   | Provided by  |
|-----|----------|---|--|
| 1   | 8/10/18  | Council's Part A submission   | Greg Tobin of Harwood Andrews for Melton City Council  |
| 2   | 15/10/18 | Council's Part B submission   | Greg Tobin   |
| 3   | 15/10/18 | Email from City West Water to Council confirming it is satisfied with Council's suggested wording for Clause 21.11-2.1  | Greg Tobin   |
| 4   | 15/10/18 | Email from EPA to Council confirming it is satisfied with Council's suggested wording in attached email   | Greg Tobin   |
| 5   | 15/10/18 | Email from State Planning Services, DELWP, confirming that the Amendment is acceptable to proceed in its current form, then be assessed (and potentially approved) against the pre VC148 format | Greg Tobin   |
| 6   | 15/10/18 | EPA submission  | Kate Summons of EPA  |
| 7   | 15/10/18 | Mobile Carriers Forum submission  | Matthew Evans of Evans Planning Pty Ltd for Mobile Carriers Forum  |
| 8   | 15/10/18 | Significant Landscape Features Strategy, Final Report (adopted May 2016)  | Matthew Evans  |
| 9   | 15/10/18 | Toolern Precinct Structure Plan map   | Matthew Evans  |
| 10  | 15/10/18 | <i>Vodafone Hutchinson Australia Pty Ltd v Casey CC [2015] VCAT 2005</i>  | Matthew Evans  |
| 11  | 15/10/18 | West Growth Corridor Plan   | Adam Parker of Town Planning Group for Mario Cachia  |
| 12  | 15/10/18 | Proposed planning provision changes for the Kororoit Creek Regional Park, Information Sheet, May 2018   | Adam Parker  |
| 13  | 15/10/18 | Explanatory Report, Amendment GC99 (Casey Planning Scheme, Melton Planning Scheme, Wyndham Planning Scheme)   | Adam Parker  |
| 14  | 15/10/18 | Mario Cachia Submission   | Adam Parker  |
| 15  | 15/10/18 | Joint submission – Sustainability Victoria and Metropolitan Waste and Resource Recovery Group   | Sam Trowse of Sustainability Victoria and Michelle Lee of Metropolitan Waste and Resource Recovery Group |

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Melton Planning Scheme Amendment C200 | Panel Report | 9 November 2018

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| No. | Date     | Description   | Provided by                 |
|-----|----------|---|-----------------------------|
| 16  | 16/10/18 | Assessing planning proposals within the buffer of a landfill, EPA Victoria Publication 1642, October 2017 | Sam Trowse and Michelle Lee |

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