

**10. RESUMPTION OF DEBATE OR OTHER BUSINESS CARRIED
OVER FROM A PREVIOUS MEETING****10.1 SIGNIFICANT LANDSCAPE STRATEGY**

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PURPOSE OF REPORT

For Council to consider the 'Significant Landscape Strategy' and the initiation of a Planning Scheme Amendment to introduce a local planning policy, Landscape Management Guidelines and updated Significant Landscape Overlays (SLO) into the Melton Planning Scheme.

RECOMMENDATION:

That Council:

1. adopt Melton Landscapes 'The Significant Landscape Strategy' at **Appendix 1**
2. seek authorisation to prepare Planning Scheme Amendment C173 from the Minister for Planning
3. upon receipt of authorisation exhibit the amendment in accordance with the Planning and Environment Act 1987.

Motion

Crs Majdlik/Carli

That Council:

1. adopt Melton Landscapes 'The Significant Landscape Strategy' at **Appendix 1** as 'The Significant Landscape Features Strategy'
2. seek authorisation to prepare Planning Scheme Amendment C173 from the Minister for Planning
3. upon receipt of authorisation exhibit the amendment in accordance with the *Planning and Environment Act 1987*.

CARRIED

REPORT**1. Executive Summary**

Council engaged Planisphere in October 2014 to undertake the preparation of the Significant Landscape Strategy.

This project involved an assessment of significant landscapes in the City of Melton, the preparation of Landscape Management Guidelines, an update to the existing Significant Landscape Overlay Schedule 1 and development of a Local Planning Policy. In addition, the strategy makes recommendations on other strategic planning and non statutory work that should be undertaken to enhance and protect City of Melton's significant landscape features, in particular updating of the Significant Landscape Overlay Schedule 1. The inclusion of the Landscape Management Guidelines will enable informed and consistent decision making by

MINUTES OF THE ORDINARY MEETING OF COUNCIL

2 MAY 2016

Council officers in respect of planning permit applications within the three volcanos of Mt Kororoit, Mt Atkinson and Mt Cottrell. These will also support Council officer's position at the Victorian Civil and Administrative Tribunal (VCAT) when required

2. Background/Issues

The municipality's population has doubled in the last decade and has continued to grow rapidly, with the population set to double again by 2031 to over 240,000 people. As a result of rapid growth, pressures placed on existing landscapes outside of Melton's developed areas will arise, therefore it is important to protect the significant landscape areas and put in place measures to ensure that future development proposals are properly considered in a landscape context.

The Western Plains North Green Wedge Management Plan (WPNGWMP) was adopted in September 2014 and identified the need for greater protection of the rural landscape, particularly in the northern part of the municipality. A key action (E8 a1) of the WPNGWMP was to undertake a Significant Landscape Strategy for the City of Melton. Council engaged Planisphere in October 2014 to undertake the preparation of the Melton Significant Landscape Strategy.

The Significant Landscape Strategy involved the identification of Character Areas based on aesthetic, environmental, social and other values. Melton is made up of two distinct Character Areas, The Western Volcanic Plain and The Uplands area to the north. Three significant areas were then selected as major contributors from the Character Areas, these were Forested Areas, Volcanic Hills and Cones and Waterways.

The project was undertaken as follows and included consultation with the community and stakeholders at key stages (outlined in Section 5 of this report):

Stage 1: Project Inception

Stage 2A: Site surveys and identification of landscape character types and analysis, including a photo competition

Stage 2B: Significant Landscape Assessment papers

Stage 3: Draft strategy and community engagement including, postcard, drop in sessions at Diggers Rest, Melton and Caroline Springs, preparation of engagement report

Stage 4: Final strategy

The project team provided a number of briefings to Council at key stages throughout the project including presenting the draft document prior to releasing it for public comment and detailing the submissions received.

The key elements of the Significant Landscape Strategy are:

- Identification of Landscape Character areas - the two category areas affecting the City of Melton are the Western Volcanic Plains covering the majority of the municipality and the Uplands located in the north.
- Determining Significant Landscapes of the character areas - aspects of landscape that contribute significantly are the Forested Areas, Volcanic Cones and Hills and Waterways.
- Landscape Management Guidelines – included preferred design outcomes to do with sitting, vegetation and built form.
- Implementation – required changes to planning controls and details for a local planning policy.

Amendment C173

Specifically, Amendment C173 proposes to implement the Significant Landscape Strategy into the Melton Planning Scheme:

MINUTES OF THE ORDINARY MEETING OF COUNCIL2 MAY 2016

- To Update the Municipal Strategic Statement and Planning Policy Framework to reference the 'Study Report and 'Recommendations' and the 'Landscape Management Guidelines'
- To update the Significant Landscape Overlay Schedule 1
- Introduce a Local Planning Policy to the Melton Planning Scheme
- Introduce Landscape Management Guidelines as a reference document to the Melton Planning Scheme
- Local Planning Policy Framework to reference the 'Study Report and Recommendations' refer **Appendix 1**.

The proposed changes will provide improved protection for Mt Kororoit, Mt Cottrell and Mt Atkinson through the existing Significant Landscape Overlay 1. The Landscape Management Guidelines will provide a range of preferred design solutions before and during the planning application process. The local planning policy will provide direction on development issues not affected by a relevant overlay such as a Significant Landscape Overlay or Environmental Significance Overlay. The provision of a local policy will also provide Council with a strong policy context for VCAT appeals.

The amendment will be exhibited through the normal Statutory Planning Scheme Amendment exhibition process and includes the following:

- Minimum four weeks exhibition
- notices in local papers and the government gazette
- All amendment documentation made available on the Department of Environment, Land, Water and Planning's (DELWP) website and Council's website.
- letters will be sent to all landowners directly affected by proposed changes including landholders within the Significant Landscape Overlay Schedule 1.
- Drop in information sessions to be held early in the exhibition period

Following the exhibition period, Council will consider any submissions received. Any submissions that cannot be resolved will be referred to an independent planning panel for independent consideration. Should a panel hearing be required, all submitters are given the opportunity to present their submission to the panel. All participants were advised of these arrangements and the amendment process at the initial consultation sessions held in August/September 2015.

Strategic justification:

In line with the *Strategic Assessment Guidelines for Planning Scheme Amendments* (August 2004), prepared by the State Government, every Planning Scheme Amendment should be strategically supported and maintain or develop the strategic focus of the Planning Scheme.

It is necessary to determine whether any amendment supports or implements the State Planning Policy Framework and the Local Planning Policy Framework of the Planning Scheme. Further, Council must determine whether the outcome of the amendment will have any consequences in terms of the Planning Scheme's directions, usability and transparency.

The amendment is consistent with the State Planning Policy Framework:

- Clause 12 – Which aims to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments
- The amendment is required to implement the recommendations of the 'Study Report' which will provide design guidelines and policy that will protect the existing significant landscapes.
- Implementing the Significant Landscape Strategy into the Melton Planning Scheme will make the objectives of Council clear in relation to the protection of significant landscapes across the municipality. It will therefore improve Council's planning

MINUTES OF THE ORDINARY MEETING OF COUNCIL**2 MAY 2016**

permit process in regards to assessing development proposed in these areas and support Councils position at VCAT appeals.

The amendment is consistent with the Municipal Strategic Statement at Clause 21 which aims to:

- Protect and conserve the environmental resources and assets of the City for the benefit of current and future communities.

The amendment is consistent with the Local Planning Policy Framework at Clause 22.02 (Sustainable Environment Policy) which aims to:

- Identify areas of botanical, zoological and geomorphological significance and ultimately protect them through overlay controls in the planning scheme;
- Discourage use and development that would detrimentally impact upon these significant areas.

3. Council Plan Reference and Policy Reference

The Melton City Council 2013-2017 Council Plan references:

1. Managing our Growth: A clear vision to connect and develop a sustainable City

1.4 Value and protect the natural environment for future generations

4. Financial Considerations

The Significant Landscape Strategy outlines a number of recommendations that Council are required to undertake to implement the Strategy.

A number of these recommendations will be addressed within the recurrent budgets such as the Planning Scheme Amendment C173. Other recommendations such as the review of Environmental Significant Overlays, will require additional work to be undertaken. The projects will be put forward as new initiatives to be considered by Council in due course as part of the overall budget process.

It is not envisaged that the implementation of the Strategy will require any additional staff resource as the projects will be integrated into the work program of the City Design, Strategy & Environment unit.

5. Consultation/Public Submissions

A series of consultation methods to engage with the community were applied during the development of the project. These included Facebook, Council's website, and advertisements in local media, postcards for general promotion at Council's community and civic facilities, and the facilitation of community 'drop in' sessions.

The community consultation process comprised:

- A postcard distributed to Council service centres and community facilities
- Project webpage through Councils website
- Photo competition through Facebook page
- Community 'drop in' sessions at Melton, Caroline Springs and Diggers Rest
- Newspaper advertisements
- Letters to landholders who had previously made a submission to the Western Plains North Green Wedge Management Plan

Council held three community 'drop in' sessions on 31 August, 3 and 7 September 2015 respectively at venues in Diggers Rest, Melton and Caroline Springs. These sessions were used to gather the community's views and feedback on the draft document. The findings

MINUTES OF THE ORDINARY MEETING OF COUNCIL

2 MAY 2016

from these sessions are documented in the 'Study Report and Recommendations', refer **Appendix 1**

During the consultation period, all participants were advised that the development of the strategy was the first part of the overall project and that a further separate consultation period would be required at the planning scheme amendment stage at which time all affected landholders would be directly notified.

The draft strategy document was released for public comment for five weeks from 21 August to 18 September 2015. Over this period the document was advertised both in local media and through Council's website, with copies of the strategy made available to download from the dedicated project webpage.

Council received a total number of 12 written submissions to the draft document. Council met with a number of submitters to discuss the content of their submission on request.

Submissions and officer responses are summarised in the table below. A more detailed version is included as **Appendix 2**

Issues raised by submitters	Response to submitters
Limited justification for changes in document to the SLO and ESO	The strategy document has included additional discussion supporting changes to the SLO and ESO. This included the limited coverage of the existing SLO1 and inconsistency between the mapping and schedule, vulnerability of significant landscape areas adjacent to waterways and forested areas not covered by an ESO and the lack of detail contained in the existing SLO and ESO schedules to guide development.
Proposed extension to overlay is unnecessary	The existing Significant Landscape Overlay Schedule 1 only covers the top of Mt Atkinson, Mt Kororoit and Mt Cottrell therefore leaving the majority of the volcanos unprotected from potential development that could impact on the views to the volcanos. The extension of the overlays will allow development proposals to be properly considered over the entire volcano.
Additional obligations placed on landholders including permits, costs and conditions	Most development proposals in the Green Wedge Zone do require planning approval with the exception of an extension to an existing dwelling and an extension to an existing shed used for agriculture purposes; otherwise a planning application triggered under an updated Significant Landscape Overlay Schedule 1 would be considered under the same application.
Clarification sought for mapping and how permit triggers apply	Maps and diagrams of the three volcanos affected by the existing Significant Landscape Overlay Schedule 1 have been included in the strategy document to show the proposed extension of the overlay. Corresponding text explains where the updated overlay triggers a planning permit.

MINUTES OF THE ORDINARY MEETING OF COUNCIL

2 MAY 2016

Issues raised by submitters	Response to submitters
Use of the term 'Prohibit'	The word prohibit has been replaced with 'discourage' where the draft document had proposed changes to the existing Significant Landscape Overlay Schedule 1. This is consistent with the existing SLO schedule.
Role of Landscape Management Guidelines	Additional text has been added to the introduction of the Landscape Management Guidelines stating that they provide design guidance and solutions for pre application discussions and during the assessment of planning applications triggered under the Significant Landscape Overlay Schedule 1.
Request to maintain flexibility of SLO to consider a range of uses	Uses cannot be considered in overlays, these are considered under provisions of the zone. . Further, agricultural uses that can be considered in the GWZ are not affected by the proposed changes including cropping and grazing. Design and siting issues are specifically considered under the proposed updated Significant Landscape Overlay Schedule 1.
Mt Atkinson should be considered differently given its location	The relevant text in the draft document has been changed to reflect Mt Atkinson's location within the Urban Growth Zone and the fact that future development will establish an urban context around the volcano. However, it is still recognised as an important feature that should be afforded protection.
Other issues – compensation, OMR and previous Council decisions	These issues are outside the scope of this project. The Outer Metropolitan Road is the responsibility of State Government. Whilst previous Council decisions may provide some background in relation to the development of the municipality, the Significant Landscape Strategy is not considering the merits of those decisions. The Planning and Environment Act 1987 does not allow for compensation to be considered in relation to retrospective or proposed changes to planning schemes.

While a direct submission on the draft documents was not received from the Department of Environment, Land, Water and Planning (DELWP), they have been briefed on the progress of the project and have indicated they are generally supportive of the approach to the project. The proposed changes will undergo further consultation with DELWP prior to Council formally seeking authorisation from the Minister for Planning for Amendment C173.

6. Risk Analysis

If Council choose not to adopt the project or the request to authorise and exhibit Amendment C173 to the Melton Planning Scheme there are a number of associated risks:

1. It would prevent a key priority action from the *Western Plains North Green Wedge Management Plan 2014* from being implemented.
2. The absence of this comprehensive work and the updating of the Significant Landscape Overlay 1 and 'Study Report and Recommendations' and 'Landscape Management Guidelines' into the Melton Planning Scheme will result in a lack of clear

MINUTES OF THE ORDINARY MEETING OF COUNCIL**2 MAY 2016**

direction with Council Officers to facilitate appropriate development and assess future planning permit applications in a consistent way and for applicants in terms of understanding requirements when submitting planning permit applications.

7. Options

1. Adopt the '*Significant Landscape Strategy*' which comprises the 'Study Report and Recommendations' and request authorisation from the Minister for Planning to prepare and exhibit Amendment C173 to the Melton Planning Scheme in accordance with the requirements of the *Planning and Environment Act, 1987*.
2. Not adopt the '*Significant Landscape Strategy*' which comprises the 'Study Report and Recommendations' and the 'Landscape Management Guidelines' or request authorisation from the Minister for Planning to prepare and exhibit Amendment C173 to the Melton Planning Scheme in accordance with the requirements of the *Planning and Environment Act 1987*.

LIST OF APPENDICES

1. Melton Landscapes' Significant Landscape Strategy
2. MCC Response to Submissions