

*Planning and Environment Act 1987*

## MELTON PLANNING SCHEME

### AMENDMENT C176

#### EXPLANATORY REPORT

##### **Who is the planning authority?**

This amendment has been prepared by the City of Melton, which is the planning authority for this amendment.

The amendment has been made at the request of Roberts Day on behalf of Eynesbury Property Development Pty Ltd.

##### **Land affected by the Amendment**

The amendment applies to Stages 5, 6 and 13 in the approved Eynesbury Township Development Plan, February 2013.



##### **What the amendment does**

The amendment:

- amends the schedule to Clause 52.03 (Specific sites and exclusions) to include a site specific control, the *Eynesbury Stages 5, 6 and 13 Native Vegetation Offsets, May 2016*; and
- amends the schedule to Clause 81.01 to include a new incorporated document titled *Eynesbury Stages 5, 6 and 13 Native Vegetation Offsets, May 2016*.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

The amendment enables the consideration of a planning application to subdivide land for Stages 5, 6 and 13 in accordance with the approved *Eynesbury Township Development Plan, February 2013*.

The land contains remnant vegetation. For a planning application to subdivide land to proceed, removal of this vegetation is unavoidable.

In 2011 an appropriate offset site was secured at 1316 Darlington – Nerrin Road, Dundonnell, Victoria within the Shire of Moyne. This offset site was agreed to at that time by the City of Melton and the Department of Sustainability and Environment as appropriate under the native vegetation offset legislation applying at that time.

Whilst Eynesbury Property Development Pty Ltd are able to obtain a planning permit for native vegetation removal pursuant to the current requirements of Clause 52.17 of the Melton Planning Scheme, in this instance Eynesbury Property Development Pty Ltd would prefer to utilise existing offsets already secured at Dundonnell to provide its offset for this vegetation.

Due to a change in the native vegetation regulations introduced into the Victoria Planning Provisions at Clause 52.17 in December 2013 via the *Permitted clearing of native vegetation - Biodiversity assessment guidelines (DEPI 2013)*; offsets are now required to be located within the same Catchment Management Authority area (CMA). The Dundonnell offsets do not meet this requirement.

The City of Melton and the Department of Environment, Land, Water and Planning have provided in-principle support for the use of the Dundonnell offset site, for the offsets associated with Stages 5, 6 and 13 of the approved *Eynesbury Township Development Plan, February 2013*.

This amendment seeks to allow an alternative offset site which is located outside of the same CMA. All other facets of Clause 52.17 will continue to be relevant to the land and will be implemented via the planning permit application process for which the City of Melton will remain the responsible authority.

### **How does the Amendment implement the objectives of planning in Victoria?**

Section 4(1) of the *Planning and Environment Act 1987* contains the following relevant objectives for Planning in Victoria:

- To provide for the fair, orderly, economic and sustainable use, and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To facilitate development in accordance with the above objectives; and
- To balance the present and future interests of all Victorians.

This amendment allows for native vegetation offsets for the nominated areas to be provided on a site outside the same CMA while all other provisions of Clause 52.17 remain applicable. In this way, the amendment facilitates the fair, orderly, economic and sustainable use and development of the land for a project of local significance.

### **How does the Amendment address any environmental, social and economic effects?**

The City of Melton, as the responsible authority for future planning permit applications, and the Department of Environment, Land, Water and Planning, have been consulted in the

preparation of this amendment and have provided in-principle support for this approach. The amendment will give effect to a native vegetation offset outcome as agreed by all parties since 2011 through the planning permit application process and which will ensure an appropriate environmental outcome.

Facilitation of an appropriate offset arrangement will be of social and economic benefit as it will allow Eynesbury Property Development Pty Ltd to deliver additional residential lots within Eynesbury, in keeping with the approved *Eynesbury Township Development Plan, February 2013*.

#### **Does the Amendment address relevant bushfire risk?**

The amendment will not result in any increase in the risk to life from bushfires or risks to property, community infrastructure and the natural environment from bushfires. The nominated areas subject to this amendment are not affected by a Bushfire Management Overlay.

This amendment does not impact the manner in which the residential subdivision will address bushfire risk through the standard processes.

#### **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 *Planning and Environment Act 1987*.

The amendment addresses the requirements of Ministerial Direction No.11 Strategic Assessment Guidelines. The Amendment is not affected by any other Ministerial Directions under Section 12 of the *Planning and Environment Act 1987*.

#### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The amendment is consistent with, and gives effect to, the State Planning Policy Framework within the Melton Planning Scheme, in particular:

- Clause 10 – Operation of the State Planning Policy Framework
- Clause 11 – Settlement
- Clause 12 – Environmental and Landscape Values
- Clause 15 – Built Environment and Heritage
- Clause 16 – Housing

In particular, this amendment:

- Will facilitate the orderly and proper planning of the Eynesbury Township, as envisaged by the approved *Eynesbury Township Development Plan, February 2013* pertaining to the land.
- Will allow an alternative native vegetation offset to occur off-site and outside the Catchment Management Authority area within which the subject site is located, with any future subdivision of Stages 5, 6 and 13 not resulting in any net loss in the extent and quality of native vegetation.
- Will enable the Eynesbury Township, which has been identified by Council as playing an important role in accommodating new housing in an out of centre location, to expand in an appropriate manner that integrates built form with the natural environment.

**How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment is consistent with, and gives effect to, the Local Planning Policy Framework within the Melton Planning Scheme, in particular:

- Clause 21.01 Snapshot of Melton City in 2014
- Clause 21.04 Housing within the Established Residential Areas
- Clause 22.02 A Sustainable Environment Policy
- Clause 22.09 Eynesbury Station Policy

In particular, this amendment supports:

- Eynesbury Township's important role in offering a lifestyle choice for future residents moving into the City of Melton.
- The realisation of the approved *Eynesbury Township Development Plan, February 2013*, thereby creating an important residential community that can accommodate a diversity of housing.
- An ongoing high quality natural environment which affords residents a high standard of living. As such, any new development within the City of Melton should have regard to the natural environment.
- The ongoing integration of the residential community at Eynesbury with the surrounding natural environment.

**Does the Amendment make proper use of the Victoria Planning Provisions?**

The City of Melton and the Department of Environment, Land, Water and Planning have agreed to consider an offset site in this instance outside of the same CMA.

In this circumstance it is appropriate to use the schedules to Clause 52.03 and 81.01 to allow for an alternative offset site outside of the same CMA.

**How does the Amendment address the views of any relevant agency?**

The amendment will give effect to a native vegetation offset outcome agreed with the City of Melton and the Department of Environment, Land, Water and Planning through the future planning permit application process for the residential subdivision of the nominated areas of land within Eynesbury. The City of Melton and the Department of Environment, Land, Water and Planning are aware of and supportive of this amendment.

**Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is unlikely to have a significant impact on the transport system as defined by Section 3 of the Transport Integration Act 2010.

**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 minimal impact on the resources and administrative costs of the responsible authority.

**Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

Melton Civic Centre  
232 High Street  
Melton 3337

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

**Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by Monday, 15 August 2016.

A submission must be sent to:

Manager City Design, Strategy and Environment  
Melton City Council  
PO Box 21  
Melton VIC 3337

**Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: week commencing 17 October 2016
- panel hearing: week commencing 7 November 2016

## MELTON PLANNING SCHEME

03/03/2016  
C138  
[Proposed C176](#)**SCHEDULE TO CLAUSE 52.03**

Address of land	Title of incorporated document
Lots 1&2 LP 30733K, Plumpton Road, Rockbank	Conditions for use of Lots 1&2 LP 30733K, Plumpton Road for rock crushing
South-west corner of Greigs Road and Mount Cottrell Road, Melton, Crown Portions 1 and 2, Section 11, Parish of Pywheitjorrk	Conditions for use of south-west corner of Greigs Road and Mount Cottrell Road, Melton, Crown Portions 1 and 2, Section 11 Parish of Pywheitjorrk for Extractive Industry
The Melbourne to Ballarat Railway shown on the project area maps for the Regional Fast Rail Project and the Fibre Optic Project in the incorporated document.	Rail Infrastructure Projects (comprising the Rail Gauge Standardisation Project, the Regional Fast Rail Project and the Fibre Optic Project), December 2002
The Ballarat Rail Corridor Deviation alignment at Melton South as shown on the project area maps for the Rail Infrastructure Projects Ballarat Rail Corridor Deviations in the incorporated document.	Rail Infrastructure Projects Ballarat Rail Corridor Deviation: Regional Fast Rail Project, Integrated Approval Requirements (August 2003) and Fibre Optic Project, Integrated Approval Requirements (August 2003)
The land required for the Western Highway Realignment (Melton to Bacchus Marsh) Project as identified in clause 3 of the incorporated document.	Western Highway Realignment (Melton to Bacchus Marsh) Incorporated Document, December 2009
Land within and adjacent to the railway between Sunbury Railway Station to Watergardens Railway Station, the general extent of which is shown on the project locality maps in the incorporated document.	Sunbury Electrification Project Incorporated Document February 2010
The land required for or in conjunction with the Regional Rail Link Project as identified in clause 3 of the incorporated document.	Regional Rail Link Project Section 2 Incorporated Document, March 2015
The land required for the Regional Rail Link Project as identified in clause 3 of the incorporated document.	Regional Rail Link Project Section 1 Incorporated Document, March 2015
Land required for the Palmers Road and Robinsons Road Upgrade as identified in clause 3 of the incorporated document.	Palmers Road and Robinsons Road Upgrade (Sayers Road to Western Freeway, Truganina) Incorporated Document, July 2012.
1-75 Holden Road, Plumpton, more particularly described as the land in Certificate of Title Volume 6813 Folio 507	Calder Park Train Stabling and Maintenance Yards Incorporated Document, September 2012
The land required for the RDAV Rockbank Facility at Lot 2 on TP821851 as identified on the site plan in the incorporated document.	RDAV Rockbank Facility Incorporated Document, July 2013

MELTON PLANNING SCHEME

Address of land	Title of incorporated document
Land required for the Water for a Growing West Project as shown on the project plans included in the Incorporated Document	Water for a Growing West Project Incorporated Document, July 2014
1665-1715 Mount Cottrell Road, Mount Cottrell (Lot 3 on Plan of Subdivision LP141929)	Mount Cottrell Class A Recycled Water Storage Facility, Incorporated Document, March 2015
<a href="#">Stages 5, 6 and 13 of the approved Eynesbury Township Development Plan, February 2013</a>	<a href="#">Eynesbury Stages 5, 6 and 13 Native Vegetation Offsets, May 2016</a>



## MELTON PLANNING SCHEME

12/05/2016 C400  
Proposed C176SCHEDULE TO CLAUSE 81.01

Name of document	Introduced by:
Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, Standards Australia Limited, 2015	VC107
Calder Park Train Stabling and Maintenance Yards Incorporated Document, September 2012	C125
Caroline Springs Town Centre Comprehensive Development Plan August 2000	C14
Chartwell Restructure Allotment Plan (August 1992)	NPS1
Conditions for use of Lots 1&2 LP30733K, Plumpton Road for rock crushing	C9
Conditions for use of south-west corner of Greigs Road and Mount Cottrell Road, Melton, Crown Portions 1 and 2, Section 11, Parish of Pywheitjork for Extractive Industry	C13
Design and Siting Guidelines for Rural Zones, Melton Shire Council, 1996	NPS1
Diggers Rest Development Contributions Plan, March 2012	C121
Diggers Rest Native Vegetation Precinct Plan, March 2012	C121
Diggers Rest Precinct Structure Plan, March 2012	C121
<a href="#">Eynesbury Stages 5, 6 and 13 Native Vegetation Offsets, May 2016</a>	<a href="#">C176</a>
Eynesbury Station Incorporated Plan, September 2001	C20
Guidelines for the Preparation of Environmental Management Plans in Melton's Rural Areas, Melton Shire Council, 1996	NPS1
HO110 Kerr Farm Site 1780-1882 Boundary Road, Mt Cottrell Incorporated Plan (2009)	C71
HO112 65-543 Greigs Road, Truganina Incorporated Plan (2009)	C71
Melton Cemetery Incorporated Plan (2008)	C73
Melton Dry Stone Wall Study Volume 3 – Statements of Significance, February 2016	C100
Melton North Precinct Structure Plan Development Contributions Plan, May 2010	C83
Melton North Precinct Structure Plan, May 2010	C83
Melton Tourist Precinct Local Area Development Plan – February 1998	C4
Mount Cottrell Class A Recycled Water Storage Facility, Incorporated Document, March 2015	C138
Palmers Road and Robinsons Road Upgrade (Sayers Road to Western Freeway, Truganina) Incorporated Document, July 2012	C81
Paynes Road Precinct Structure Plan, February 2016	C161
Rail Infrastructure Projects (comprising the Rail Gauge Standardisation Project, the Regional Fast Rail Project and the Fibre Optic Project), December 2002	VC17
Rail Infrastructure Projects Ballarat Rail Corridor Deviation: Fibre Optic Project, Integrated Approval Requirements (August 2003)	C40
Rail Infrastructure Projects Ballarat Rail Corridor Deviation: Regional Fast Rail Project, Integrated Approval Requirements (August 2003)	C40
RDAV Rockbank Facility Incorporated Document, July 2013	C151



## MELTON PLANNING SCHEME

<b>Name of document</b>	<b>Introduced by:</b>
Regional Rail Link Project Section 1 Incorporated Document, March 2015	<b>GC26</b>
Regional Rail Link Project Section 2 Incorporated Document, March 2015	<b>GC26</b>
Robinsons Road Employment Area South Native Vegetation Precinct Plan, February 2011	<b>C65</b>
Rockbank North Development Contributions Plan, March 2012	<b>C120</b>
Rockbank North Native Vegetation Precinct Plan, March 2012	<b>C120</b>
Rockbank North Precinct Structure Plan, March 2012	<b>C120</b>
Shire of Melton Heritage Study Stage 2: Volume 6- Statements of Significance, March 2009	<b>C71</b>
Small Lot Housing Code, August 2014	<b>GC22</b>
Statement of Significance – 161 Bulmans Road, Melton West, May 2011	<b>C113</b>
Statement of Underlying Provisions - Land reserved for the Outer Metropolitan Ring and the E6 Transport Corridor, July 2010 (updated May 2012)	<b>C128</b>
Sunbury Electrification Project Incorporated Document February 2010	<b>C96</b>
Taylors Hill West Precinct Structure Plan (including the Taylors Hill West Native Vegetation Precinct Plan) May 2010 (Amended August 2011)	<b>C115</b>
Taylors Hill West Precinct Structure Plan, Development Contributions Plan, July 2010 (Amended October 2012)	<b>C110</b>
Toolern Park Precinct Structure Plan, August 2014	<b>C122</b>
Toolern Park Development Contributions Plan, August 2014	<b>C122</b>
Toolern Precinct Structure Plan (including Toolern Native Vegetation Precinct Plan), July 2011 (Amended December 2015)	<b>C161</b>
Toolern Development Contributions Plan, July 2011 (Amended December 2015)	<b>C161</b>
Water for a Growing West Project Incorporated Document, July 2014	<b>GC18</b>
Western Highway Realignment (Melton to Bacchus Marsh) Incorporated Document, December 2009	<b>C94</b>

MELTON PLANNING SCHEME

MELTON PLANNING SCHEME

INCORPORATED DOCUMENT

'Eynesbury Stages 5, 6 and 13 Native Vegetation Offsets,  
May 2016'

This document is an incorporated document in the Planning Scheme pursuant to  
Section 6(2)(j) of the Planning and Environment Act 1987

MELTON PLANNING SCHEME

**1. INTRODUCTION**

This document is an incorporated document in the Schedule to Clause 81.01 of the Melton Planning Scheme (the Scheme).

Despite any provision to the contrary in the Scheme, pursuant to Clause 52.03 of the Melton Planning Scheme, the land identified in this document may be used and developed in accordance with the specific controls contained in this document.

In the event of any inconsistency between the specific controls contained in this document and any provision of the Scheme, the specific controls contained in this document will prevail.

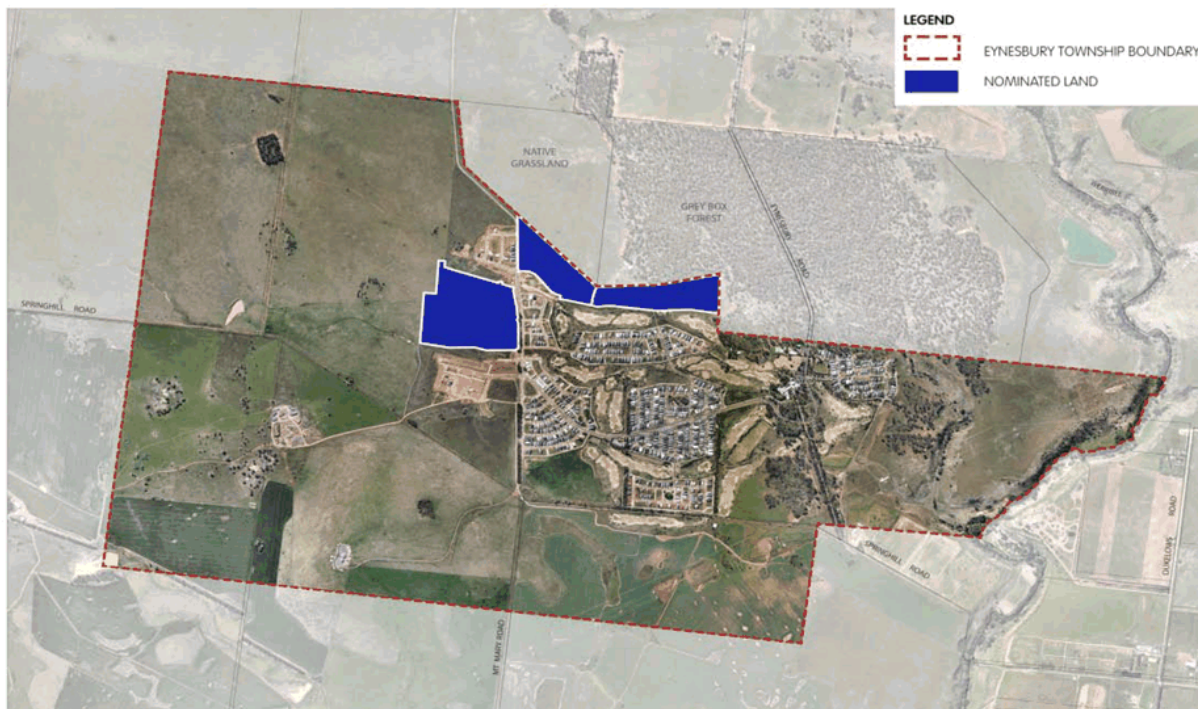
**2 PURPOSE**

The purpose of the specific control in this Incorporated Document is to allow for the offsets required for the removal, destruction or lopping of native vegetation associated with any subdivision of land within Stages 5, 6 and 13 of the approved *Eynesbury Township Development Plan, February 2013* to be secured outside the Catchment Management Authority area within which the land is located.

The Department of Environment, Land, Water and Planning and City of Melton approve an offset at 1316 Darlington – Nerrin Road, Dundonnell, Victoria in response to any removal of native vegetation resulting from the subdivision of land for Stages 5, 6 and 13 in accordance with the approved *Eynesbury Township Development Plan, February 2013*.

Map 1 in this Incorporated Document depicts the boundaries of the nominated land subject to the Incorporated Plan, with the three parcels of land also known as Stages 5, 6 and 13 of the approved *Eynesbury Township Development Plan, February 2013*.

MAP 1



MELTON PLANNING SCHEME

**3 THE LAND**

The land is identified as Stages 5, 6 and 13 of the approved *Eynesbury Township Development Plan, February 2013*.

**4 APPLICATION OF PLANNING SCHEME PROVISIONS**

All provisions of Clause 52.17, except for 52.17-5 (Decision guidelines) in relation to offsets, and Clause 52.17-6 (Offset requirements), apply to the land.

**5 CONTROL**

The provisions of Clause 52.17-5 in relation to offsets, and Clause 52.17-6, do not apply to the land. Offsets for the removal of native vegetation associated with the subdivision of land for Stages 5, 6 and 13 in accordance with the approved *Eynesbury Township Development Plan, February 2013* are to be secured at 1316 Darlington – Nerrin Road, Dundonnell, Victoria. This requirement must be included as a condition on the relevant planning permit(s).

**END OF DOCUMENT**