

Melton Shire Council

Planning Scheme Review

Adopted by Council - 26 July 2012

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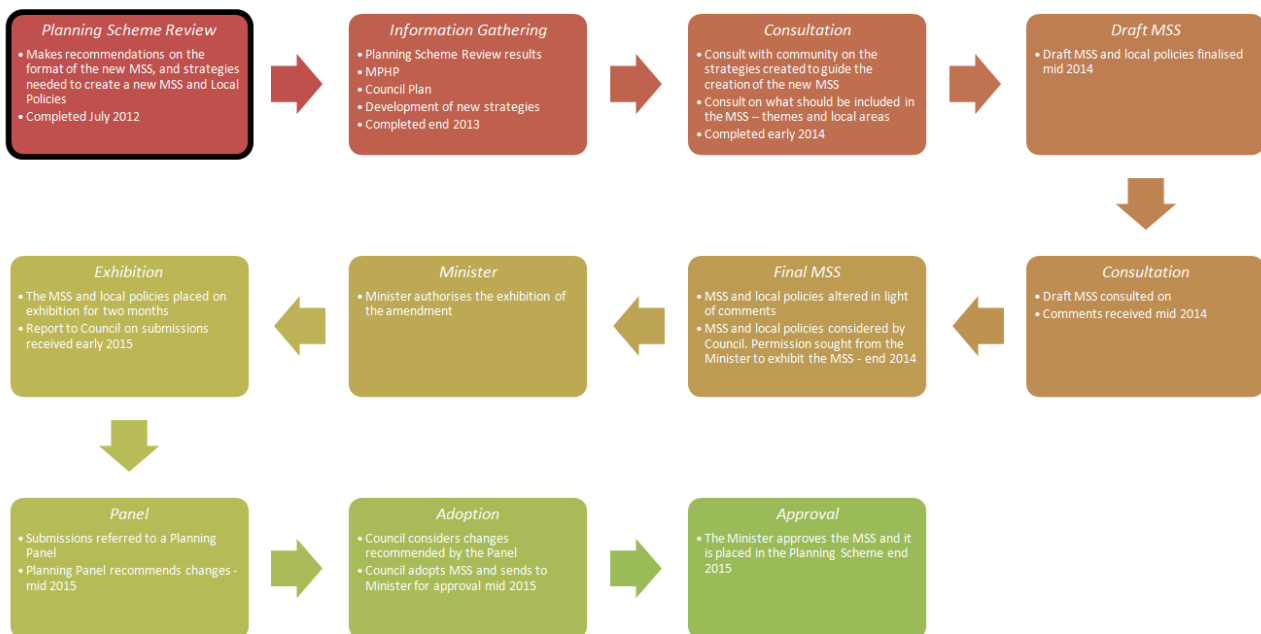
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Section 1 – Purpose

The purpose of this report is to provide the Council with the findings of the Melton Planning Scheme review and seeks a resolution to forward the report to the Minister for Planning.

In accordance with the requirements of Section 12B of the *Planning and Environment Act 1987* (the Act), the operation and performance of the Melton Planning Scheme has been reviewed. The review audited the performance of the planning scheme, identified the policy gaps and provides recommendations for the necessary amendments required to improve its efficiency and performance.

Development of a new Municipal Strategic Statement (MSS) and a new suite of local policies, and the subsequent amendments to the planning scheme as recommended by this report will follow this review process (stage two). Extensive consultation will be undertaken in the drafting of the new MSS and the planning scheme amendment stages. Below is a diagram which demonstrates the process that will follow the Planning Scheme Review to rewrite the MSS.



Section 2 – Introduction

The Melton Planning Scheme was gazetted on 29 July 1999. Since then no major changes have been made to the MSS.

2.1 Requirement by the Planning and Environment Act 1987

In accordance with the requirements of Section 12B of the Act, Council is required to review its planning scheme within a year of approving its Council Plan.

In 2006, the Shire of Melton had its MSS audited. The audit identified a substantial number of changes required to the MSS including the incorporation of the State Planning Policy Framework (SPPF) document *Melbourne 2030* and a substantial body of strategic work undertaken by Council and others.

The findings of the MSS Audit were used to draft a new MSS, which was adopted by Council in 2008. Shortly after the adoption of the 2008 MSS, the State Government significantly changed the location of the Urban Growth Boundary (UGB). This rendered the redrafted MSS redundant as it was in conflict with the new policy direction of the SPPF. The changes to the UGB were so substantial that a new MSS must be rewritten.

Section 12A (4) of the Act requires the MSS to be consistent with the current Council Plan. Since the Melton Council Plan 2009-2013 was adopted, it is important that the review consider and incorporate the relevant parts of the Council Plan in the new MSS and should ensure that the MSS is consistent with the land use objectives of the Council Plan.

2.2 Other factors and change trigger the review of the planning scheme

In addition to the requirements of the Act, there are other factors at State and local level that also necessitate a review of the planning scheme. Such factors are identified and discussed in the next section.

Whilst it is acknowledged that the planning system in Victoria is currently under review it has been considered that the planning scheme should be reviewed and further changes be made to the scheme in the future if the planning system changes merit it.

- *Metropolitan Strategy* – it is expected that *Melbourne 2030* will be replaced in two years by a new Metropolitan Strategy. The planning scheme would need to be reviewed once the new Metropolitan Strategy is adopted by the State Government. By reviewing the planning scheme, Council will be in a better position to advocate for outcomes in the new Metropolitan Strategy.
- *Green Wedge Audit* – the boundaries of the Green Wedges, the function of the Green Wedges, and the permitted uses within the Green Wedge are currently being reviewed. The planning scheme would need to be reviewed once the audit is completed.
- *Victorian Planning Framework Review* – a Ministerial Advisory Committee has been formed to make recommendations to the Planning Minister on changes to the Victorian Planning System. It is considered that the planning scheme will be retained, though maybe through an altered form.

2.2.1 State Policies and Initiatives

Since the Melton Planning Scheme was adopted there have been a variety of key policies and strategies released by the State Government. The State policies have land use implications and have amended the State Planning Policy Framework (SPPF).

The following State policies are not reflected in Council's MSS, and should be incorporated into the new MSS:

- *Melbourne 2030, 2002*. Melbourne 2030 identified Melton as a growth area and established the Urban Growth Boundary around Melton township and adjacent the Melton East growth front to protect the Green Wedge. Melbourne 2030 identified three Major Activity Centres in the municipality, located at Woodgrove and the High Street in Melton, and the Caroline Springs Town Centre.
- *Melbourne @ 5 Million, 2008*.
- *Delivering Melbourne's Newest Sustainable Communities, 2008*.
- *Integrated Housing Strategy, 2010*.
- *Growth Corridor Plans, 2012*.

2.2.2 Council Adopted Strategies

Since the new format planning scheme was gazetted Council has adopted a number of plans and strategies, many of which are directly relevant to land use planning and provide strategic directions for land use and development in the Shire.

Below is a list of relevant plans and strategies which will need to be considered when rewriting content in the Melton Planning Scheme. It is noted that many of these plans and strategies were written prior to the change to the UGB in 2010, and that many of these plans and strategies will be revised or rewritten to take into account the change in urban form and the resultant projected increased in population:

- Active Lifestyle Strategy, Shire of Melton, 2006
- Access and Inclusion Strategy 2009-2013 – Opening Doors, Shire of Melton, 2009
- Ageing Well Strategy 2004-2016, Shire of Melton, 2004
- Community Learning Plan 2008-2010, Shire of Melton, 2008
- Community Safety Plan 2010-2014, Shire of Melton, 2010
- Diggers Rest Precinct Structure Plan, Growth Areas Authority, 2012
- Green House Action Plan, Shire of Melton, 2011
- High Street Town Centre Structure Plan, Shire of Melton, July 2007
- Housing Strategy and Action Plan, Shire of Melton, 2009
- Intercultural Strategy 2010-2014, Shire of Melton, 2010
- Leisure and Open Space Strategy, Shire of Melton, 2005
- Melton East Strategy Plan, Shire of Melton, June 1997
- Melton Economic Development Strategy, Shire of Melton, February 2009
- Melton North Precinct Structure Plan, Growth Areas Authority, May 2010
- Melton Reservoir Strategy, Shire of Melton, 2005
- Melton Small Town Strategy, Shire of Melton, 2007
- Melton Township Strategy Plan, Shire of Melton, Feb 2007
- Municipal Early Years Plan 2010-2013, Shire of Melton, 2010
- Municipal Fire Prevention Plan 2003-2009, Shire of Melton, 2003
- Municipal Public Health Plan 2008-2012, Shire of Melton, 2008
- Planning for Community Infrastructure in Growth Areas, Australian Social & Recreation Research, 2008
- Reconciliation Plan 2010-2014, Shire of Melton, 2010
- Responsible Gaming Policy 2008-2012, Shire of Melton, 2008
- Road Asset Management Plan 2009, Shire of Melton, 2009
- Road Management Plan 2009, Shire of Melton, 2009
- Rockbank North Precinct Structure Plan, Growth Areas Authority, 2012
- Rural Areas Strategic Overview, Shire of Melton, 2003
- Shire of Melton Heritage Study, Shire of Melton, May 2007
- Taylors Hill West Precinct Structure Plan, Growth Areas Authority, May 2010
- Toolern Precinct Structure Plan, Growth Areas Authority, October 2010
- Waste and Litter Education Strategy 2005-2015, Shire of Melton, 2005
- Waste Management Strategy, Shire of Melton, 2008
- Western Region Housing Strategy, DSE, August 2006
- Woodgrove Structure Plan, Shire of Melton, July 2006

- Youth Strategy, Shire of Melton, 2010

2.3 Consultation

Extensive internal consultation was undertaken to review the Melton Planning Scheme. Representatives from all business units were consulted with, three workshops were held with Statutory Planners, and discussions were held with the Senior Executive Team and Councillors.

Extensive consultation will occur with the public and referral authorities in the drafting of new Council plans and strategies, and in the rewrite of the Melton Planning Scheme.

Section 3 - Overview of State Planning Policy Framework

The purpose of the State Planning Policy Framework (SPPF) is to inform planning authorities and responsible authorities of those aspects of State policy which they are to take into account and give effect to when planning and administering an area. It provides a context for spatial planning and decision making, and implements the objectives of planning under the *Planning and Environment Act 1987*.

The following section outlines each clause of the SPPF, and any connections with the Local Planning Policy Framework (LPPF).

Clause 10 - Operation of the State Planning Policy Framework

This clause outlines the goals, application, and structure of the SPPF.

Recommendation: No change required.

Clause 11 - Settlement

This clause provides the settlement pattern vision for Victoria and gives direction to the location and form of urban settlement. It includes content on activity centres, urban growth, open space, and metropolitan issues. The activity centre and growth area planning sections are particularly relevant to the LPPF.

Concepts introduced by *Melbourne 2030*, *Melbourne @ 5 Million*, and *Delivering Melbourne's Newest Sustainable Communities* (such as the Urban Growth Boundary, green wedges, and activity centre hierarchy) are not reflected in the LPPF.

In addition *Growth Area Framework Plans*, *Growth Corridor Plans*, and *Precinct Structure Plans* govern areas within the UGB. These plans should be reflected in the current LPPF.

Recommendations:

The concepts introduced by *Melbourne 2030*, *Melbourne @ 5 Million*, and *Delivering Melbourne's Newest Sustainable Communities* should be recognised in the LPPF.

Detail shown in *Growth Area Framework Plans*, *Growth Corridor Plans*, and *Precinct Structure Plans* should be reflected in the LPPF.

The LPPF must be updated and should include information on:

- The activity centre hierarchy (identified in *Melbourne 2030* and Growth Corridor Planning)
- The location of the UGB and areas where Council supports the expansion of the UGB
- Sequencing of development
- Open space and recreation planning (location of existing and proposed open space areas)
- The location and extent of the Melton employment corridor (expansion of Laverton North Industrial Node)
- The location and function of the two Green Wedges

Clause 12 - Environmental and Landscape Values

This clause provides direction to the protection, conservation and sustainable management of Victoria's environmental and landscape assets. It includes discussion around biodiversity, and significant environments and landscapes. *Victoria's Native Vegetation Management – a Framework for Action*, and introduces a net gain, three step, approach to native vegetation (avoid, minimise and offset).

Recommendation: The LPPF must be updated and should include information on:

- Biodiversity including the protection of habitat, the creation of biodiversity strategies, protection of threatened and endangered flora and fauna, and the creation of biolinks
- The net gain approach to native vegetation should underpin Council's approach to environmental management
- The importance of landscapes, and the identification of landscape features Council seeks to protect e.g. the volcanos, volcanic plains and incised waterways

Clause 13 - Environmental Risks

This clause provides direction for the management of environmental risks; both man-made and naturally occurring. It includes content on floodplains, climate change impacts, soil degradation, noise and air, and bushfires.

Recommendations:

The LPPF must be updated and should include references to environmental risks present within the Shire, and outline what Council's response to these environmental risks are.

The LPPF must be updated and should include specific information on:

- Floodplains
- Soil degradation
- Contaminated land
- Erosion and landslip
- Salinity
- Noise abatement
- Air quality
- Bushfire

Clause 14 - Natural Resource Management

This clause provides direction for the sustainable use and management of natural resources which support and foster economic growth, including agriculture, water, and mineral and stone resources.

The LPPF fails to provide direction on how to protect agricultural areas from change in land use, does not mention to green wedges found in the Shire, does not identify the current UGB, and does not identify areas where Council favours the expansion of the UGB.

Recommendation: *Green Wedge management plans* are required for the Western Plains North and Western Plains South green wedge areas. These plans should provide direction in the LPPF on the following matters:

- Protection of agricultural land
- Sustainable agricultural land use
- Water catchments
- Water quality
- Water conservation
- Protection of stone and mineral resources (extractive industries)

Clause 15 - Built Environment and Heritage

This clause provides direction on the design of buildings and places, and the protection and conservation of cultural heritage values. It includes content on urban environment, sustainable development, and heritage.

The LPPF provides no direction on urban design, neighbourhood character or heritage.

Recommendations:

The LPPF must be updated and should include guidance on neighbourhood character, urban design, and heritage.

The LPPF must be updated and should include information on:

- Urban design
- Subdivision design
- Design for safety
- Neighbourhood character
- Sustainable development
- Heritage (pre and post contact)

Clause 16 - Housing

This clause provides direction on the provision and diversity of housing. Currently there are not sufficient linkages between this clause and the LPPF around issues of housing affordability, form, or location. In addition the LPPF fails to provide guidance on the location of strategic redevelopment sites or residential aged care.

Recommendation: The LPPF must be updated and should provide information on:

- Integrated housing
- Identify areas suitable for limited, incremental and substantial change in the Shire
- The preferred location of medium and higher density housing (in established and growth areas)
- Mechanisms employed to provide for affordable and social housing
- Location of strategic redevelopment sites and what attributes define a strategic redevelopment site
- Preferred location of residential care facilities.

Clause 17 - Economic Development

This clause includes content regarding the planning and development of economic activity, including industrial, commercial, and tourism uses. This clause seeks to support and foster economic growth by providing land for economic development and reducing land use conflict.

The current LPPF fails to provide guidance on appropriate locations for new activity centres, bulky good retail, design of industrial development, the locational advantage of industrial land abutting the Laverton North industrial area, or tourism.

Recommendation: The LPPF must be updated and should include information on:

- The existing / proposed network of activity centres
- Locational attributes of neighbourhood activity centres
- Design of activity centres
- Out of centre development
- Preferred location of bulky good retailers
- Preferred location of industrial estates
- Industrial development design guidelines
- Promoting the south-eastern corner of the Shire as a logical expansion of the Laverton North industrial area
- Identifying the tourism potential of the Shire.

Clause 18 - Transport

This clause relates to transport planning and development, including integrated transport, movement networks, ports, airports, and freight.

The LPPF fails to reference to the Principal Public Transport Network, the Regional Rail Link, the Outer Metropolitan Ring Road, the proposed Intermodal Freight Terminal, and the Melton Airfield.

In addition the LPPF fails to emphasise sustainable personal transport options (walking and cycling). Likewise it fails to provide guidance on car parking.

Recommendation: The LPPF must be updated and should align itself to the SPPF and provide guidance on:

- Integrated transport
- Sustainable transport networks (walking, cycling and the principal public transport network)
- Management of the road system
- Car parking (on-site and off-site)
- The western approach to Melbourne Airport
- The Melton Airfield
- Freight
- The regional rail link (**RRL**) project, the outer metropolitan ring road (**OMRR**), the electrification and duplication of the Melton Rail Line, and the intermodal freight terminal.

Clause 19 - Infrastructure

This clause provides direction to the planning and development of social and physical infrastructure. This includes renewable energy, community infrastructure, and development infrastructure.

The LPPF fails to provide guidance on many aspects of this clause including the distribution of social and cultural infrastructure, telecommunication towers etc.

Recommendation: The LPPF must be updated and should align itself to the SPPF and provide guidance on:

- Renewable energy (preferred location of renewable energy development facilities)
- Community infrastructure (health, educational and cultural facilities)
- Development infrastructure (water, sewerage, drainage, stormwater, telecommunications, waste, and pipelines)

3.1 Gaps in State Planning Matters

The following issues have been identified as being deficient in the current SPPF. They are most appropriately managed at State level, and could be a focus for future advocacy work from Council.

- Inclusionary zoning to facilitate affordable social housing options in new developments
- Environmentally sustainable design
- Universal access to new buildings
- Transport infrastructure provision such as the early delivery of bus services, new train stations, the electrification and duplication of the Melton Railway Line, and the construction and upgrade of arterial road in the Shire
- The need to plan for the provision of and the reservation of land for higher level community infrastructure such as public hospitals in growth areas

Section 4 - Effectiveness of Municipal Strategic Statement

4.1 Overview

The current Municipal Strategic Statement (MSS) was prepared in 1997, and gazetted on 29 July 1999. Only minor changes have been made since, and most information dates from that time, particularly all demographics content.

It includes strategies that have since become outdated and irrelevant, due to policy shifts or population growth changes.

In August 2010, the UGB was changed to include all of the land between the Melton Township and the Melton East Corridor. This change to the UGB requires a substantial rethink of Council's planning objectives and strategies. Council will need to now plan for a greater population size, rethink the location of open space and community facilities, take a different direction on the size and location of employment land and activity centres, re-evaluate its transport and network movements, and make changes to its rural land use and environment policies and strategies.

The fundamental disconnect between the MSS and the SPPF can be found in the planning vision for the Shire of Melton in Clause 21.03-1:

Based on the snapshot, and on the identified issues, the following overarching vision is presented for the Shire to the year 2015.

The Council believes that the Shire should develop as two residential communities supported by small villages (with constrained boundaries) all of which are surrounded and supported by non-urban land which fulfils a variety of agricultural, environmental, visual and tourist functions which Council is invigorating through innovative practices and environmental incentives.

It is noted that in 2008 Council rewrote its MSS to reflect the changes introduced by Melbourne 2030. The 2008 MSS was essentially a policy neutral rewrite which was based on the premise that the Shire would continue to develop as two distinct residential communities. By the time it was ready to exhibit the UGB had changed which rendered the 2008 MSS redundant.

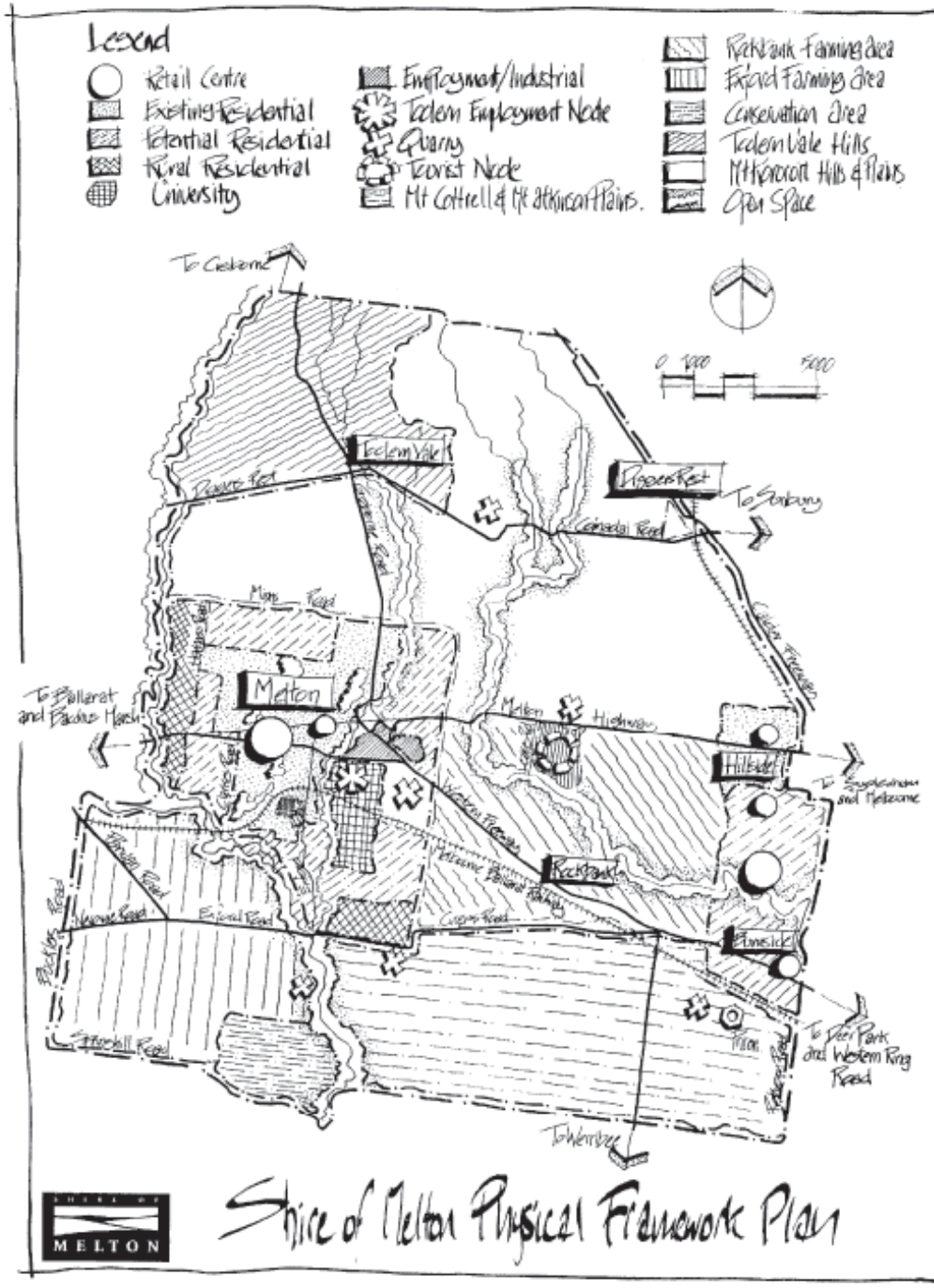
Given the size of the undeveloped land included within the UGB (13,000 hectares) and the uncertainty of the land uses within the corridor, the location of main roads, areas reserved for conservation, and the location of activity centres, Council decided to defer the review of the Planning Scheme and the creation of new strategies until the West Growth Corridor Plan and the Sunbury / Diggers Rest Growth Corridor Plan had been released as this would provide the framework. As these Growth Corridor Plans have now been released it is now appropriate for Council to rewrite its strategies.

An examination of the content of the MSS has revealed that it does not adequately reflect the SPPF themes and structure, or Council's adopted strategies. The MSS has failed to keep up with the policy direction of Council and the State Government. It is also noted that many of Council's adopted strategies fail to reflect the updated UGB and it will therefore be necessary for many of Council's strategies to be updated prior to the MSS being rewritten (as these strategies will form the basis of the MSS content and direction).

Furthermore the MSS includes objectives that cannot be achieved through the planning scheme, but which are related to advocacy work, particularly in areas such as economic development and transport.

4.2 Structure and Format of the existing MSS

The current MSS is not consistent with the requirements of the relevant VPP Practice Note (*Writing a Municipal Strategic Statement, September 2010*) on structure and format in terms of themes, strategies and objectives. The *physical framework plan* in particular is not relevant to the current policy and growth area planning context.



Section 1 of this report makes some recommendations on changes to the MSS to address specific matters raised in the SPPF which are not adequately reflected in the current MSS.

The VPP Practice Note (*Writing a Municipal Strategic Statement, September 2010*) states:

What is the recommended MSS format?

The recommended format will assist councils to ensure that the content of the MSS is presented in such a way that:

- the requirements of the Act are met
- the linkages between the MSS and the application of the zones, overlays, schedules and policies are clearly expressed.

It will also ensure a consistent approach across the State while still allowing councils to express the local strategic vision and direction.

It is recommended that the MSS be structured as follows:

Section	Role
Introduction	
Municipal profile	Provides short and concise information about the municipality and its regional context.
Key issues and influences	Describes the land use and development challenges facing the municipality. This links the issues and influences with the objectives and strategies of the MSS.
Vision and strategic framework plan	Provides an overview of Council's strategic direction. This includes the key directions and an overall strategic vision for the municipality.
Objectives, Strategies and Implementation	
Themes	
Issues or overview	Sets out Council's objectives and strategies and how they will be implemented in the planning scheme.
Objectives	
Strategies	
Implementation: <ul style="list-style-type: none"> ■ Policy guidelines ■ Scheme implementation ■ Other implementation 	
Local area plans	In some cases it is appropriate to provide detailed guidance for specific areas on how the general strategies are to be implemented in that area. This is a useful way of including the key findings from structure plans.

The VPP Practice Note later states that it is preferred for the theme section to follow the SPPF themes as this reinforces the strategic linkages between the SPPF and the MSS, helps with the navigation and improves the ease of use of the planning scheme.

Recommendations:

The MSS should be rewritten to comply with the VPP Practice Note structure. It will be arranged to include information on the municipal profile, outline the key issues and influences, provide a vision and strategic framework plan, contextualise the SPPF themes, and provide local area plans.

The MSS should follow the SPPF thematic structure:

- Settlement
- Environmental and landscape values
- Environmental risk
- Natural resource management
- Built environment and heritage
- Housing
- Economic development
- Transport
- Infrastructure

Clause 21.00 – Context

This clause explains the role of the MSS, and the relationship between State, Regional, and Local policy. It includes a regional context map showing the growth areas in 1999.

Since 1999 there have been significant changes in the State policy arena which affect planning in the Shire of Melton. The following changes to State policy are not reflected in the MSS, such as:

- *Melbourne 2030*
- *Melbourne @ 5 Million*
- *Delivering Melbourne’s Newest Sustainable Communities*
- *Victoria’s Native Vegetation Management – a Framework for Action*
- *The West Growth Corridor Plan and the Sunbury / Diggers Rest Growth Corridor Plan*

In addition changes have occurred in the Regional and Local policy arenas which should be reflected in the MSS, such as:

- *The Port Phillip and Western Port Regional Catchment Strategy*
- *Vision for Werribee Plains*

Recommendations:

The MSS needs to be completely re-written to take into consideration the current State Government policy context and new growth directions, particularly the changes to the Urban Growth Boundary.

The MSS needs to be rewritten to take into consideration Regional and Local planning policies which apply to the Shire.

Clause 21.01 – Snapshot of Melton Shire in 1997

This clause provides an overview of land use, community and employment characteristics, residential development, transport, and environment issues in the Shire.

The data used in the snapshot is 15 years old and fails to reflect the current shape of the municipality. This is demonstrated in the land use table in the MSS:

Land use	MSS - 1997	Current
Rural	72 %	56.8%
Residential	13.7%	14.1%
Public Open Space	7.7%	2.7%
Public Purposes	3%	6.5%
Extractive Industry	2%	2.7%
Industrial	0.9%	2.6%
Commercial	0.08%	1%
Urban Growth Zone	-	13.6%

The MSS in the Melton Planning Scheme was planning for a community with an ultimate population of around 150,000. The changes to the UGB will result in an ultimate population in excess of 300,000.

The township of Eynesbury which is currently being developed (which will have an ultimate population of approximately 12,000) is not mentioned in the MSS.

Recommendation: Some of the data used is 15-20 years old. Not only is the information dated, but many of the issues have changed in that time. The MSS therefore should be updated with current data sets (such as land use, employment, and census information).

Clause 21.02 – Key Issues in the Shire

This clause lists key issues in the Shire. These issues are the local policies that are dealt with in Clause 22. Objectives and strategies for these issues are also contained in Clauses 21.03-2 and 21.04 of the Melton Planning Scheme.

It is noted that the key issues are expressed as themes and does not actually identify what the ‘issue’ is. The key issues are identified as *residential land use, a sustainable environment, recreation and open space networks, urban development, employment, retailing, transport and movement, rural land use, and areas of historical, environmental and cultural significance and sensitivity.*

Recommendation: The key issues for the Shire will need to be identified and incorporated within the MSS. Key issues may include matters such as:

- The pressure on community infrastructure provision created by the large number of residential development fronts present within the Shire
- Car dependence of residents within the Shire
- Lack of employment opportunities present within the Shire results in 80% of residents leaving the Shire for employment

Clause 21.03 – Planning Visions and Objectives for Melton

This clause outlines an overall vision for the Shire and 12 planning objectives, which are the basis for local policy statements at Clause 22. The vision includes a statement regarding two separate communities in Melton Township and Melton East, as based on the development scenario at that time.

As stated previously the planning vision and objectives in this section of the MSS fail to address the shift in State planning policy, Regional policy, and Council’s own strategies and policies.

The planning vision fail to address the current location of the UGB, and the changes that result in population numbers, employment opportunities, infrastructure location, and consequential changes required for land use within urban and non-urban areas.

It is acknowledged that the many of the planning objectives are sound and should be retained, as they will result in liveable communities (e.g. the residential land use objective is ‘to create sustainable and liveable communities that are attractive and desirable places in which to live’), however they will need to be revisited to ascertain whether more suitable objectives can be crafted to respond to changes in State and Local Policy direction.

Recommendation: The planning vision and objectives need to be rewritten to comply with State Government policy shifts – including *Melbourne 2030*, *Melton @ 5 Million*, *Delivering Melbourne’s Newest Sustainable Communities*, *Native Vegetation Management Framework*, the recently approved *Growth Corridor Plans*, and adopted Council strategies, including the most recent Council Plan.

Clause 21.04 – Planning Strategies and Implementation for the Shire

This clause introduces a Physical Framework Plan that includes 8 key land use units/areas (i.e. Melton Township, The Rockbank Plains, The Villages etc), and a preferred direction for each of those, as shown in an individual Structure Plan. Each area has the following identified; snapshot, objective, opportunities & constraints, strategies, and planning scheme implementation.

Key deficiencies in this section include:

- The land between the Melton East Growth Area and Melton Township is shown as non-urban land
- The township of Eynesbury is not shown (it is located in a designated conservation area)
- The designation of major employment areas in areas which are designated as residential areas in the Growth Corridor Plans and Precinct Structure Plans
- Incorrect designation of activity centre locations and sizes across the Shire
- Absence of proposed major transport corridors (the OMRR and RRL)
- Many of the objectives and strategies for the land units are out of date and will need to be revised. When the MSS was written most of the land in the Melton East Growth Area was vacant and will need to be revised now it is nearing build out (as the strategies for a growth area are different from those for an established area). The strategies for the Melton East Growth Area will need to be revised to reflect the fact that it is almost built out.

When this section was considered by the Independent Planning Panel for inclusion within the New Format Planning Scheme (1998), the Panel raised the following two matters which have not yet been resolved:

- The minimum lot size recommended of 80 hectares in Council’s *Review of Rural Areas* 1994 has been reduced to 40 hectares with no justification. If 80 hectares is required to maintain an agricultural base, it would appear that 40 hectares may be unviable for many agricultural pursuits.
- The Planning Scheme is silent on the social implications of introducing rural residential living. Will there be servicing implications? Will absentee landlords create problems for farmers?

It is recommended that these two matters be considered when Council creates its Green Wedge Management Plans.

Recommendation: The Green Wedge Management Plans will need to consider appropriate subdivision size for rural areas taking into consideration land capability and land use. If rural residential living is encouraged the GWMP will need to consider the servicing and interface implications.

The land use units should be reconsidered given the changes to the UGB. Possible land use units could be:

Established Areas

- Melton Township
- Melton East Established Area

Growth Areas

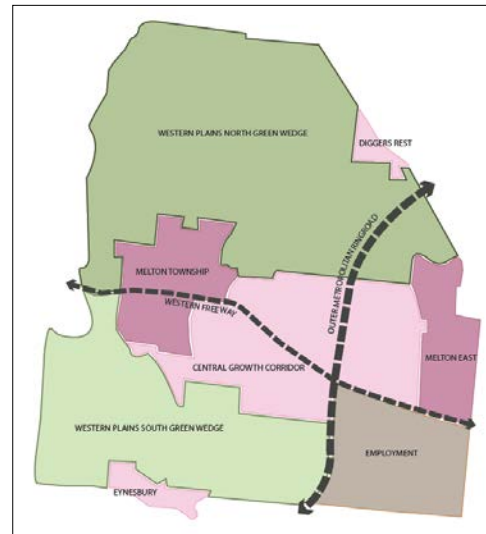
- The central growth corridor
- The employment corridor

Green Wedge Areas

- Western Plains North Green Wedge
- Western Plains South Green Wedge

Townships

- Eynesbury
- Diggers Rest



Recommendations:

The content of this section needs to be reworked to reflect the approved *West Growth Corridor Plan*, the *Sunbury / Diggers Rest Growth Corridor Plan*, the approved Precinct Structure Plans (PSPs), Regional strategies and infrastructure projects, and adopted Council documents.

The land units should be revised given the changes to State planning policy reflected in the modified UGB.

The objectives, opportunities, constraints and strategies for each local area will need to be rewritten taken into account the new geographic area, revised population projections, revised servicing needs, and the role that it plays in the Shire.

Clause 21.05 – Implementation and Review

This Clause outlines how the strategies and objectives of the MSS will be implemented and reviewed.

Recommendation: This section would need to be rewritten to align itself with the objectives and strategies in the new MSS.

4.3 Structure and Format of the future MSS

The new format will be consistent with the practice note, which states that an LPPF should be thematic in nature and reflect the SPPF themes. It will also include important strategic context and a clear vision that is linked to the Council Plan. The form and content of the revised MSS will be informed by adopted Council strategies as well as State Government policy.

It will include content around themes on settlement, environmental and landscape values, environmental risk, natural resource management, built environment and heritage, housing, economic development, transport, and infrastructure. This would then be followed by content on specific geographic areas.

4.3.1 Staff consultation on the Planning Scheme

A questionnaire was distributed to Council's business service units and a series of workshops were held in April to find out what was working in the Planning Scheme and what should be included within a Planning Scheme. It is noted that this is not the vision for the new MSS, but rather is useful for guidance on matters which should be considered in the new MSS.

It was acknowledged by all staff that the Planning Scheme was out of date and was failing to assist them in making decisions.

Suggestions were received that the MSS could be improved by:

- Building on the biodiversity and sustainability requirements
- Improving controls affecting native vegetation and waterways
- Embedding social policies into the MSS such as social housing, food security, alcohol harm minimisation, gaming, community safety and community wellbeing
- Integrating with Council's Municipal Public Health Plan
- Recognising our place in the region – with strong connections to Ballarat, Melbourne, two airports and proximity to transport connections.

Council's business units were asked for feedback on some themes / objectives that could be incorporated into a revised planning scheme. The intention was for the business units to begin considering issues which could be addressed and strengthened through the planning system. Following is a snapshot of some of the issues which were raised and should be considered when rewriting the MSS:

The Municipality consists of a network of accessible communities that are socially, culturally, economically and environmentally sustainable.

Accessible

The municipality enjoys an integrated transport network which efficiently and sustainably connects people to destinations within the municipality and beyond.

Socially and Culturally Sustainable

Urban areas are arranged around activity centres which provide opportunities for high density housing, with a mix of retail, office, and community uses, which are easily accessible by foot, bicycle and public transport.

New developments use innovative urban design that respects existing neighbourhood character, and are responsive to places of historical and environmental significance.

All residents live within a comfortable walking distance of a place which provides a diverse range of services and infrastructure that enable people to engage and participate in community life.

Residents will be able to conveniently access their lifelong learning and health and well-being needs.

Places are friendly, welcoming, safe and inclusive.

Economically Sustainable

The municipality enjoys a strong economic base, with diverse businesses providing a range of employment opportunities.

The municipality capitalises on its strategic location between Metropolitan Melbourne and its rural hinterland.

Environmentally Sustainable

The municipality enjoys access to generous open space areas which provide opportunities for recreation, food security, movement and biodiversity protection.

The municipality is recognised for its leadership in environmentally responsive design which reduces water and energy use, and encourages the development of renewable energy generation.

Urban areas are surrounded by green wedge and rural areas which are protected and valued for their environmental assets.

Section 5 - Effectiveness of Local Planning Policies

There are currently eleven local policies in Clause 22 of the Melton Planning Scheme. The next section outlines the content of each, as well as recommendations as to how it could be improved.

The consultation with Council's business units and statutory planners revealed that many of the local policies were out of date and were not useful when making decisions about land use or development. A series of recommendations were received about policy gaps which will be discussed in Section 7 of this report.

It is noted that the Practice Notes (*Writing a Municipal Strategic Statement, 2010* and *Writing a Local Planning Policy, 2010*) recommend that local policies be absorbed into the MSS. Consideration should be given when reviewing local policies to incorporating their content into the MSS wherever possible.

Recommendation: When reviewing local policies in the LPPF, consideration should be given to incorporating their content into the MSS wherever possible.

Clause 22.01 - Residential Development

The overall objective is to provide a variety of residential housing options. It includes specific policies to achieve this objective, and to guide residential growth in smaller townships.

It applies to all land zoned Residential 1, and all land within the township structure plans identified in the MSS – Melton Township, Melton East, Melton South, Toolern, Toolern Vale, Diggers Rest, and Rockbank.

It was acknowledged that this policy was generally useful and was used extensively by Statutory Planners when assessing planning permit applications.

Statutory Planners identified the following concerns with this local policy:

- This policy fails to provide guidance on non-residential uses in the Residential 1 Zone
- Some of the planning objectives are inconsistent with the SPPF:
 - 'to retain a permanent buffer between Rockbank, Melton and Melton East
 - to encourage gradual population changes in Diggers Rest and to promote a diversity of housing opportunities
 - to resist the future expansion of Rockbank'
- Concerns were raised about the planning policy regarding the preferred minimum lot size of 6000sqm for unsewered residential lots as this is inconsistent with State policy (which specifies 4000sqm), and there is no strategic justification for this size.
- The policy required all rural living development west of Harkness Road and in Strathtulloh Estate to conform to the principles of the *Design and Siting Guidelines for Rural Residential Dwellings and Outbuildings* (1996). These guidelines are out of date and are not useful. Reference to these guidelines should be deleted.
- The policy for Melton Township that lot sizes for land north of Kurunjang should be a minimum of 2000sqm should be deleted.
- All references to limiting urban growth around Melton Township, Melton East, Diggers Rest, and Rockbank will need to be deleted as these are inconsistent with the current planning policy framework.

Other deficiencies identified with this local policy include:

- The policy fails to provide direction for Eynesbury township (however it is acknowledged that this township is subject to its own local policy at Clause 22.09).
- It should identify areas suitable for *limited* (implement planning controls over housing development to protect identified characteristics of its neighbourhood), *incremental* (allow a variety of housing types including medium housing provided that it respects the character of the neighbourhood) and *substantial* (areas suitable for medium to higher density housing in appropriate locations) *change* in the Shire.
- It should identify the preferred location of medium and higher density housing (in established and growth areas).
- It could introduce mechanisms to provide for affordable and social housing.
- It should identify strategic redevelopment sites across the Shire and identify what attributes define a strategic redevelopment site.
- The policy would be improved if it provided guidance on universal access (to allow people to age in place), and improved energy efficiency.
- The Melton East Growth Areas policies are out of date as they relate to the creation of new suburbs, road networks and town centres. The Melton East Growth Area is almost complete and the strategies should therefore be reviewed to provide direction on consolidation and building design.
- The local policy should provide direction on residential development in the growth corridor to inform the development of future Precinct Structure Plans.

Recommendations:

This clause needs to be completely reworked to consider the approved *West Growth Corridor Plan* and *Sunbury / Diggers Rest Growth Corridor Plan*, Precinct Structure Plans, and changes to the UGB which are not consistent with current policy statements regarding containing growth within existing townships.

The rewrite will rely on the development of a neighbourhood character policy, and a high and medium density housing location strategy.

The policy should provide guidance and policy discretion on non-residential uses in residential zones.

The policy should be aligned with the housing themes in the SPPF and MSS to provide improved guidance on how Council will exercise its discretion when making decisions about land use and development.

Clause 22.02 - A Sustainable Environment Policy

The purpose of this clause is to protect and conserve the environmental resources and assets of the Shire for the benefit of current and future communities.

It is considered that the most of the policy objectives are covered in other sections of the Melton Planning Scheme such as Environmental Significance Overlays, Significant Landscape Overlays and the Urban Floodway Zone.

Council's Statutory Planning Unit indicated that they do not use this local policy as they refer to the relevant sections in the SPPF, particular provisions, overlays and zones to protect native vegetation, landscapes and biodiversity. Many of the policy objectives and policies could be retained, however they would be better located in the *Rural Land Use Policy* (Clause 22.08).

Council's Environmental Services Unit indicated that whilst they use this local policy they acknowledged that it was a duplication of information found in the SPPF, particular provisions, MSS, overlays and zones. They indicated that it would be more useful to have a local policy which focussed on a local biodiversity outcome (such as creating biodiversity corridors).

Recommendation: This local policy should be deleted as most of the policy objectives are covered by other parts of the Planning Scheme.

Clause 22.03 - Recreation and Open Space Networks Policy

The purpose of this clause is to provide recreation and open space networks that cater for a variety of life-cycle needs.

Council's Statutory Planning Unit does not use this local policy much; however they do find it helpful when assessing application where subdivisions adjoin existing Council reserves.

This policy does not adequately describe the network of existing and proposed major and regional parks across the Shire.

This local policy should be rewritten to align itself with Council's Open Space Strategy which is currently being revised, and should provide guidance around open space issues in subdivision and the creation of Precinct Structure Plans.

This local policy should be updated to provide guidance on the distribution and location of regional, district and local open spaces and linkages between them. This would include passive, active and conservation areas.

Improved guidance is also required on gaps in the open space network in established areas to provide guidance to planners on where a land contribution may be preferred over a cash contribution.

Recommendations:

This local policy needs to be updated to accurately reflect the Toolern Regional Park, Council's Open Space Strategy (which will need to be updated and revised), and any other relevant plans (such as the recreation and facility strategy).

The local policy should be rewritten to provide improved guidance on the distribution and location of regional, district and local open spaces, and linkages between them. This would include passive, active, and conservation areas.

Clause 22.04 - Urban Development Policy

The purpose of this clause is to ensure that infrastructure is designed and provided in an efficient and timely manner and the development of urban areas reflect sound planning principles and practices. It applies to all land other than rural land (including the Urban Growth Zone).

Many of the policy objectives and policies can be found in other sections of the Planning Scheme (such as ResCode – Clauses 55 and 56).

Council's Statutory Planning Unit made the following comments about this local policy:

- Many of the objectives and policies could be more logically located in other local policies such as the Residential Policy (Clause 22.01), the Employment Policy (Clause 22.05), and the Transport and Movement Policy (Clause 22.07).
- As in Clause 22.01 the policy that the preferred size for low density residential lots is 6000sqm should be deleted as this is in conflict with State Policy which states 4000sqm.
- The policy direction that industrial uses in the Melton East Growth Area should be confined to the area south of the Western Highway is useful and should be retained.
- Retain references to the needs to adopt and implement Development Contribution Plans.

It is noted that as the Melton East area has nearly been built out that the policy reference to the *Melton East Strategy Plan (1997)* should be reviewed.

Recommendations:

This policy could be replaced by a general urban design policy. This would rely on the development of an urban design strategy.

This clause includes a mix of content that could be better placed in other local policies, i.e. settlement or subdivision. Some elements are duplicated in 22.01 (Residential Land Use Policy).

Clause 22.05 - Employment Policy

The purpose of this clause is to create an environment conducive to economic growth and wealth generation.

Council's Strategic Planning Unit commented that this policy provides little direction on land use and development issues.

This local policy would be improved by identifying the employment areas identified in the Melton Township (industrial zoned areas), in the Toolern Precinct Structure Plan, the southern suburb in Melton East, and the employment areas identified in the West Growth Corridor Plan.

The policies could be improved by providing direction on different industries such as agriculture, industrial land use, office development, and tourism, and providing guidance on non-industrial uses in industrial zones.

The local policy would be improved by aligning itself with the objectives in Council's adopted *Economic Development Strategy*.

Recommendations:

As a minimum this local policy should be rewritten to include objectives from Council's adopted *Economic Development Strategy*.

Create a local policy which provides guidance on non-industrial uses in industrial zones.

Council should review the *Economic Development Strategy* and update. The *Economic Development Strategy* should also provide a framework for the development of employment land and opportunities across the Shire.

Clause 22.06 - Retailing Policy

This clause aims to encourage the growth and development of vibrant and dynamic retail centres and applies to all land zoned Business. It specifies car parking rates for specific shopping centres.

Council's Statutory Planning Unit made the following comments regarding the local policy:

- The content is out of date and does not reflect new centres located in growth areas
- It does not provide guidance on land use and development
- It has failed to keep up with changes in retailing such as the advent of bulky good retailers setting up in industrial areas
- The car parking provisions have been useful.

The local policy should be updated considering the updated hierarchy and terminology in *Melbourne 2030* and the *West and Sunbury / Diggers Rest Growth Corridor Plans*. The Melton Planning Scheme identifies Regional Centres, Sub Regional Centres, and Community Activity Centres which is contrary to the *Melbourne 2030* terminology of Principal, Major and Neighbourhood Activity Centres. The Melton Planning Scheme identifies Woodgrove as being the highest order shopping centre in the Shire, which is contrary to the *West Growth Corridor Plan* which identifies this being located in Toolern.

The local policy should be updated to become an activity centre hierarchy which reflects the State planning approach of creating activity centres which are more than just shopping centres.

Recommendations:

This policy could be renamed the Retail and Activity Centres Policy.

The content is out of date and does not reflect new town centres in growth areas, or the terminology introduced by *Melbourne 2030*. It is based on retail patterns in the 1990's. The policy should be rewritten taking into consideration the hierarchy in *Melbourne 2030* and the *West and Sunbury / Diggers Rest Growth Corridor Plans*.

The new policy must provide improved guidance on land use and development issues.

The reworking of this strategy will rely on the development of a *Retail / Activity Centres Strategy*.

Clause 22.07 - Transport & Movement Policy

The purpose of this clause is to develop efficient and integrated transport infrastructure that allows people with choice about how they move within and through the Shire.

Council's Statutory Planning Unit noted that this policy reads more as an advocacy statement than a local policy as its strategies were based around lobbying for improvements to the public transport network.

Policies listed such as '*lobby State Government for x*', and '*discourage heavy vehicle traffic on x road*', should be removed; these are suitable for inclusion in a strategy but should not be in the planning scheme.

Many of the major infrastructure projects that affect the municipality are not reflected in this policy. The policy should be redrafted to include reference to the Outer Metropolitan Ring Road, Regional Rail Link, Western Intermodal Freight Terminal, Anthony's Cutting bypass, and the Deer Park Bypass.

This policy would be improved by providing guidance on land use and development issues. It should provide direction on transit oriented development, integrated transport, sustainable transport, freight traffic, and private motor vehicle traffic. Consideration should also be given to safeguarding the Melton Airfield and the western approach to Melbourne Airport.

Recommendations:

The policy should be rewritten to provide improved direction on land use, development, and particularly subdivision issues. To do this Council should create an *Integrated Transport Strategy* which deals with integrating transport with land use planning.

It should be updated to include objectives from the relevant local strategies, as well as reflect major infrastructure projects that have been approved in the municipality (i.e. the Outer Metropolitan Ring Road, Regional Rail Link, Western Intermodal Freight Terminal, the Anthony’s Cutting bypass, the Deer Park Bypass etc). Consideration almost must be given to the State Government’s *Transport Integration Act, 2010*.

A revised policy will need to rely on the development of a number of Council Strategies including an *Integrated Transport Strategy*, a *Transport Access Plan*, and a revised *Hike & Bike Strategy*.

Clause 22.08 - Rural Land Use Policy

The purpose of this clause is to preserve the integrity of the Shire’s rural land for sustainable and efficient rural land uses, and to maintain a permanent non-urban buffer between metropolitan Melbourne and the Melton Township.

This zone applies to all land within the municipality within a Rural Zone, an Environmental Rural Zone or a Rural Living Zone. It is noted that these zones no longer exist and have been replaced by the Green Wedge Zone (2003), the Green Wedge A Zone (2004), the Rural Conservation Zone (2003) and the Farming Zone (2004), and Council is using this policy to assess applications in the new zones.

As discussed previously the non-urban buffer between metropolitan Melbourne and the Melton Township is now redundant, and therefore the sections of this policy which refer to this will need to be revised. The Green Wedge areas need to be protected as they have environmental, social and economic values which need to be protected for Metropolitan Melbourne as well as for the Shire.

Council’s Statutory Planning Unit commented that:

- All applications are to be accompanied by an Environmental Management Plan (**EMP**), prepared in accordance with guidelines created in 1996. It is considered that the requirement for an EMP in all circumstances is overly onerous and that more guidance should be provided on circumstances where one should be provided.
- The *Guidelines for the Preparation of Environmental Management Plans in Melton’s Rural Areas* (1996) is out of date and needs to be deleted. The policy would be better served by specifying the information to be provided in the EMP.
- There is a conflict in the policy which seeks to protect both economic and environmental values of rural land. In some instances the protection of one will be at the expense of the other.
- The policy objective encouraging the consolidation of lots should be retained.

Recommendations:

The rural land use policy needs to be rewritten as many aspects of it are out of date and conflict with the SPPF.

Policies which require the provision of a non-urban buffer, 'permanent green-wedge' in the corridor between Melton East and Melton Township needs to be revised given the changes to the UGB.

It needs to be updated in relation to the extent of land affected by the Melbourne Airport Environs Overlay.

Improved guidance is required when an EMP should be provided, and what should be included within the EMP.

A revised version of this policy will be based on the *Green Wedge Management Plans* (when completed).

Clause 22.09 - Eynesbury Station Policy

The purpose of this clause is to guide the development of Eynesbury Station.

The Eynesbury Station area is largely located within a Mixed Use Zone and is subject to a Development Plan Overlay (Schedule 6), and an Incorporated Plan Overlay (Schedule 1). There are a large number of planning controls which apply to the site which could possibly be rationalised.

The Incorporated Plan required the land to be consolidated into three key land holdings prior to any works commencing on the site (township precinct, Grey Box Forest Area, and all other land). The Development Plan requires the applicant to identify land to be used for agricultural, residential, community education, commercial, open space, and recreational purposes.

The last paragraph in the policy basis reference sections in the SPPF which no longer exist. This paragraph should be deleted.

Recommendation: A comprehensive review of the planning controls that apply to the Eynesbury Station is required. The review will consider the provisions of the Mixed Use Zone, the Local Policy (Clause 22.09), Schedule 2 of the Design and Development Overlay, Schedule 6 of the Development Plan Overlay, and Schedule 1 of the Incorporated Plan Overlay. The review will need to advise whether the controls are appropriate or should be simplified.

Clause 22.10 - Stores and Outbuildings Policy

The purpose of the clause is to ensure that landscapes and amenity are not negatively impacted upon by inappropriately sited and designed outbuildings.

This policy is a recent addition to the planning scheme.

Legal advice since the finalisation of the guidelines has resulted in the application of the policy being reduced in scope. It can no longer be applied to Residential 1 Zones where stores are being used in association with a dwelling. Therefore it is only being applied in rural zones. The guidelines need to be updated to reflect this.

Recommendation: Revise the scope of the policy to '*This Policy applies to all land within the Shire of Melton, except land located within the Residential 1 Zone*'.

Clause 22.11 - Interim Telecommunications Conduit Policy

The purpose of this clause is to facilitate the provision of infrastructure for the National Broadband Network. It applies where a permit is required for subdivision.

This policy was introduced by the State Government at the request of the Municipal Association of Victoria for Cardinia Shire Council, Casey City Council, Greater Geelong City Council, Hume City Council, Melton Shire Council, Moorabool Shire Council, Surf Coast Shire Council and Wyndham City Council.

Recommendation: No change required.

5.1 General comments about the existing local policies

Overall the local policies are of limited use for the statutory planners. Some, such as the Retailing Policy, do not provide specific guidelines or policy discretion for land use and development decisions.

Only a few objectives and strategies are sufficiently relevant and useful to be retained in a revised version of the local policies.

Local policy gaps are discussed in Section 7.

Section 6 - Effectiveness of Zones and Schedules

The MSS describes the Shire in 1997 as being zoned predominantly for rural use with 72% (45,300 hectares) of the Shire zoned for rural activities. The extent of rural zones was significantly reduced in August 2010 (VC68), and rural zones now apply to 56.81% of the Shire.

Zone	Area (Hectares)	Percentage of Shire
Residential Zones	5,746.52	10.96%
Industrial Zones	845.07	1.61%
Business Zones	156.70	0.29%
Rural Zones	29,966.76	56.81%
Public Land Zones	3,740.14	7.07%
Special Purpose Zones	12,267.25	23.24%
Total	52,751.44	100.00%

6.1 Residential Zones

Zone	Area (Hectares)	Percentage of Shire
Residential 1	4,595.56	8.71%
Low Density	375.90	0.71%
Mixed Use	813.06	1.54%
Total	5,746.52	10.96%

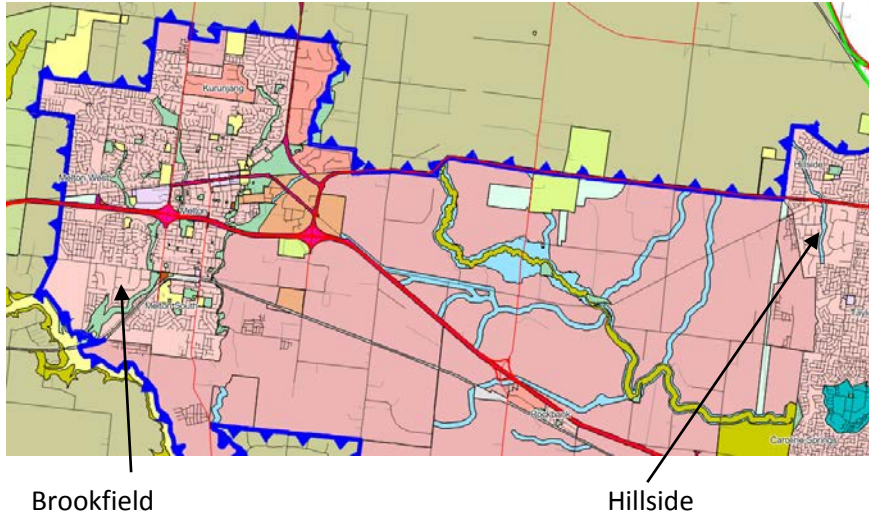
Residential 1 Zone (R1Z) & Schedule

The Residential 1 Zone applies to 8.7% of the Shire’s land area, and is the Shire’s largest residential zone. Precinct Structure Plans will increase the size of this zone, as it is the default residential zone being applied to residential land in PSPs (Toolern, Taylors Hill West, Melton North, Diggers Rest, Rockbank North, and Toolern Park).

No provisions specified in the Schedule. There aren’t any local policies that could be translated into the schedule.

Council’s Statutory Planning Unit made the following observations about this zone:

- There is a need to identify small shopping strips that are currently zoned R1Z. These could potentially be rezoned to reflect the business uses. Currently they are relying on existing use rights, which is problematic as it is limited to the exact nature of the use such as a pizza shop, and cannot be transferred to other types of shop/retail such as a fish and chip shop.
- Some parks and public schools are located within the R1Z; these also should be rezoned to Public Park and Recreation Zone, or Public Use Zone, Schedule 2 as appropriate.
- Council receives requests for Section 2 uses in the R1Z (such as medical centres, places of assembly and food and drink premises). These uses have the potential for amenity conflicts. It could be useful to identify the preferred location of section 2 uses, and provide information on the assessment criteria for making decisions.
- Some areas are zoned R1Z but are in effect low-density. These need to be further examined as to their future development and appropriate zoning (i.e. Brookfield and Hillside). These low density areas are under pressure for medium density development, which is creating community angst. The future development of a *housing character strategy* will need to address this.



Recommendations:

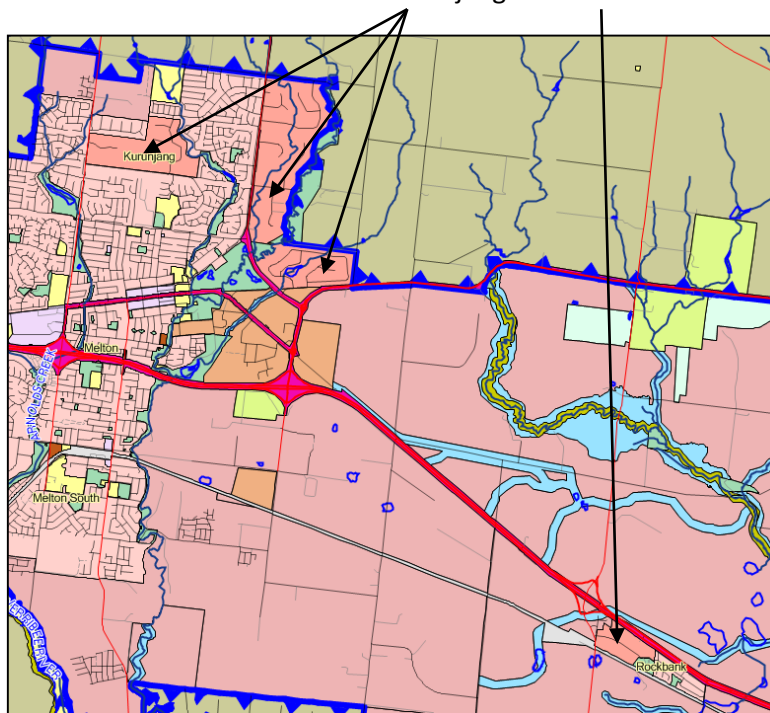
A planning scheme amendment should be run specifically to address land use anomalies in the Residential 1 Zone. This amendment will need to identify strip shopping centres, parks owned by Council, and public schools.

Areas with low density lot sizes which are zoned in R1Z should be investigated. A recommendation is required on whether these areas should be retained as low density or should be transitioned into conventional density areas. Planning tools such as overlay controls will be required for these areas to provide guidance on the preferred built form of these areas.

Create a local policy on *'Section 2 Uses in the Residential 1 Zone'*.

Low Density Residential Zone & Schedule

This zone applies to a small number of estates in Kurunjang and Rockbank.



The Schedule does not specify a minimum subdivision area, or the minimum dimensions above which a permit is required to construct an outbuilding. There is potential to review this to include provisions from Council’s Outbuildings Policy or a minimum subdivision area.

The application of the zone needs to be reviewed. This can occur through the development of a *housing character strategy*. Council has received requests for rezonings of some areas, and there is currently no strategic direction around these areas that are now surrounded by conventional density residential development. This raises issues around subdivision layout, infrastructure provision etc, which may also need to be dealt with through the application of a Development Plan Overlay to ensure the orderly and timely re-development of these areas.

Recommendations:

Council should conduct a housing character strategy which examines whether the LDRZ should be retained in the areas to which it applies.

In the development of the Rockbank South PSP it would useful to examine whether the LDRZ in Rockbank Township should be retained.

Mixed Use Zone & Schedule

The Mixed Use Zone (MUZ) applies to four areas in the Shire, and comprises 1.7% of the Shire’s area.

A further Mixed Use Zone area is proposed in the employment area in the Toolern PSP.

The schedule to the MUZ specifies three areas with restrictions on leasable retail floor areas:

- Eynesbury Station (no restriction of retail);
- 2-40 Old Calder Highway, Diggers Rest (2,200 sqm of retail); and
- Westwood Drive Activity Centre (5,000 sqm of restricted retail).

The Westwood Drive Activity Centre is being addressed through Planning Scheme Amendment C112 that proposes to rezone the site to the Business 1 Zone.

Council’s Statutory Planning Unit recommended that the Mixed Use Zone should be applied to some industrial areas in Melton Township as some industrial areas were small and could be better used as residential use.

Recommendation: No change recommended.

6.2 Industrial Zones

Zone	Area (Hectares)	Percentage of Shire
Industrial 1	483.24	0.92%
Industrial 3	361.83	0.69%
Total	845.07	1.61%

Whilst only 1.6% of the Shire is currently zoned for industrial use, there is an expectation that this be increased substantially in time as the *West Growth Corridor Plan* has identified substantial areas of industrial land in the south-east quadrant of the corridor (this land in time will form part of the Laverton North industrial precinct, which is one of three industrial areas of state significance located in Metropolitan Melbourne). Smaller pockets of employment land have been identified in the west growth corridor, however PSPs have not been created for these areas yet, and it has not been determined whether these will be zoned for industrial or business purposes yet.

It is additionally noted that land has been identified in the Diggers Rest Precinct Structure Plan as being suitable for industrial land use.

Recommendation: Council should conduct an industrial and employment study which examines the employment land in the Shire and recommend the preferred land use for these areas to guide Council in identifying an appropriate land use zone when creating PSPs.

Industrial 1 Zone & Schedule

There are two Industrial 1 Zoned areas in the Shire, one of which is located in Melton Township, and the other is located on Robinsons Road in Truganina. The Melton Township IN1Z area is located at the gateway to Melton Township.

No specific provisions are listed in the schedule.

Council’s Statutory Planning Unit commented that the industrial areas in the Melton Township - High Street gateway area have the potential to be rezoned to better reflect the existing and approved uses (potentially B4Z). This can be dealt with through a *retail strategy*, and an *industrial land use study*.

Recommendations:

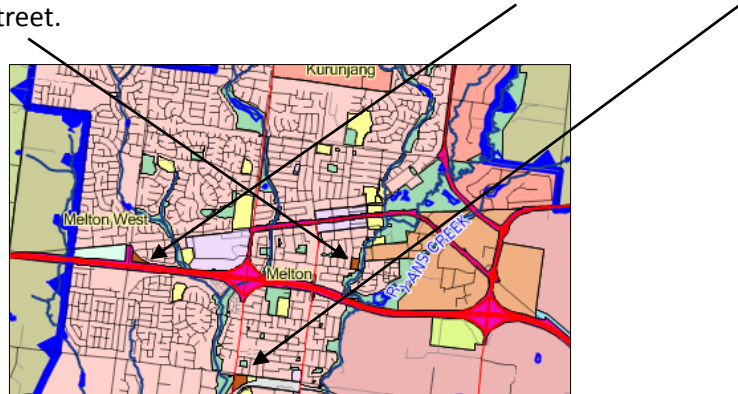
Conduct a *retail / activity centre strategy* which investigates better land use along High Street in Melton Township. This should explore whether land abutting parts of High Street should be rezoned to promote bulky goods retailing (Business 4 Zone). This strategy should also investigate other areas where bulky goods retailing abuts main roads.

Review Council’s *Economic Development Strategy*. The revised strategy will investigate the effectiveness of the existing industrial zones in the Shire and recommend:

- Whether there is sufficient land identified for industrial use; and
- Identify industrial precincts located within the Shire and whether these are operating efficiently or should be rezoned to facilitate alternative higher order uses.

Industrial 3 Zone & Schedule

There are three Industrial 3 Zone (IN3Z) areas located within the Melton Township, and one south of Burnside. The Melton Township IN3Z areas are located at Clarkes / Bulmans Road, Melton Railway Station, and Palmerston Street.



No specific provisions are listed in the schedule.

Council’s Statutory Planning Unit commented:

- That the industrial precinct south of Burnside is generally performing well.
- That there is IND3Z land set aside for VicRoads at the Clarkes Road interchange with the Western Highway. Council needs to investigate if this land is still required by VicRoads (a full diamond interchange is proposed ultimately at this site). This land should not be zoned IN3Z.
- Land around Palmerston Street and Melton Station also needs to be reviewed.

Recommendations:

Conduct a *retail / activity centre strategy* which investigates the IN3Z land abutting the Western Highway south of Burnside. This should explore whether part of this land should be rezoned to promote bulky goods retailing (Business 4 Zone).

Review Council’s *Economic Development Strategy*. The revised strategy will investigate the effectiveness of the existing industrial zones in the Shire and recommend:

- Whether there is sufficient land identified for industrial use; and
- Identify industrial precincts located within the Shire and whether these are operating efficiently or should be rezoned to facilitate alternative higher order uses.

6.3 Business Zones

Zone	Area (Hectares)	Percentage of Shire
Business 1	79.60	0.15%
Business 2	0.64	0.00%
Business 3	70.96	0.13%
Business 4	5.50	0.01%
Total	156.70	0.29%

A network of new activity centres have been identified in the *West Growth Corridor Plan*, which will be zoned for business use. Substantial activity centres (Principal and Major Activity Centres) have been identified in Toolern, Rockbank North, Rockbank, and Plumpton. Additional employment areas have been identified in the corridor and no determination has been made on whether these will be industrial or business zones.

Recommendation: Council should conduct an industrial and employment study which examines the employment land in the growth corridors and recommend the preferred land use for these areas to guide Council in identifying an appropriate land use zone when creating PSPs.

Business 1 Zone & Schedule

A range of Business 1 Zone (B1Z) areas are identified across the Shire and are applied to a variety of shopping strips and shopping centres.

The schedule identifies 15 areas where specific provisions apply for maximum leasable floor areas for office, shop and trade supplies. Half are activity centres in growth areas which are yet to be developed, but have been identified in PSPs or the West Growth Corridor Plan.

Council’s statutory planning unit commented that there a number of small shopping centres (including corner shops in residential areas) that should be rezoned to the B1Z to facilitate their ongoing retail role in the community, as they are zoned R1Z and existing use rights are limited.

Recommendations:

Council should identify all purpose built shopping strips across the municipality and ensure that the zoning is appropriate to allow them to continue to operate (for example shops on Centenary Avenue in Melton). This should form part of a tidy up amendment to the Melton Planning Scheme.

A retail strategy is required to examine the existing retail hierarchy, and determine whether this is still appropriate in the light of *Melbourne 2030*, the *West Growth Corridor Plan*, approved PSPs, and contemporary retailing expectations. This strategy should identify if the floorspaces specified in the schedule are appropriate or should be increased.

Business 2 Zone & Schedule

The Business 2 Zone (B2Z) is applied to land to encourage the development of offices and associated commercial uses. Only one site in the Shire is zoned for this purpose, and it is located at the intersection of Gourlay Road and Hume Drive in Caroline Springs.

The table in the schedule identifies a site in Caroline Springs but does not specify any maximum leasable floor area for shop or office. As there are no limits specified, the schedule could be deleted.

Recommendation: An employment strategy is required to examine the existing office areas in the Shire, and determine whether this is still appropriate in the light of *Melbourne 2030*, the *West Growth Corridor Plan*, and approved PSPs. This strategy should identify if the floorspaces specified in the schedule are appropriate or should be increased.

Business 3 Zone & Schedule

The Business 3 Zone (B3Z) is applied to encourage the integrated development of offices and manufacturing industries and associated commercial and industrial uses. Only one site in the Shire is zoned for this purpose, and it is located at the north end of Robinsons Road in Ravenhall. No specific provisions are listed in the schedule.

Recommendation: As identified earlier, employment and industrial strategies would assist Council in determining whether there is sufficient land zoned for employment purposes, and identify if this zone should apply to land currently zoned Urban Growth Zone.

Business 4 Zone & Schedule

The Business 4 Zone (B4Z) is applied to encourage the development of a mix of bulky goods retailing and manufacturing industry and their associated business services. Currently only one site in Burnside is zoned for this use (land surrounding the Masters site on the Western Highway).

As identified previously a range of bulky good retail precincts have established in industrial areas, which should be investigated for rezoning to the B4Z.

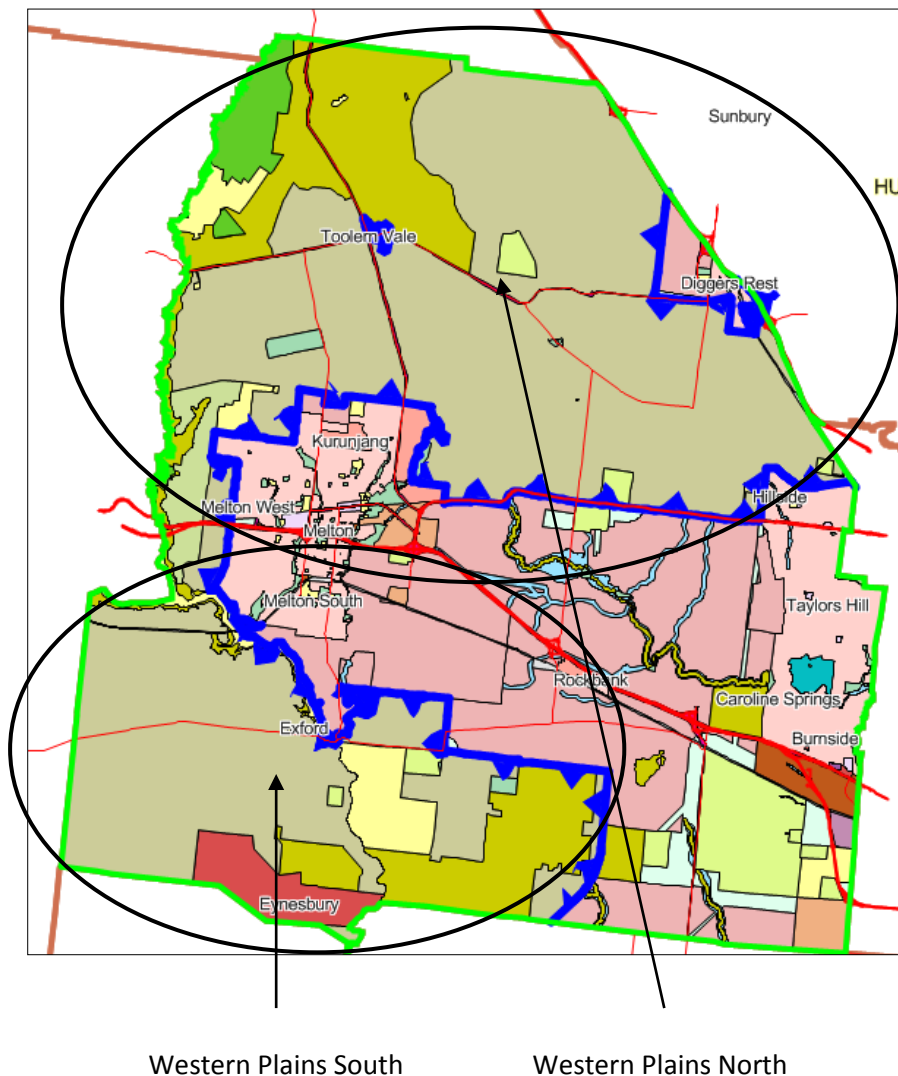
The table in the schedule identifies one parcel of land in Caroline Springs, but does not specify any maximum floor areas. This schedule can potentially be deleted.

Recommendation: As identified earlier, retail and industrial strategies would assist Council in determining whether there is sufficient land zoned for bulky good retail, and identify if this zone should apply to land currently zoned Urban Growth Zone or for industrial use.

6.4 Rural Zones

Zone	Area (Hectares)	Percentage of Shire
Green Wedge	22,418.51	42.50%
Green Wedge A	623.70	1.18%
Rural Conservation	6,043.33	11.46%
Farming	881.24	1.67%
Total	29,966.76	56.81%

Rural Zones apply to over half of the Shire’s land area, with the Green Wedge Zone being the largest land use zone. Melbourne 2030 has divided the Green Wedge into different areas. The Western Plains North Green Wedge applies to land north of the Melton Highway, and the Western Plains South Green Wedge is to the south of the Melton Highway. No Green Wedge Management Plans (GWMP) have been created for these areas to date. DPCD requires the development of GWMP to manage these areas of environmental, social and economic significance to Metropolitan Melbourne.



Green Wedge Zone & Schedule

The Green Wedge Zone (GWZ) is the largest zone in the Shire, covering 42.5% of the Shire’s land area.

Council's Statutory Planning Unit made the following comments about the GWZ:

- The schedule specifies a minimum subdivision area for all land in the GWZ, based on an included map. The map is dated and it is difficult to determine the boundaries for each subdivision area. Some land is subject to a minimum subdivision area of 12 hectares, and some are subject to the $N=A/20$ formula (the number of lots which can be subdivided = the area of the lot divided by 20). The $N=A/20$ formula is viewed to be problematic and contrary to the purpose and objectives of the GWZ which are to protect and enhance the green wedge, minimise land fragmentation, and allow agricultural / extractive enterprise to continue. Recent studies by Council reveal that 40 hectares should be the minimum subdivision area permitted.
- The schedule specifies requirements for earthworks and fill. These provisions are dated, and should be removed as they permit too much landfill on sites, which is contributing to weed infested land fill being introduced to the green wedges.

Recommendation: Green wedge management plans are required for the Western Plains North and Western Plains South green wedge areas. These plans will identify whether the extent of the GWZ should be expanded or reduced. The green wedge management plans will need to specify the minimum subdivision area permitted, and provide guidance on the extent of landfill permitted without planning permission.

Green Wedge A Zone & Schedule

The Green Wedge A Zone (GWAZ) applies to land west of Melton Township adjacent the Djerriwarrh Creek.

The schedule to the GWAZ specifies a minimum subdivision area for all land as 2 hectares, with the exception of land within 300m of the Djerriwarrh Creek, an Environmental Rural Zone (ERZ) or Public Conservation and Resource Zone (PCRZ), where a 5 hectares minimum applies. Council's Statutory Planning Unit commented that these provisions were introduced some time ago as evidenced by the reference to the ERZ which no longer exists, and it is recommended that the default minimum of 8 hectares for subdivision is reinstated.

Council's Strategic Planning Unit also commented that the land in Strathtulloh Estate should be rezoned to the GWAZ as it is a rural living area.

Recommendation: The Green Wedge Management Plans should investigate whether the GWAZ is the most appropriate land use zone, and should identify appropriate minimum subdivision sizes for land in the GWAZ / GWZ.

Rural Conservation Zone & two Schedules

The Rural Conservation Zone (RCZ) applies to 11.5% of the Shire's land. The RCZ seeks to protect and enhance natural resources and biodiversity. It applies generally to land abutting the Shire's main waterways, and to land reserved for native vegetation protection (such as the western plains grassland reserve, the proposed regional park adjacent Caroline Springs, the woodlands at Eynesbury, the Toolern Hills, and Mount Atkinson).

Two schedules apply to the RCZ.

The first schedule specifies a minimum subdivision area of 40 hectares for all land. The second schedule outlines the protection of areas of environmental significance for flora and fauna – particularly Plains Grassy Wetland (in the Taylors Hill West PSP area).

Council’s Statutory Planning Unit commented that there have been problems with developing and managing some properties where the site is subject to more than one zone (conflict between the application of the GWZ and the RCZ provisions). The boundary of the RCZ may need to be altered to include whole properties rather than applying to part of the site.

Recommendation: The Green Wedge Management Plans should identify sites where land is covered by more than one zone. It should recommend changes to the boundaries of zones to minimise the application of multiple zones on singular sites to improve land management and development outcomes.

Farming Zone & Schedule

The Farming Zone (FZ) has been applied to sites in the Urban Growth Boundary which has associated land management issues. It has been used to restrict potential amenity conflict between residential land uses and quarries, vineyards, and utility corridors. The use of this zone will be reviewed when PSPs are prepared for land which will identify more appropriate land uses.

The schedule identifies minimum subdivision areas with a similar map to the Green Wedge Zone. The map is a low-quality resolution and is difficult to read. This needs to be addressed. The application of the zone also needs to be reviewed in light of UGB changes.

6.5 Public Land Zones

Zone	Area (Hectares)	Percentage of Shire
Public Use	1,772.02	3.36%
Public Park and Recreation	559.86	1.06%
Public Conservation and Resource	743.91	1.39%
Road	664.35	1.26%
Total	3,740.14	7.07%

Public Use Zone & Schedule

The Public Use Zone (PUZ) is applied to recognise use for public utility and community services and facilities. There are schedules which can apply to service and utility (PUZ1), education (PUZ2), health (PUZ3), transport (PUZ4), cemetery (PUZ5), local government (PUZ6) and other (PUZ7).

As identified earlier a number of public schools in the Shire are not zoned PUZ2, and this should be rectified.

Council’s Statutory Planning Unit commented:

- That some properties opposite the Civic Centre in High Street are zoned PUZ6; this should be amended to a B1Z to reflect private land ownership.
- The Caroline Springs civic centre, library and indoor sports centre are zoned CDZ. They should be PUZ6.

Recommendations:

Council should check the landownership of all lots subject to the PUZ and identify lots which are inappropriately zoned PUZ as they are privately owned, and rectify the zoning anomalies.

Council should identify land in the Shire which is publically owned and examine whether they should be rezoned to a PUZ to facilitate their effective use and development.

Public Park and Recreation Zone & Schedule

This zone is applied to land used for public recreation and open space. This zone applies to many public parks and reserves.

No specific provisions in the schedule.

A number of publicly owned reserves are not zoned accordingly (located in Residential 1 Zone areas). These need to be identified and rezoned to PPRZ (a tidy up planning scheme amendment C124 has been proposed which will fix some of these anomalies). This has been identified earlier in this report.

Public Conservation and Resource Zone & Schedule

This zone is applied to protect and conserve the natural environment and natural processes. The PCRZ has been applied to two areas located within the Toolern Hills and largely consists of land located within the Lerderderg State Park (Pyrete Range)

No specific provisions in the schedule.

No comments were received recommending change to the boundaries of the PCRZ.

Road Zone

This zone applies to roads owned and managed by VicRoads. There is no schedule or specific provisions. VicRoads is responsible for the operation of this zone.

Some roads such as the Anthony's Cutting bypass have not been updated, however it is expected that VicRoads will initiate a planning scheme amendment shortly to rectify this.

6.6 Special Purpose Zones

Zone	Area (Hectares)	Percentage of Shire
Special Use	1,759.61	3.33%
Comprehensive Development	131.86	0.25%
Urban Floodway	649.97	1.23%
Urban Growth	9,725.81	18.43%
Total	12,267.25	23.24%

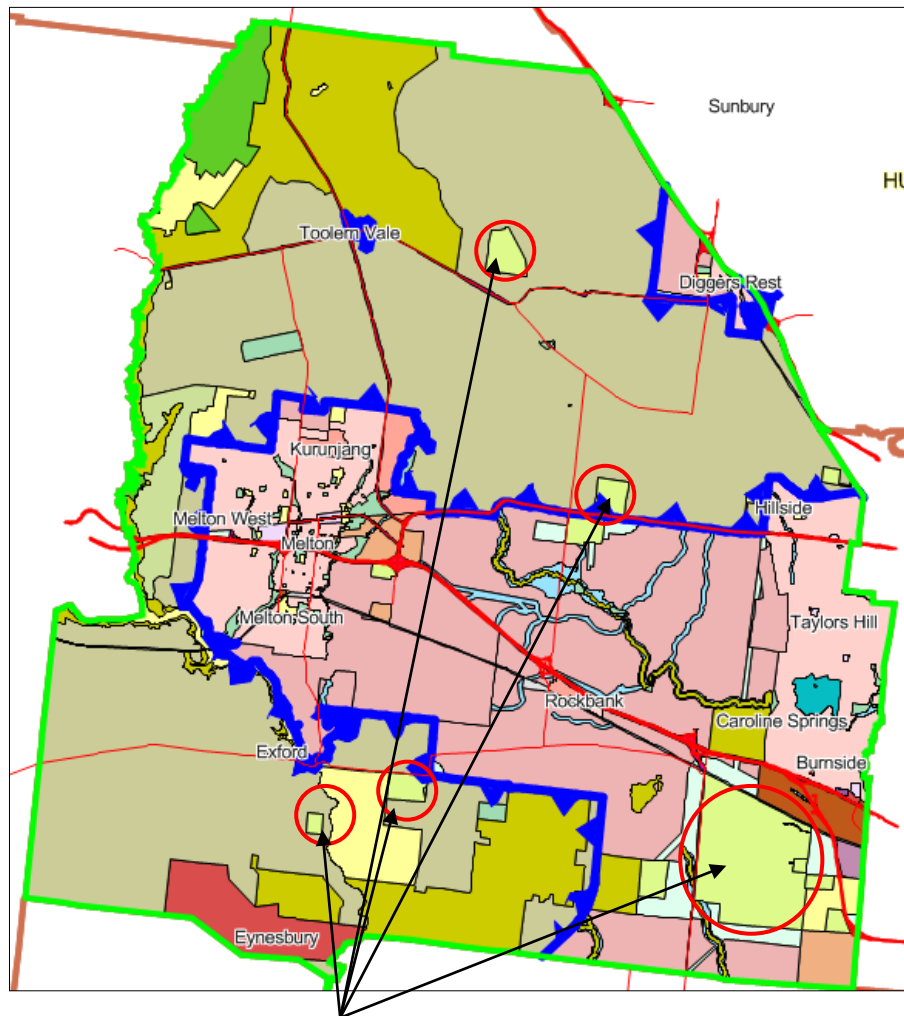
Special Use Zones

The Melton Planning Scheme has seven schedules listed. One of the schedules is redundant (SUZ4) which should be removed as it has been replaced by a new schedule – SUZ7.

Special Use Zone Schedule 1 - Earth and Energy Resources Industry

The SUZ1 applies to land used or reserved for quarrying purposes.

Five significant quarry sites have been identified in the Shire. Three of these sites are currently being quarried, and the remaining two have permission to quarry and therefore these sites should continue to be shown as being extractive industry sites.



Five significant quarrying operations are identified and protected by SUZ1

Special Use Zone Schedule 2 – Prison

One site is identified as SUZ2 – the Dame Phyllis Frost Women’s Prison. No comments were received requesting any change to this schedule.

Special Use Zone Schedule 3 - Terminal Stations

A number of sites across the Shire are subject to the SUZ3. No comments were received requesting any change to this schedule.

Special Use Zone Schedule 4 – Harness Facility

Amendment C50 to the Melton Planning Scheme was gazetted on 2 January 2007. This Amendment applied SUZ7 to the land which previously related to SUZ4. SUZ4 has now been superseded and is no longer shown on the planning scheme maps, therefore this schedule should be removed from the Planning Scheme.

Recommendation: Remove SUZ4 from the Melton Planning Scheme, as this schedule is no longer mapped.

Special Use Zone Schedule 5 - Leakes Road Tourist Precinct

This schedule was prepared in the 1990’s to guide the land use and development of the Warrensbrook Faire tourist precinct on Leakes Road. This is read in conjunction with DPO4.

The SUZ5 is considered by Council’s Statutory Planning Unit to be out of date and not helpful when assessing planning permit applications in this area. The SUZ5 has in some instances not led to harmonious built form, the protection or enhancement of the natural environment, and has restricted the development of caretaker accommodation. This schedule should be comprehensively reviewed and rewritten.

Recommendation: Council need to consider the appropriateness of SUZ5 given the development of the *West Growth Corridor Plan*. Consider consolidating the controls applying to the site (SUZ5 and DPO4). Review the incorporated document, *Melton Tourist Precinct Local Area Development Plan – February 1998*.

Special Use Zone Schedule 6 - Remand Centre at Truganina

The SUZ6 applies to the Metropolitan Remand Centre in Truganina. No comments were received requesting any change to this schedule.

Special Use Zone Schedule 7 - Melton Harness Racing Centre

The SUZ7 applies to the land occupied by the Melton Harness Racing Centre. No comments were received requesting any change to this schedule.

Comprehensive Development Zone & Schedule

The Comprehensive Development Zone (CDZ) applies to the Caroline Springs Town Centre area. The CDZ currently caps retail floor space at 22,000 sqm. Planning Scheme Amendment C91 is currently being considered by Planning Panels Victoria, which will make recommendations on whether the retail floor space of Caroline Springs Town Centre should be increased to 40,000 sqm.

The town centre has largely been developed. There is potential for a substantial area of the zone to be removed and replaced with a variety of Business zones.

Council’s Statutory Planning Unit commented that the CDZ should be reviewed and consideration should be given to either removing the CDZ and applying different zones now that the centre has been almost built out, or whether the CDZ should be retained.

Recommendation: The *Retail / Activity Centres Strategy* should investigate the CDZ and make recommendations on whether the town centre would be best served by the removal of the CDZ or the CDZ being augmented with other controls.

Urban Floodway Zone & Schedule

Areas of the Shire have been identified as being subject to flooding by Melbourne Water in the growth corridor. Melbourne Water requested the Minister for Planning apply the Urban Floodway Zone (UFZ) to areas which are or could be subject to flooding.

Council’s Statutory Planning Unit has identified numerous mapping anomalies across the Shire where the UFZ should not be applied. The extent of the UFZ is being investigated during the drafting of PSPs, and land which is not subject to flooding is being addressed when the PSPs are created.

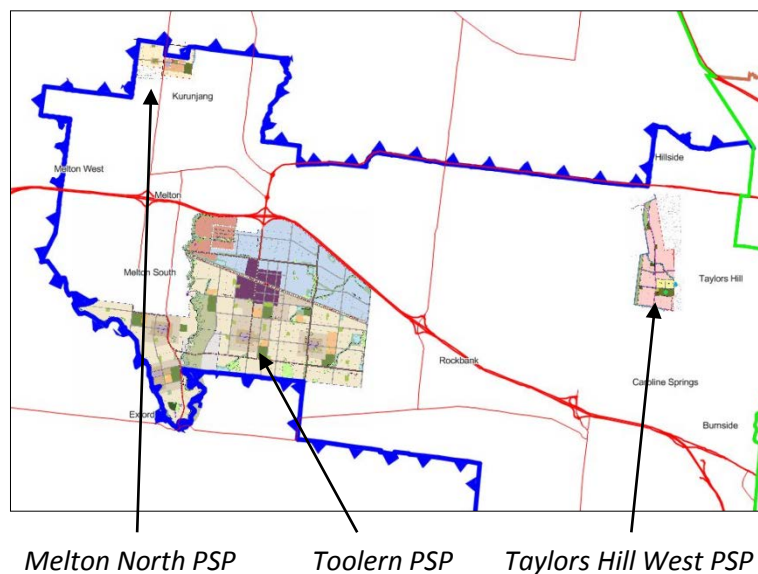
Melbourne Water is currently drafting an amendment which will reduce the extent of the UFZ in the environs of Rockbank Township.

Urban Growth Zone

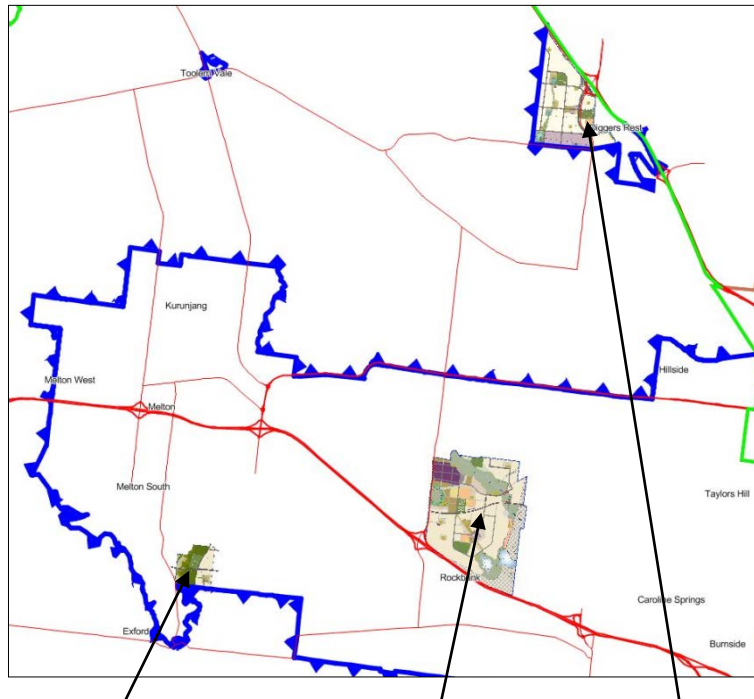
Council has three schedules to the Urban Growth Zone:

- UGZ1 - Taylors Hill West;
- UGZ2 - Melton North;
- UGZ3 – Toolern;
- UGZ4 - Rockbank North (gazetted 28 June 2012); and
- UGZ5 - Diggers Rest (gazetted 27 June 2012).

Existing PSPs



Recently approved PSPs or awaiting approval



Toolern Park PSP (Pending)

Rockbank North PSP (Approved)

Diggers Rest PSP (Approved)

- UGZ6 – Toolern Park is still being finalised.

Council will need to develop a strategy which provides guidance on when land will be removed from the Urban Growth Zone and applies the ‘underlying zone’ in the UGZ schedule to the land. Council will need to consider whether it does it by estate or the whole area, and at what point the estate / area is considered to be complete.

Recommendation: Develop a strategy which will inform Council when to rezone land from the UGZ to the ‘underlying zones’ identified in the UGZ schedule.

Urban Growth Zone Schedule 1 - Taylors Hill West Precinct Structure Plan

This schedule was introduced in 2010. Subdivision activity has just started in this area. It will not be reviewed at this stage.

Urban Growth Zone Schedule 2 - Melton North Precinct Structure Plan

This schedule was introduced in 2010. Subdivision activity has just started in this area. It will not be reviewed at this stage.

Urban Growth Zone Schedule 3 - Toolern Precinct Structure Plan

This schedule was introduced in 2010. Subdivision activity has just started in this area. It will not be reviewed at this stage.

6.7 General comments on zones

Residential Zones

- It is recognised that there are likely to be a number of mapping anomalies which need to be recorded and addressed through a ‘tidy up’ planning scheme amendment in residential areas. This could occur immediately after the finalisation of this review process. These include small shopping strips, public parks, and public schools.
- A range of low density areas have been identified throughout the municipality. In some instances they are subject to the LDRZ and are surrounded by R1Z, and in other instances they are zoned R1Z. The low density sites are creating conflict as some landowners want to redevelop these sites for conventional or medium density housing which is at odds with their neighbourhoods wish for retaining the existing character of the area. A *housing character strategy* should be commenced which will examine areas which are suitable for medium and higher density housing, and areas where existing neighbourhood character should be protected or enhanced.

Industrial Zones

- An *economic development strategy* should be carried out which examines the existing industrial areas and make recommendations on whether they should be retained for industry or rezoned for an alternative purpose.
- Some industrial areas have been developed as de facto bulky goods retail precincts. A *retail strategy* should be conducted which identifies existing and future bulky good retail precincts. The *retail strategy* should recommend areas in existing industrial precincts which should be rezoned to better manage bulky good retailing.
- An overarching *economic development strategy* is required to be undertaken which will examine the Shire’s employment needs and recommend employment land uses within the *West Growth Corridor* to assist the development of Precinct Structure Plans.

Business Zones

- All retail centres should be reviewed in a *retail strategy*. This would include the appropriateness of zoning for sites, as well as potential for the inclusion of specific provisions in the schedules.
- The *retail strategy* will need to create a retail hierarchy for the Shire, recommend the preferred function of each activity centre, and recommend floor areas for each existing and proposed activity centre.

Rural Zones

- The rural zones in particular will need to be amended. This is largely because they contain specific provisions in the schedule (for example, minimum subdivision requirements). These were generally introduced with the new format planning scheme in 1997, and no longer reflect Council’s position on protecting some areas from further development. These issues will be further reviewed through the creation of *Green Wedge Management Plans*.
- The *Green Wedge Management Plans* will need to identify core areas which should be retained for agricultural / extractive industry / conservation functions, areas which are suitable for urban expansion, sustainable land management techniques, minimum subdivision size, and appropriate zones for land (GWZ, GWAZ, FZ, and RCZ) to meet these outcomes.

- The *Green Wedge Management Plans* will also need to address mapping issues where multiple zones apply to one property. This more frequently occurs on large rural properties where part of the site is subject to the GWZ and other parts are subject to an environmental or floodway zone. The plans should identify possible rezoning options to resolve this matter.
- The development of *Green Wedge Management Plans* is required by State Government, who has also provided funding to Council to complete this work.

Public Land Zones

- Some land in the Shire is publically owned and this ownership is not reflected in the PUZ (e.g. some public schools are located in the R1Z, and the Caroline Springs library is located in the CDZ). A planning scheme amendment should be run to identify properties which are publically owned and rezone these to the appropriate public land zone (PUZ, PPRZ, PCRZ, or RDZ1).
- Some sites in the Shire are privately owned and are located in public use zones (e.g. land south of High Street in Melton is in PUZ6). A planning scheme amendment is required which will identify all land subject to public land use zones (PUZ, PPRZ, PCRZ, and RDZ1) and examine if they are privately owned, and then remove privately owned land from the public land use zone.

Special Purpose Zones

- The first subdivisions in Council's three UGZ schedules are currently being developed. Council will need to determine when it will initiate planning scheme amendments to rezone land from the UGZ to the underlying zones identified in the UGZ schedule.
- There are some issues with the Urban Growth Zone schedules, in terms of their usability, clarity, and consistency. However due to the relationship with Precinct Structure Plans and Development Contributions Plans, these issues should be addressed through another process (detailed examination of each UGZ schedule)
- The *retail strategy* should examine the effectiveness of the CDZ which applies to the Caroline Springs Town Centre, and recommend whether the town centre should be rezoned to a range of business, public land use, and residential zones now it has nearly been completely developed.

Section 7 - Effectiveness of Overlays and Schedules

7.1 Environment and Landscape Overlays

Environmental Significance Overlay

The schedules in the ESO have come from two sources. Council initiated and inserted ESO1 and ESO2 into the Melton Planning Scheme, whereas the remaining three schedules (ESO3, ESO4, and ESO5) were initiated and inserted into the Melton Planning Scheme by State Government departments and agencies.

Comments were received on the two ESO schedules managed by Council:

Schedules initiated by Council

Environmental Significance Overlay Schedule 1 - Remnant Woodlands, Open Forests and Grasslands

This clause identifies approximately a dozen areas that are to be protected from inappropriate use and development.

Comments were received from Council's Environmental Services Unit that this schedule is out of date as it is not in accordance with best environmental management practice. Council should have stronger views about vegetation protection to prevent inappropriate works.

A new schedule should be developed which references the Commonwealth of Australia's Biodiversity Conservation Strategy 2010-2030, DSE's Biodiversity Strategy, and the Native Vegetation Framework Plan.

Recommendation: Council should develop a *Biodiversity and Sustainability Strategy*, and *Green Wedge Management Plans* which will underpin work to create new biodiversity local policies and new ESO schedules.

Environmental Significance Overlay Schedule 2 - Wetlands, Waterways and Riparian Strips

Comments were received from Council's Environmental Services Unit that this schedule is out of date as it is not in accordance with best environmental management practice. Council should have stronger views about vegetation and waterways protection to prevent inappropriate works.

A new schedule should be developed which references the Commonwealth of Australia's Biodiversity Conservation Strategy 2010-2030, DSE's Biodiversity Strategy, and the Native Vegetation Framework Plan.

Council is currently involved in a project which is investigating the creation of a biolink along the Werribee River. This ESO schedule should be amended, or a new ESO schedule should be created, to better protect and enhance native vegetation along the Werribee River.

Recommendation: Council should develop a *Biodiversity and Sustainability Strategy*, and *Green Wedge Management Plans* which will underpin work to create new biodiversity local policies and new ESO schedules.

Schedules initiated by other parties (State Government)

Environmental Significance Overlay Schedule 3 - Western Grasslands Reserve

This clause implements the grasslands reserve as part of the State Government's UGB changes in 2010. No comments were received regarding the operation of this schedule.

Environmental Significance Overlay Schedule 4 - Grasslands within the Werribee Plains Hinterland

This clause creates controls to protect grasslands as part of the State Government's UGB changes in 2010. No comments were received regarding the operation of this schedule.

Environmental Significance Overlay Schedule 5 - Rural Conservation Area

This clause protects biodiversity areas identified as part of the State Government's UGB changes in 2010. Areas include grasslands, woodlands, waterways, and habitat for threatened flora and fauna. No comments were received regarding the operation of this schedule.

Significant Landscape Overlay

Comments were received that other sites of geomorphologic significance should be included as schedules to the SLO. The Werribee River cliffs were cited as an example.

Recommendation: Council should consider commissioning a *significant landscape strategy*, which will identify places to be added to the SLO.

Significant Landscape Overlay Schedule 1 - Volcanic Hills and Cones

This schedule protects the Mount Cottrell, Mount Atkinson and Mt Kororoit cones from inappropriate development to conserve existing visual amenity and landscapes. It includes a requirement for buildings and works above the 100m contour line to demonstrate how appropriate siting and landscaping treatment can be achieved.

Council's Statutory Planning Unit commented that the SLO is currently effective. The SLO schedule is proposed to be updated to reflect the dry stone walls in the precinct through planning scheme amendment C100, as there are significant landscape connections.

7.2 Heritage and Built Form Overlays

Heritage Overlay & Schedule

There are no specific provisions in the schedule. The schedule contains 124 places of significance, and is organised by geographic area. A local policy is currently being drafted that when introduced into the planning scheme would better protect heritage places.

In 2007 Council adopted the *Shire of Melton Heritage Study* which introduced the above 124 places of cultural significance. This study also identified 56 'conservation desirable' places, 61 'historical and potential archaeological places', and 22 additional places worthy of further study.

In time Council will further examine the 56 'conservation desirable' places. As an interim measure when PSPs are being drafted in the growth corridors, Council will work with developers to ensure that heritage studies are conducted for places on the conservation desirable list.

Council's *Reconciliation Plan 2010-2014* states that Council will *undertake a comprehensive study to identify, recognize and protect places of Indigenous cultural heritage significance*, and that it will *explore Council capacity to do an initial study of Council managed land and sites with support from Aboriginal Affairs Victoria resource library*.

Recommendations:

Council should commission a heritage study to examine the 56 'conservation desirable' places. Places in the Urban Growth Zone may be prioritised as the next stage.

In the interim, Council will request the land owner / developer conduct a heritage study when the place is proposed to be demolished, or when a PSP surrounding the site is being developed.

Council should commission a heritage study to identify, recognise and protect places of Indigenous cultural heritage significance.

Design and Development Overlay

Council's Strategic Planning Unit commented that the current two schedules of the DDO are still relevant, and that a suite of new DDO schedules would be helpful. It is recommended that the following be developed:

- *Industrial Design Guidelines* to help improve the appearance of industrial estates and restrict the development of Colorbond sheds as buildings and ensure that appropriate areas are provided for waste storage etc. Council is currently drafting *Industrial Design Guidelines*, which may then be drafted into a DDO schedule or some other form of planning control when completed.
- *Gateway Treatment Guidelines* should be developed to provide guidance on landscaping and entrance treatments for large subdivisions and transport corridors. This may form part of several documents, such as the Urban Design, Subdivision Design or Landscape Guidelines.

Recommendations:

When completed, Council's Industrial Design Guidelines may be converted into a DDO schedule or other planning control and applied to Council's industrially zoned areas.

In the short term Council should create Gateway Treatment Guidelines to provide the basis for Council's main transport corridors to ensure new development has an attractive presentation to these areas.

Design & Development Overlay Schedule 1 - Connection of Western Freeway to Western Ring Road

This clause ensures that development near the alignment of this road connection (also known as the Deer Park Bypass) is undertaken with appropriate noise attenuation measures. It is still relevant and required.

Design & Development Overlay Schedule 2 - Eynesbury Station Rural Area

This schedule applies to the identified woodland and farming areas surrounding the Eynesbury Township. This schedule includes design objectives to ensure that agricultural productivity is maintained and that subdivision or construction of a dwelling only occurs if it is related to agricultural activity, so as to curtail the development of housing outside of the designated residential area.

This schedule is still relevant and should be retained to maintain the woodland and the farming areas on the former Eynesbury Station site.

Recommendation: A comprehensive review of the planning controls that apply to the Eynesbury Station is required. The review will consider the provisions of the Mixed Use Zone, the Local Policy (Clause 22.09), Schedule 2 of the Design and Development Overlay, Schedule 6 of the Development Plan Overlay, and Schedule 1 of the Incorporated Plan Overlay. The review will need to advise whether the controls are appropriate or should be simplified.

Incorporated Plan Overlay

Incorporated Plan Overlay Schedule 1 - Eynesbury Station

This schedule outlines requirements to be met before a permit is granted, including the preparation of Environmental Management Strategies, and refers to the *Eynesbury Station Incorporated Plan, September 2001*. Council's Statutory Planning Unit commented that the Eynesbury documentation should be updated to reflect recent changes to the township which now permits 4,500 houses to be constructed, up from the 2,900 first envisaged for the township.

Recommendations:

A comprehensive review of the planning controls that apply to the Eynesbury Station is required. The review will consider the provisions of the Mixed Use Zone, the Local Policy (Clause 22.09), Schedule 2 of the Design and Development Overlay, Schedule 6 of the Development Plan Overlay, and Schedule 1 of the Incorporated Plan Overlay. The review will need to advise whether the controls are appropriate or should be simplified.

Review the Eynesbury Incorporated Plan and consider whether it should be updated now the size of the township has been increased from 2,900 to 4,500 lots.

Development Plan Overlay

Comments were received from Council's Statutory Planning Unit that many Development Plan Overlay (DPO) schedules are governing areas that are substantially complete, and that many of these should be reviewed by either removing the DPO completely or reducing the size of the schedule.

Given the complexity of the DPO's and the problems that could be associated with the removal of the DPO when an area is not complete, it is recommended that a detailed study be done of the DPO's to examine the best options for their retention, removal, or reduction in size.

Development Plan Overlay Schedule 1 - Melton East Growth Area

DPO1 applies to approximately 90% of the Melton East Growth Area (comprising the suburbs of Hillside, Taylors Hill, Caroline Springs, Burnside and Burnside Heights).

Significant parts of what was the original Melton East Growth Area have now been fully developed. There are very few areas which have been undeveloped, with the Point in Burnside forming a majority of this area. There are a number of critical pieces of infrastructure which still need to be delivered in the Point (extension of Westwood Drive over the Kororoit Creek, the extension of the Rockbank Middle Road over the Kororoit

Creek, and community infrastructure), and therefore careful consideration is required on whether the removal / modification of the DPO would affect the delivery of these items.

Recommendation: Council will need to conduct a study on DPO1 and assess whether it should be deleted in entirety, reduced in size or retained. The study will also need to recommend whether other planning controls will be required in the event that the extent of the DPO is modified.

Development Plan Overlay Schedule 3 - Harkness Road Rural Living Area

This land subject to the DPO3 is also covered by the GWAZ.

No Development Plan has been prepared to date. The land is in fragmented land ownership, and as such it is unlikely that a plan would be prepared without Council leadership.

Recommendation: Council should conduct a study which examines the usefulness of DPO3, whether it should be retained or translated into another control such as a DDO. If the DPO is to be retained, Council should consider playing the lead role in creating the Development Plan.

Development Plan Overlay Schedule 4 - Tourist Precinct

This affects land near the corner of Melton Highway and Leakes Road, which contains a mix of uses generally relating to wineries/restaurants/function centres. This is read in conjunction with SUZ5. There is potential to investigate incorporating all requirements of the DPO4 into the SUZ under application requirements to reduce the total number of provisions to be met for an application to proceed.

Recommendation: Council should investigate the consolidation of controls for this site (SUZ5 and DPO4), and the removal of the incorporated document, *Melton Tourist precinct Local Area Development Plan – February 1998*.

Development Plan Overlay Schedule 5 - Banchory Grove and Bellevue Hill

Council's Statutory Planning Unit commented that these estates have generally been developed. There is no longer a need for DPO5, it can be removed.

Development Plan Overlay Schedule 6 - Eynesbury Station

Council's Statutory Planning Unit commented that the application of DPO6 is useful and that it should be retained. As indicated previously consideration should be given to reviewing the incorporated plan to see if it should be reviewed given the increase in size of the township from 2,900 households to 4,500.

Recommendation: A comprehensive review of the planning controls that apply to the Eynesbury Station is required. The review will consider the provisions of the Mixed Use Zone, the Local Policy (Clause 22.09), Schedule 2 of the Design and Development Overlay, Schedule 6 of the Development Plan Overlay, and Schedule 1 of the Incorporated Plan Overlay. The review will need to advise whether the controls are appropriate or should be simplified.

Development Plan Overlay Schedule 7 – Tenterfield

Council's Statutory Planning Unit commented that this estate has generally been developed. There is no longer a need for DPO7, it can be removed.

Development Plan Overlay Schedule 8 - 511 -531 Taylors Road, Burnside

Council's Statutory Planning Unit commented that this estate has generally been developed. There is no longer a need for DPO8, it can be removed.

Development Plan Overlay Schedule 9 - Woodgrove Shopping Centre

The centre is still developing, so a DPO is still required.

Development Plan Overlay Schedule 11 - Clarkes Road, Brookfield

Council's Statutory Planning Unit commented that this estate has generally been developed. There is no longer a need for DPO11, it can be removed.

Development Plan Overlay Schedule 12 - Truganina Industrial Estate

This area is still developing. The controls are viewed as being still relevant. No comments were received recommending change to the extent of the DPO or to the wording of the DPO.

Development Plan Overlay Schedule 13 - Ravenhall Freeway Business Park

This area is still developing. The controls are viewed as being still relevant. No comments were received recommending change to the extent of the DPO or to the wording of the DPO.

Development Plan Overlay Schedule 14 -Truganina Industrial Area – Balance

This DPO was only recently included in the planning scheme (2011). It is still required.

Development Plan Overlay Schedule 15 - Western Highway Restricted Retail Site

This area is still developing. The controls are viewed as being still relevant. No comments were received recommending change to the extent of the DPO or to the wording of the DPO.

Development Plan Overlay Schedule 16 - 2-40 Old Calder Highway, Diggers Rest

This area is still developing. The controls are viewed as being still relevant. No comments were received recommending change to the extent of the DPO or to the wording of the DPO.

Recommendation: DPO5, DPO7, DPO8 and DPO11 have all been fully developed. A study should be conducted to determine whether these schedules should be removed.

7.3 Land Management Overlays

Land Subject to Inundation

The Land Subject to Inundation Overlay (LSIO) is used to identify land which is subject to flooding. The schedules in LSIO are inserted into the Melton Planning Scheme and managed by Melbourne Water, which is the relevant floodplain management authority for the Shire.

No comments were received regarding the extent of land covered by the LSIO.

Land Subject to Inundation Overlay Schedule 1

Melbourne Water is currently reviewing the mapping of the LSIO.

Land Subject to Inundation Overlay Schedule 2

Melbourne Water is currently reviewing the mapping of the LSIO.

Special Building Overlay Schedule

The Special Building Overlay (SBO) is used to identify land which is subject to flooding. The schedules in SBO are inserted into the Melton Planning Scheme and managed by Melbourne Water, which is the relevant floodplain management authority for the Shire.

No comments were received regarding the extent of land covered by the SBO.

Bushfire Management Overlay (also shown on PS maps as Wildfire Management Overlay)

The Bushfire Management Overlay (BMO) is used to identify areas where there is a bushfire hazard. The BMO is inserted into the Melton Planning Scheme and managed by the Department of Planning and Community Development (DPCD).

The BMO predominantly applies to land to the north and west of Melton Township (Toolern Vale Hills / Djerriwarrh Creek), as well as applying to the woodlands north of Eynesbury.

No comments were received regarding the extent of land covered by the BMO.

7.4 Other Overlays

Public Acquisition Overlay & Schedule

The PAO identifies land which is to be acquired for a public authority. The schedule to the PAO lists the following:

Schedule	Authority and Acquisition	Status
PAO1	VicRoads Future Freeway	PAO1 is still required.
PAO2	Melton Shire Council Town Square development	Now owned by Council. Remove PAO2
PAO3	Roads Corporation Outer Metropolitan Ring Road	Works yet to commence. PAO3 is still required.
PAO5	DSE Western Grassland Reserves	Works yet to commence. PAO4 is still required.
PAO6	Director Public Transport Outer Metropolitan Ring Road - Rail Connections	Works yet to commence. PAO6 is still required.

Recommendation: The removal of PAO2 from the Melton Planning Scheme should be included in a tidy up amendment.

Environmental Audit Overlay

Three sites in the Shire are currently subject to the EAO. Comments were received that the estate west of Woodgrove Shopping Centre has been remediated and now has a certificate, and therefore the EAO should be removed from this site.

Recommendation: Consider removing the EAO from the estate west of Woodgrove Shopping Centre as it has been remediated.

Restructure Overlay & Schedule

The Restructure Overlay (RO) is applied to areas where old and inappropriate subdivisions are to be restructured.

The Melton Planning Scheme identifies the Rosedale Estate in Chartwell in the RO. This estate zoned GWZ and is outside of the UGB. The restructure plan seeks to consolidate land titles. No change recommended.

Development Contributions Plan Overlay

Council has three schedules to the Development Contributions Plan Overlay (DCPO), each of which relate to an approved PSP.

Development Contributions Plan Overlay Schedule 1 - Taylors Hill West

This schedule was introduced in 2010. Subdivision activity has just started in this area. It will not be reviewed at this stage.

Development Contributions Plan Overlay Schedule 2 - Melton North

This schedule was introduced in 2010. Subdivision activity has just started in this area. It will not be reviewed at this stage.

Development Contributions Plan Overlay Schedule 3 – Toolern

This schedule was introduced in 2010. Subdivision activity has just started in this area. It will not be reviewed at this stage.

A further three DCPO schedules are proposed which relate to the Rockbank North, Diggers Rest and Toolern Park PSPs.

Melbourne Airport Environs Overlay Schedules 1 & 2

The Melbourne Airport Environs Overlay (MAEO) is used to identify land which is located under the flight paths to the Melbourne Airport and are therefore exposed to noise and may impact on safe air navigation for planes. The schedules in the MAEO are inserted into the Melton Planning Scheme and managed by DPCD, as the airport is of State significance.

No comments were received regarding the extent of land covered by the MAEO. No change recommended.

7.5 General comments on overlays

Environment and Landscape Overlays

- The content of the ESOs is considered dated given the introduction of the Victorian Native Vegetation Framework. A *biodiversity and sustainability strategy* and *green wedge management plans* are required to review these and recommend changes.
- Further investigation of the ESOs is also required to assess if they achieving their objectives and if the extent of mapping is sufficient, and adequately reflects the land it should. They need to also be reviewed against the native vegetation and bushfire particular provisions (Clause 52.16, 52.17, 52.43, and 52.47).
- Consideration should be given to adding more places to the SLO.

Heritage and Built Form Overlays

- Council should continue to protect heritage places and progressively add more places to the Heritage Overlay Schedule as funding permits.
- *Industrial Design Guidelines* are currently being prepared, which may be translated into a DDO schedule or some other planning control, which will apply to industrial areas.
- *Gateway Treatment Guidelines* are also required which will provide guidance on gateways to new estates and how they interface with main transport corridors.
- A comprehensive review of all DPO schedules is required. This will enable detailed analysis to consider whether they are still relevant, should be removed in whole or part, or modified.

Land Management Overlays

- No comments were received regarding land management overlays.

Other Overlays

- One of the PAO is no longer required, as Council has acquired the land. This can be removed in a tidy up amendment.

Section 8 - Effectiveness of Schedules to Particular Provisions

There are 14 opportunities in Clause 52 of the Melton planning scheme for Council to specify local variations to the particular provisions. The following provides a brief summary of the clauses and the schedules that contain local content:

Schedule to Clause 52.01 – Public Open Space Contributions

This clause requires that any person who proposes to subdivide land must make a contribution for public open space (either a land contribution or a cash contribution). The use of this schedule is supported.

The following rates are specified for specified areas:

- 9% in the Melton East Growth Area;
- 3.21% in Taylors Hill West (UGZ1);
- 3.78% in Melton North (UGZ2)
- 3.97% in Toolern (UGZ3 except in area 4 where 0% is required)

The specified rates in the Melton Planning Scheme were derived from detailed analysis of the areas and are considered to be appropriate.

This clause will be updated as required when further Precinct Structure Plans are approved.

As indicated earlier Council's *Open Space Strategy* should be revised to include the following:

- A general rate for the Shire;
- Identify areas where cash is preferred over land; and
- Identify where there is a shortage of open space and recommend a rate to rectify this (if a differential rate is identified as being preferable to a general one).

Recommendation: Council should create a new *Open Space Strategy* which recommends whether a general rate should be created for the Shire, identify areas where a cash contribution is preferred over land, and identify differential rates for specific areas (if required). These rates should then be reflected in the Schedule to Clause 52.01.

Schedule to Clause 52.02 – Easements, Restrictions and Reserves

The purpose of this clause is to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

It is possible to vary the requirements under Sections 23 (easements or restrictions), 24A (people affected) and 36 (easements or rights of way) of the *Subdivision Act 1988*.

At present no variations are listed in the schedule, and no changes to this schedule are recommended.

Schedule to Clause 52.03 – Specific Sites and Exclusions

The purpose of this clause is to recognise specific controls to achieve a particular land use and development outcomes (the use of this may allow a use which may be prohibited or restricted, or may prohibit or restrict a use which may otherwise be permitted, or may exclude a control which applies to the site such as requiring a permit to remove native vegetation).

This clause identifies eight areas, which are generally extractive industry, and rail and road projects:

Site	What is permitted
Plumpton Road, Rockbank	Rock Crushing
Greigs Road and Mount Cottrell Road, Melton	Extractive Industry
Melbourne to Ballarat Railway	Rail Infrastructure Projects – gauge standardisation, fast rail upgrade, and fibre optic
Ballarat Rail Corridor Deviation	Rail Infrastructure Projects – gauge standardisation, fast rail upgrade, and fibre optic
Western Highway Realignment (Melton to Bacchus Marsh)	Realignment of the highway to bypass Anthony’s Cutting
Sunbury Rail Corridor	Upgrade of the rail corridor (electrification) and associated infrastructure
Regional Rail link Corridor	Land required for the construction of the regional rail link
Regional Rail Link Corridor	Construction of the regional rail link

Many of the projects are ongoing and are still relevant. The road and rail projects are State Government projects and the content of their associated incorporated documents are managed by the State Government (DPCD).

No changes to this clause are recommended.

Schedule to Clause 52.05-5 – Advertising Signs

The purpose of this clause is to regulate the display of signage (and associated structures), to ensure that signs are compatible with the amenity of an area, that signs do not create clutter or disorder, and ensure that signs do not cause amenity loss or the safety of a road.

It is possible for a Council to develop its own advertising signage policy and provide specific sign requirements for existing signs. Council has not done this, and no recommendations are made to do so.

Many Councils provide guidance on advertising signage through a local policy. Council could consider creating an *advertising signage policy* to help the public to understand how Council will exercise its discretion when considering applications for signage. Council to date has not created such a policy and implement this through the Planning Scheme (Council does have guidelines however these have no statutory weight).

Recommendation: Council could consider updating its Outdoor Advertising Policy and Guidelines and converting them into a local policy in the Melton Planning Scheme.

Schedule to Clause 52.06-6 – Car Parking

The provisions in this clause were updated in June 2012, and have provided for a new way of assessing applications for car parking. The new approach to parking has overall decreased the number of car parking spaces to be provided on site, included a wider range of uses which have a specified car parking rate, and have allowed Councils to create parking overlays which vary the car parking rate from that specified in this clause.

The purpose of this clause is to ensure that car parking is provided efficiently, that an appropriate number of car parking spaces are provided, that car parking facilities are consolidated, that sustainable transport is encouraged, that car parking respects the amenity of an area, and ensure that car parking areas are design for safety and efficiency.

Two rates of car parking are specified in the clause. A higher rate of car parking is specified to apply to all areas covered by the Planning Scheme, and a lower rate can be applied to areas identified in a schedule to the parking overlay (usually activity centres and places with good access to public transport). Council has not identified any areas suitable for lower car parking rates to date.

Council now has the ability to add a schedule to the Parking Overlay at Clause 45.09 of the Melton Planning Scheme. This can vary the car parking rate specified in Clause 52.06. The Practice Note for car parking states that it is expected that any variance of car parking rates will normally further reduce the car parking rates from those specified in Clause 52.06. To create a schedule a Car Parking Plan for an area would need to be created which would need to justify the alternative car parking rate. The plan will need to assess car parking demand and supply, and provide guidance on the steps that Council will take to facilitate reduced car dependence in the identified precinct.

Anecdotal evidence suggests that there is an undersupply of car parking in various locations across the Shire. It is recommended that Council conduct car parking surveys around the Shire's major activity centres to ascertain the extent of the problem. If an undersupply is identified in areas, Council should create Car Parking Plans for the affected areas, and convert these into Parking Overlays.

Recommendation: Council should consider conducting empirical car parking surveys around the Shire's three major activity centres (Caroline Springs Town Centre, High Street, and Woodgrove) to ascertain whether there is an undersupply of car parking. Where an undersupply is identified Council should create Car Parking Plans to create schedules to the Parking Overlay at Clause 45.09 of the Melton Planning Scheme.

Schedule to Clause 52.16 – Native Vegetation Precinct Plan

The purpose of this clause is to provide a native vegetation framework which seeks to protect and conserve native vegetation by seeking to avoid its removal, where removal is required trying to minimise its loss, and finally to offset its removal where the loss is considered appropriate. It is possible to create a NVPP for a precinct to identify what vegetation can be removed, which is to be retained, and what offsets are required.

NVPP's are produced with each PSP to facilitate the development of the Precinct.

This clause identifies three native vegetation precinct plans:

- Taylors Hill West;
- Robinsons Road; and
- Toolern.

This clause was most recently updated in 2011, and will continue to be updated as Precinct Structure Plans and their associated native vegetation plans are approved. No change to the NVPP's are recommended.

Schedule to Clause 52.17 – Native Vegetation

The purpose of this clause is to provide a native vegetation framework which seeks to protect and conserve native vegetation by seeking to avoid its removal, where removal is required trying to

minimise its loss, and finally to offset its removal where the loss is considered appropriate. It is possible to create a NVPP for a precinct to identify what vegetation can be removed, which is to be retained, and what offsets are required. The requirements of this clause do not apply if a NVPP has been incorporated into Clause 52.16 of the Melton Planning Scheme.

There are three schedules to this clause which can specify areas which are exempt from the requirement to obtain planning permission for native vegetation removal, exemptions to remove scheduled weeds, and codes of practice for utility installation.

The schedule specifies four areas which are exempt from the requirements of this clause:

- Reservation for the realignment of the Western Freeway (Melton to Bacchus Marsh);
- Reservation for the Deer Park Bypass (Western Freeway);
- Construction of the Metropolitan Remand Centre in Truganina; and
- Land zoned UGZ2 in Melton North PSP.

It is noted that whilst three of the above projects have been constructed (Deer Park bypass, Anthony's Cutting Bypass, and the Metropolitan Remand Centre), there is no threat associated with the retention of these places in the Planning Scheme.

There are no items listed in the scheduled weeds, and utility installation code of practice schedules. No changes are recommended.

Schedule to 52.27 – Licensed Premises

The purpose of this clause is to ensure that licensed premises are situated in appropriate locations, and ensure that they limit impact on the amenity of the surrounding area.

It is possible through the schedules to identify areas where a permit is not required, or where a permit may not be granted. Council has not populated either of these schedules.

It is noted that whilst Council has an Alcohol Harm Minimisation Policy, it only contains general policy statements, and none that could be incorporated here. No changes are recommended.

Schedule to 52.28-3 – Prohibition of a gaming machine in a shopping complex

The purpose of this clause is to ensure that gaming machines are situated in appropriate locations, to minimise social and economic impacts, and to prohibit gaming machines in specified shopping complexes and strip shopping centres.

The schedule to Clause 52.28-3 (shopping complexes) identifies four complexes where gaming machines are prohibited:

- Woodgrove;
- Coburns Shopping Centre;
- Bellevue Shopping Centre; and
- Melton Fresh Shopping Centre.

Since these complexes were identified a number of new shopping centres have opened which are not listed in the planning scheme such as Burnside Shopping Centre, Taylors Hill Shopping Centre, and CS Square in Caroline Springs. It is recommended that Council initiate a tidy up amendment which lists all shopping complexes which are not listed in this schedule.

Recommendation: That Council includes all shopping complexes not listed in the schedule to Clause 52.28-3 in its next tidy up amendment.

Schedule to 52.28-4 – Prohibition of a gaming machine in a strip shopping centre

The schedule to Clause 52.28-4 (strip shopping centres) identifies six strip shopping centres. It is noted that a range of new strip shopping centres have opened in the past six years since this was last reviewed. It is therefore recommended that it be updated.

It is possible through this schedule to prohibit gaming machines in all strip shopping centres specified in the schedule, or prohibit gaming machines in all strip shopping centres on land covered by the planning scheme (a number of requirements are then specified on what constitutes a strip shopping centre). Council should consider altering this schedule to read that ‘A gaming machine is prohibited in all strip shopping centres on land covered by this planning scheme’.

Recommendation: Council should consider creating a *Gaming Policy* which identifies areas which should be protected from the addition of more electronic gaming machines, and then this should be translated into a local policy in the Melton Planning Scheme.

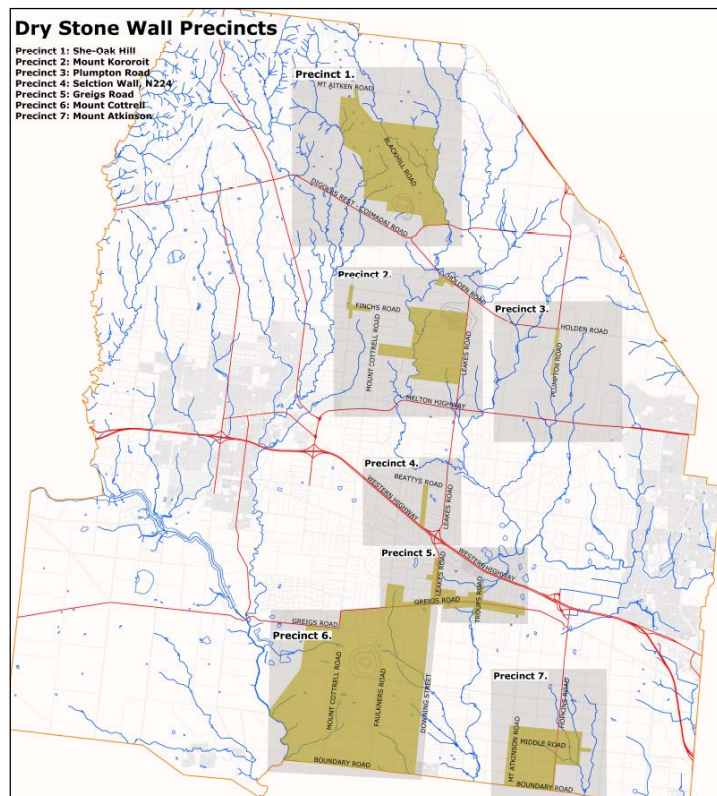
Schedule to 52.37 – Post Box and Dry Stone Walls

The purpose of this clause is to conserve historic post boxes and dry stone walls.

A permit is required to demolish or remove a post box constructed before 1930.

Council through a schedule to this clause can nominate that a permit is required to demolish, remove or alter a dry stone wall constructed before 1940. When this was introduced into the Planning Scheme in 2008 Council elected to not nominate any walls where this control applies.

Amendment C126 is currently being considered by the Minister for Planning, which will sign Council on to the dry stone wall controls for seven precincts:



Council will seek more tailored controls for dry stone walls through the application of the Heritage Overlay and Significant Landscape Overlay in a latter amendment.

Schedule to 52.44 – Statement of Underlying Provisions

The purpose of this clause is to specify the planning provisions which would have applied to land reserved for a public purpose pursuant to section 6(2)(i) of the Planning and Environment Act 1987 if the land had not been reserved for that purpose.

The schedule specifies one incorporated statement relating to the Outer Metropolitan Ring and the E6 Transport Corridor. No change recommended.

Schedule to 57.01 – Metropolitan Green Wedge Land

The purpose of this clause is to protect green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, landscape natural resource or recreation values.

The provisions apply to land outside of the UGB unless it is subject to a residential, industrial, business, public, road, or floodway zone. The schedule can also specify further land which should be exempt. The schedule specifies two areas of land – Special Use Zones 4 & 5. It is noted that SUZ4 no longer exists and SUZ5 is now located in the UGB.

Recommendation: Council should remove SUZ4 and SUZ5 from the schedule to Clause 57.01 in its next tidy up amendment as SUZ4 no longer exists, and SUZ5 is now located within the UGB.

Section 9 - Policy Gaps

As outlined throughout this report Council’s strategies and plans are out of date, with many of them pre-dating the UGB change in 2010 which brought the land between Melton Township and the Melton East Growth Area into the Urban Growth Boundary. Following the release of the West and Sunbury / Diggers Rest Growth Corridor Plans which identify residential and employment land, the location of activity centres, major transport routes and regional infrastructure it is considered an imperative for Council to update many of its strategies to assist in the rewrite of the Melton Planning Scheme.

In rewriting the Melton Planning Scheme there are two different kinds of strategies which will need to be produced. Firstly there are high priority strategies which are required to rewrite the MSS and provide high level guidance on setting a planning vision for the Shire, and secondly there are strategies and plans which will be useful in crafting specific controls within the Planning Scheme, but are not required to rewrite the MSS.

9.1 High Priority Strategies Required to Write the New MSS

Studies Required	Content of Studies
<p>Open Space Strategy</p>	<ul style="list-style-type: none"> • Hierarchy of open space areas • Location of existing and proposed passive and active open space areas (regional / district / major) • Guidance on whether we use the ASR ‘Planning for Community Infrastructure in Growth Areas’ in PSPs or whether we adopt a different approach. • Guidance on size and location of small open space areas

Studies Required	Content of Studies
	<ul style="list-style-type: none"> Identify gaps in open space provision (passive and active in established areas, and higher order active and passive to serve the anticipated population of the Shire) Public open space contribution rate Design guidelines for open space and abutting development
Recreation and Facility Strategy	<ul style="list-style-type: none"> Guidance on the design requirements of active open space areas and associated built infrastructure (e.g. pavilions) Guidance on the type of open space areas required (e.g. football / soccer grounds, tennis facilities, multi-purpose ball courts etc)
Urban Design Strategy	<ul style="list-style-type: none"> Guidance on building and subdivision design ESD Universal access (ageing in place) Design for safety Guidance on building types and scenarios (e.g. abutting main roads, and industrial buildings)
Community Infrastructure Strategy	<ul style="list-style-type: none"> Guidance on whether we use the ASR 'Planning for Community Infrastructure in Growth Areas' in PSPs or whether we adopt a different approach. What higher community infrastructure (e.g. libraries, youth centres, leisure centres) is required in the corridor, what size, and in which locations. Identify the higher order centres in the corridor and what infrastructure is required in each and what their catchment areas are. Guidance on population thresholds and location requirements for lower order infrastructure (e.g. community hubs and pavilions).
Integrated Transport Strategy	<ul style="list-style-type: none"> Create an integrated transport system. Where are pedestrian and bicycle trails? What are their design parameters? Where are the public transport routes? Freight and private motor vehicle routes. What are we doing in PSPs and in the corridor to reduce car dependence?
Retail (Activity Centre) Strategy	<ul style="list-style-type: none"> Create and identify the activity centre hierarchy in the Shire Where does the hierarchy fit in the region? How much escape expenditure is anticipated and where? What are the size and function of each of the activity centres? Are there guidelines which we require for the location and design of NACs and smaller order retail areas for PSPs? Provide guidance on the location of bulky good retailing and out of centre development Do we have enough retail space in established areas?
Economic Development Strategy	<ul style="list-style-type: none"> Where are people employed currently in the Shire? Where will significant areas of employment be in the future? What industry mix is projected (tourism, manufacturing, logistics, extractive industry, farming)? Do we have enough land zoned for these uses? Are some industrial areas redundant and should be rezoned for other purposes? If so, what zone? What do we need to be doing to support, encourage and promote employment in the area? E.g. business incubator, promoting the development of particular PSPs, tourism.
Housing Character	<ul style="list-style-type: none"> Study of the existing residential areas in the Shire.

Studies Required	Content of Studies
Strategy	<ul style="list-style-type: none"> • <i>Limited Change Areas</i> - Identify areas where the existing character should be retained and enhanced (and the mechanisms to do this). This may include the retention of some low density areas and restricting subdivision of their large lots. • <i>Incremental Change Areas</i> - Identify areas where incremental change should be permitted (and the mechanisms to do this). This may include established suburbs where dual occupancy is permitted subject to built form controls. • <i>Substantial Change Areas</i> – Identify areas suitable for medium and higher density housing (and the mechanisms to do this). These areas may be located around a certain distance from shopping centres and train stations. What built form outcomes are encouraged? • How can we encourage affordable housing? • How can we encourage the provision of social housing? • Identify strategic redevelopment sites in the Shire. • Provide guidance on the location of residential care facilities and retirement villages.
Biodiversity Strategy	<ul style="list-style-type: none"> • A strategy is required which investigates the biodiversity (flora and fauna) current in the Shire. • Examine Council’s existing biodiversity strategies (such as ESO’s and SLO’s) • The strategy will recommend new controls which better protect existing flora and fauna • Identifies gaps between pockets of flora and fauna and identifies ways to better connect these (biodiversity corridors)
Green Wedge Plan – Western Plains North	<ul style="list-style-type: none"> • Identify the location and form of the Green Wedge. • Provide direction on protecting agricultural land, promoting sustainable agricultural land use, water catchments, water quality, biodiversity, and protection of stone and mineral resources. • Recommend areas where the UGB may be logically moved, and areas where the UGB should be retained to protect industry and resources. • How do we manage / treat the rural / residential interface to restrict conflict?
Green Wedge Plan – Western Plains South	<ul style="list-style-type: none"> • Identify the location and form of the Green Wedge. • Provide direction on protecting agricultural land, promoting sustainable agricultural land use, water catchments, water quality, biodiversity, and protection of stone and mineral resources. • Recommend areas where the UGB may be logically moved, and areas where the UGB should be retained to protect industry and resources. • How do we manage / treat the rural / residential interface to restrict conflict?

9.2 Medium Priority Strategies Required to Write New Planning Controls

Studies Required	Content of Studies
Electronic Gaming Policy	<ul style="list-style-type: none"> • Provide guidance on the preferred location of EGMs. Where should they be prohibited? Where should they be encouraged?
Licensed Premises Policy	<ul style="list-style-type: none"> • Provide guidance on the preferred location of licensed premises. Where should they be prohibited? Where should they be encouraged? • What design and land uses factors should be considered to limit public nuisance and amenity conflict?

Interface Policy	<ul style="list-style-type: none"> • How do we limit amenity conflict in the Shire? • Non-residential uses in residential zones • Managing the rural / residential interface • Managing residential interface with business and industrial areas (land use and built form outcomes)
Outdoor Advertising Policy	<ul style="list-style-type: none"> • Design and location of signage • Direction on estate entry treatments • Managing offsite advertising signage related to estates • Signage abutting major transport corridors
Landscape Strategy	<ul style="list-style-type: none"> • A strategy is required which identifies place of geomorphic and landscape significance in the Shire and recommend controls to better protect them
Parking Overlays	<ul style="list-style-type: none"> • Conduct parking studies in major activity centres to determine if there is an undersupply of parking in the area • If there is an undersupply create a parking precinct for the area, and then use this to craft a schedule to the parking overlay
Indigenous Cultural Heritage Study	<ul style="list-style-type: none"> • Investigate places of Indigenous cultural heritage significance.
Heritage Strategies	<ul style="list-style-type: none"> • Council will need to finalise the Dry Stone Wall policy, and create a heritage strategy. • The Heritage Strategy will outline what heritage studies are required to better protect places of heritage significance in the Shire.

Other issues that could be addressed through a revised MSS or a local policy are:

- Churches / Schools / Places of assembly in the GWZ;
- Onsite detention & stormwater management – could be addressed through a Water Sensitive Urban Design policy; and
- Telecommunications policy for mobile phone towers.

Section 10 - Other Actions Required

In addition to reviewing the planning scheme, there are other actions that Council may decide should be undertaken in conjunction with the review, to improve the performance of the planning scheme and efficiencies in internal processes.

This may include a review of any ‘under the counter’ guidelines or policies that planners use in assessing permit applications, but that are not referenced in the planning scheme. One which has been identified is the Outdoor Advertising Policy and Guidelines (2007).

An amendment was prepared to introduce a new local policy into the planning scheme based on these guidelines; however it was placed on hold due to a State Government review of the general advertising provisions. This State Government review has not been finalised, and it is considered appropriate that the Council policy and guidelines are reviewed and a planning scheme amendment re-commenced.

Various mapping errors have been identified through this review process. An anomalies amendment should be commenced in the short term to fix these.

Section 11 - Process matters

The requirements within Council, (and particularly across departments), for the preparation of Environmental Management Plans are not clear. A consistent approach needs to be developed

between departments as to what type of applications requires one, and the information that is to be provided.

The statutory planners highlighted some limitations of the Victorian planning system; in that planning schemes do not identify some issues that need to be considered in assessing applications, for example: extractive industry interest areas, and cultural heritage management plans.

This is not an issue that can be dealt with through this review process, but could form part of Council's advocacy program to State Government.

Section 12 - Monitoring and Review

It is acknowledged that in the past Council has not always been timely in reviewing the planning scheme as per the legislative requirements. It is recommended that the review process is built into the Planning Department's work plan and budget so that adequate resources are set aside for the project.