

MELTON PLANNING SCHEME

DRAFT AMENDMENT C122

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been drafted by the Growth Areas Authority. The Growth Areas Authority intends to request the Minister for Planning to become the planning authority for this amendment following the consultation period.

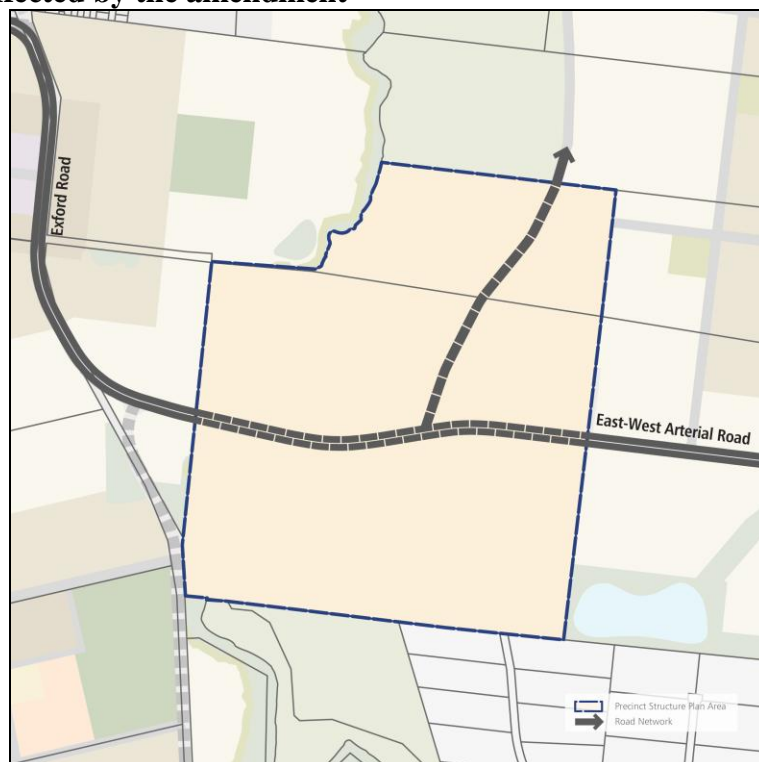
The amendment has been made at the request of the Growth Areas Authority.

Land affected by the amendment.

The amendment applies to the Toolern Park Precinct Structure Plan (PSP) area, which covers approximately 107 hectares of land in Melton South. The Toolern Park PSP is bordered to the east, north and west by the gazetted Toolern PSP 31 and to the south by the Strathtulloh Estate, a low density residential area within a Green Wedge Zone (GWZ). Approximately 48 hectares of the PSP area is within the boundaries of the Toolern Creek Regional Park. There are no existing roads within the PSP area.

The land affected by the amendment is illustrated below (Map 1)

Map 1- Land affected by the amendment



What the amendment does.

The amendment proposes to:

- Incorporate the Toolern Park Precinct Structure Plan (PSP) into the Melton Planning Scheme by listing the document in the Schedule to Clause 81.01.
- Introduce and apply Schedule 6 to the Urban Growth Zone (UGZ6) to land in the amendment area. The schedule sets out the land use and development controls for the precinct. The schedule requires land use and development within the amendment area to be generally in accordance with the Toolern Park Precinct Structure Plan.
- Rezone land from Urban Floodway Zone (UFZ) to Urban Growth Zone Schedule 6 (UGZ6) as shown on the attached planning scheme maps.
- Apply the Residential 1 Zone (R1Z) and Public Park and Recreation Zone (PPRZ) to land within the amendment area.
- Delete Environmental Significance Overlay – Schedule 1 and Schedule 2 where they apply to land within the amendment area.
- Provides for public open space contributions for land in the Toolern Park Precinct Structure Plan when land is subdivided by amending the Schedule to Clause 52.01 to provide land or cash payment for public open space.
- Update the Schedule to Clause 61.03 to reflect the planning scheme map changes.

Strategic assessment of the amendment

Why is the amendment required?

The amendment area was initially contemplated as forming part of PSP 31 (gazetted in November 2010) but was omitted from the exhibited plan due to its location outside the Urban Growth Boundary (UGB) until the approval of amendment VC68 in August 2010. The land represents a logical extension to the urban area approved under the Toolern PSP and an amendment is required to incorporate the Toolern Park PSP into the Planning Scheme and introduce the statutory tools to allow for the development of the precinct.

As a result of the early uncertainty as to whether the land would be included within the Toolern PSP, the amendment area was included within the Toolern Native Vegetation Precinct Plan (NVPP) and draft Integrated Water Management Strategy, thus avoiding the need for separate documents to be prepared as part of the Toolern Park PSP process.

The draft West Growth Corridor Plan identifies the land as ‘Residential’ and ‘Existing Open Space’, with an ‘Arterial Road’ running east-west through the precinct.

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

The amendment implements the objectives of planning in Victoria under Section 4 of the Planning and Environment Act 1987 through a Precinct Structure Plan and associated statutory tools that have been prepared to facilitate development that:

- Provides for the fair, orderly, economic and sustainable use of land identified for urban purposes through a logical and practical urban structure.
- Secures a pleasant, efficient and safe working, living and recreational environment for new and existing residents and visitors to Victoria through the development of an urban structure that provides:
 - pedestrian and vehicular connections to surrounding neighbourhoods;
 - a high level of amenity and access to sporting and passive recreation areas;
 - opportunities for passive surveillance through a range of guidelines and requirements in the PSP
- Conserves and enhance areas of aesthetic interest (e.g. the Toolern Creek corridor) through guidelines and requirements in the PSP. Sites of Aboriginal cultural value have been identified in the PSP. An approved Cultural Heritage Management Plan will be required to be submitted to the responsible authority before a planning permit can be issued for a high impact development (listed under the Aboriginal Heritage Regulations 2007). Growling Grass Frog habitat will be managed through the implementation of a Conservation Management Plan for the species.
- Protects public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community. The urban structure will take advantage of available capacity in existing public utilities and has been prepared in line with the Integrated Water Management Plan prepared for the Toolern PSP. Staging will follow the development of land in the same ownership to the north.
- Balances the present and future interests of all Victorians by planning a new urban area of high amenity, with good access to services and recreation facilities.

How does the amendment address the environmental effects and any relevant social and economic effects?

Environmental effects

The amendment provides for an urban structure that will encourage positive environmental effects by:

- Providing options for alternative modes of transport via walking, cycling and nearby bus links, therefore reducing carbon emissions.
- Supporting a subdivision layout with appropriate solar orientation to reduce reliance on fossil fuels for heating, cooling and lighting.

- Promoting the conservation, reuse and recycling of water through the use of Class A recycled water from Surbiton Park.
- Incorporating substantial areas of Regional Park within the precinct.

Social and Economic effects

The amendment is expected to have generally positive social and economic effects including:

- Providing families with a high amenity neighbourhood close to recreation facilities.
- Generating employment in the construction industry.

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

The amendment is consistent with the Ministerial Direction on the Form and content of Planning Schemes under Section 7(5) of the Act.

The amendment complies with the following relevant Ministerial Directions:

Direction No.1 - Potentially Contaminated Land

The draft schedule to the UGZ requires that a site assessment of the potential for contaminated land is provided with an application to use or develop the land for a sensitive use. Such an assessment will ensure that the condition of the land is known and any identified contamination can be addressed, if required, prior to development occurring.

The draft schedule to the UGZ also requires that prior to the issue of a Statement of Compliance for the subdivision of land, further testing in accordance with the recommendations of the preliminary ESA must be carried out and any additional requirements must be carried out to the satisfaction of the responsible authority.

Direction No 9 - Metropolitan Strategy

Direction No. 9 has been considered in drafting the amendment. The amendment complies with this direction.

Direction No. 11 - Strategic Assessment of Amendments

This direction seeks to ensure a comprehensive strategic evaluation of a planning scheme amendment. The Explanatory Report addresses the requirements of this direction.

Direction No. 12 - Urban Growth Areas

Direction 12 requires that when preparing an amendment to introduce a precinct structure plan or a schedule to the Urban Growth Zone the planning authority must evaluate and include in the explanatory report a discussion about:

- ***How the amendment implements any Growth Area Framework Plan applying to the land.***

The amendment implements the draft West Growth Corridor Plan applying to the land through the development of the precinct for urban, residential purposes and open space. The precinct is in proximity to the Principal Public Transport Network, the Toolern Principal Town Centre and the metropolitan freeway network – making the precinct an accessible place to live and providing future residents with a range of transport, retail, community service, recreation and employment options.

- **How the provisions give effect to the intended outcomes of the precinct structure plan.**

The UGZ6, Toolern Park PSP, and use of Clause 52.01 will effectively implement the Precinct Structure Plan and ensure the outcomes sought by the plan are clearly defined. The UGZ will apply two standard Victoria Planning Provision zones (Residential 1 Zone and Public Park and Recreation Zone) across the plan area.

- **How a translation of the provisions can be achieved, once development anticipated by the precinct structure plan is substantially complete.**

The UGZ Schedule 6 has been structured in such a way that the ultimate translation to conventional Victoria Planning Provision zones can occur in a timely and efficient manner once the land has been developed.

- **How does the amendment accord with the Precinct Structure Planning Guidelines (October 2009)?**

Objective one: To establish a sense of place and community

The precinct will have a strong sense of place based on the natural elements of the regional park and Toolern Creek Corridor. The Strathtulloh Estate to the south will also provide a low density/semi-rural backdrop to the precinct and reinforce the precinct as an urban area in bushland surrounds.

Given the relatively small population of the Toolern Park PSP area, a local town centre, primary school and dedicated community centre are not warranted within the precinct. Funding will be allocated via an agreement under Section 173 of the Act for the expansion of the Multi-Purpose Community Centre to the east of the precinct at Community Hub 3 identified in the incorporated Toolern PSP. The surrounding network of local town centres and education facilities nominated in the incorporated Toolern PSP have sufficient capacity to support the projected population within Toolern Park.

Objective two: To create greater housing choice, diversity and affordable places to live

The amendment follows a conventional approach to the distribution of housing density.

Land surrounding the local park (as identified on the urban structure plan in the PSP) has been earmarked for medium density development with the overall precinct achieving 15 dwellings per hectare to provide a variety of housing products at varying price points. The inclusion of provisions to enable the construction of dwellings on lots less than 300 square metres without a planning permit is expected to contribute to improvements in housing affordability.

Objective three: To create highly accessible and vibrant activity centres

The PSP does not nominate any local town centres. As previously noted, the projected population of the precinct does not provide sufficient demand to support a local town centre – surrounding centres nominated in the incorporated Toolern PSP and within close proximity to the Toolern Park precinct will support the needs of future residents.

Objective four: To provide for local employment and business activity

No dedicated employment areas are planned for the precinct. Significant employment areas are located north in the Melton Employment area and the future Toolern Principal Town Centre. In addition to home based occupations, surrounding local town centres and schools will be the employment generators in proximity to the precinct.

Objective five: To provide better transport choices

The road and path network within the precinct has been planned to integrate with the existing and future transport network in the surrounding area. The proposed East-West Arterial provides access between the precinct, the wider Toolern and Melton areas and the Western Freeway and proposed Outer Metropolitan Ring Road provide excellent car access to metropolitan Melbourne and Regional Victoria. The proposed Toolern Railway Station

Objective 6: To respond to climate change and increased environmental sustainability and

Objective 7: To deliver accessible, integrated adaptable community infrastructure

The PSP aims to:

- minimise private vehicle use for local trips through direct connections to surrounding local facilities,
- increase the density of housing, particularly around the local park, to use less land and respond to demand for smaller household sizes
- create an on road bicycle and off road shared-trail network to promote convenient access to precinct facilities and minimise the need for car use
- create landscapes in public spaces and streets that provide shade, amenity and animal habitat.

All elements of the PSP guidelines are used in the precinct structure plan to set out the relevant standards and controls for achieving the PSP guideline objectives.

S46m(1) - Direction on Development Contributions Plan

There is no development contribution plan for the precinct, funding for those projects identified in the PSP will be allocated through a Section 173 agreement.

How does the amendment support or implement the State Planning Policy Framework?

The amendment is consistent with and has been prepared in accordance with the State Planning Policy Framework as outlined below:

The amendment is consistent with and has been prepared in accordance with the State Planning Policy Framework as outlined below. The amendment:

Clause 11: Settlement.

- Will be in proximity to proposed transport routes;
- Will provide a mix of residential densities and household types at a rate of approximately 15 -30 dwellings per hectare;
- Integrates with the surrounding Toolern Precinct Structure Plan area and the existing rural residential area to the south, including existing environmental features in the Toolern Creek corridor;
- Provides for a well integrated open space network, linked by cycling and walking trails that connect with surrounding neighbourhoods;

- Provides a framework for urban development that responds to surrounding existing and planned development and natural features;
- Releases additional land for residential development with a capacity for sensitive non-residential uses; and
- Provides for the orderly development of land and supporting infrastructure.

Clause 12: Environmental and Landscape values.

- Aids in the protection and enhancement of biodiversity at a regional level;
- Retains native vegetation via the Toolern NVPP and provides habitat improvements;
- Provides guidelines for the Toolern Creek Regional Park interface and East-West Arterial crossing.

Clause 15: Built Environment and Heritage.

- Identifies Aboriginal heritage sites;
- Establishes an integrated neighbourhood that responds to the location and enhances amenity values;
- Provides for subdivision and land use that locates more medium density development near open space and public transport routes;
- Facilitates high quality development that maximises the density and safety of the public realm.

Clause 16: Housing.

- Encourages a range of densities;
- Promotes housing affordability through the release of more residential land;
- Delivers an appropriate housing mix.

Clause 17: Economic Development.

- Delivers residential development in close proximity to planned activity centres thus supporting commercial uses and enhancing employment opportunities in nearby employment areas.

Clause 18: Transport.

- Promotes alternative modes of transport such as walking and cycling, by providing an integrated walking and cycling network.

Clause 19: Infrastructure.

- Enables delivery of water, sewerage and drainage infrastructure;
- Facilitates delivery of high capacity broadband and telecommunications infrastructure.

How does the amendment support or implement the Local Planning Policy Framework?

The amendment is consistent with and has been prepared in accordance with the Local Planning Policy Framework as discussed below.

Municipal Strategic Statement

- *Clause 21.03 Planning Visions and Objectives for Melton.* This policy provides an overarching vision for the Shire of Melton to the year 2015. The policy lists the following key land use objectives:
 - *Residential Land Use.* The amendment will create a sustainable and liveable community through the provision of an urban structure that provides for a good mix of lots sizes and complementary open space areas.
 - *A Sustainable Environment.* The amendment provides for an urban structure that supports a range of sustainability measures. Key measures include dedicated cycle routes proximity to public transport.
 - *Employment.* The amendment does not include any dedicated employment areas, but will facilitate employment through the office floorspace provisions in the UGZ6.
 - *Retailing.* The amendment supports the growth and development of vibrant and dynamic retail centres by providing additional catchment for planned town centres in the surrounding Toolern Precinct Structure Plan.
 - *Transport and Movement.* The PSP will ensure that efficient and integrated transport infrastructure is provided for the new community through the designation of a future road network, walking and bicycle paths.
 - *Rural Land Use.* The amendment will not compromise existing nearby rural land uses and vice versa.
 - *Areas of Historical, Cultural and Environmental Significance.* The PSP identifies sites of Aboriginal cultural heritage.

Local Planning Policies

- *Clause 22.01- Residential Land Use Policy.* The policy objectives of Clause 22.01 are supported by the outcomes of the Structure Plan which will provide for a diverse range of housing options.
- *Clause 22.03- Recreation and Open Space Networks Policy.* The amendment supports this policy by providing for a variety of passive and active open space areas which have been designed as a key component of the future urban structure of the precinct.
- *Clause 22.04- Urban Development Policy.* In support of this policy the concurrent S173 agreement will facilitate the timely provision of infrastructure.
- *Clause 22.05- Employment Policy.* The amendment supports this policy by providing opportunities for local, home-based employment.
- *Clause 22.06- Retailing Policy.* The amendment supports this policy by providing additional catchment for planned town centres in the surrounding Toolern Precinct Structure Plan..

- *Clause 22.07- Transport and Movement Policy.* The PSP will ensure that safe road networks are provided to accommodate future development.

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

The amendment meets the form and content requirements of the Victorian Planning Provisions. Importantly, the application of the UGZ is considered an appropriate tool to apply a suite of Victoria Planning Provision zones to guide future use and development of the site through the specification of conditions and requirements for permits.

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

The Merrifield West Precinct Structure Plan, Development Contributions Plan and Native Vegetation Precinct Plan have been prepared in consultation with relevant agencies.

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

The Growth Areas Authority is an ‘interface body’ under the *Transport Integration Act 2010*. Under Section 25 of that Act:

(1) An interface body must have regard to the transport system objectives when exercising powers and performing functions under any interface legislation which are likely to have a significant impact on the transport system.

(2) An interface body must have regard to the decision making principles in making decision under any interface legislation which are likely to have a significant impact on the transport system.

The way in which the precinct structure plan program in general has regard to the *Transport Integration Act 2010* can be viewed at the GAA website.

The amendment is likely to have a significant impact in the transport system at a local level. It will require upgrades to nearby parts of the regional road network and will allow the creation of a new local road network that will set the future pattern of development in the precinct. It will contribute to the development of the bus network in the area and create demand for train services.

The proposed additions and changes to the existing transport system in and adjacent to the precinct will meet the transport system objectives by:

- Providing for an interconnected road system that responds to the likely level of use generated by the precinct and hence facilitating investment in housing and local retail services in the area
- enabling efficient access to existing and planned employment and services in and around Mickleham and the Hume corridor through connections to the arterial road network and planned extensions to bus services
- ensuring the road network minimises impacts on the site’s topography, native vegetation and water flow regimes
- providing locally based sports, recreational and community facilities to reduce the need for extended travel

- designing roads that are of a suitable scale and compatible with the expected travel demand and that provide a suitable scale and impact in relation to likely adjoining development
- infrastructure provided for through the Development Contributions Plan will generally be provided as sufficient demand arises for the relevant infrastructure item and provides the opportunity for the efficient construction of items concurrent with subdivisional development
- Integrating the construction of bus stop facilities with the development process to minimise construction costs and provide the opportunity to optimise the location of bus stops and design of roads in relation to bus routes and associated facilities
- Integrating relevant government bodies involved in the provision of transport infrastructure and services in the decision making process of the amendment

Are there any applicable statements of policy principles prepared under section 22 of the Transport Integration Act 2010?

- There are no applicable statements of policy principles prepared under the Act.

Resource and administrative costs

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

The amendment will have minimum impact on the resources and administrative costs of the responsible authority. The incorporation of the PSP in the Planning Scheme will facilitate the future orderly and proper planning of the area.

Further, the UGZ Schedule 6 has been structured in such a way that the ultimate translation to conventional Victorian Planning Provisions zones can occur in a timely and efficient manner once the land has been developed.

The amendment will significantly reduce development timeframes, home buyers' costs and the number of planning permits otherwise required to facilitate development by:

- incorporating the requirements of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* under an endorsed program.
- using an incorporated NVPP to remove the need for a permit to remove vegetation in accordance with the plan.
- reduce the requirement for a planning permit for houses on smaller lots through the introduction of a standardised code.

Where you may inspect this Amendment

The Amendment and Planning Permit application is available for public inspection, free of charge, during office hours at the following places:

*Shire of Melton
Civic Centre
232 High Street
MELTON*

*Growth Areas Authority
Level 29, 35 Collins Street
MELBOURNE*

The Amendment and Planning Permit applications may also be inspected on the Growth Areas Authority website at www.gaa.vic.gov.au.