

**12.8 PLANNING SCHEME AMENDMENT C191 - REZONING LAND FROM GRZ & PUZ4 TO PUZ1**

**Author:** Tunc Ozlatif - Strategic Planner  
**Presenter:** ~~Laura-Jo Mellan - Manager City Design, Strategy & Environment~~  
Bob Baggio – Manager Planning Services

**PURPOSE OF REPORT**

To consider a request to amend the Melton Planning Scheme to rezone land at 21A Tame Street, Diggers Rest from Public Use Zone 4 (PUZ4) and General Residential 1 (GRZ1) to Public Use Zone 1 (PUZ1) and remove the Environmental Significance Overlay (ESO) that applies to the land.

**RECOMMENDATION:**

That Council:

1. Seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C191 to the Melton Planning Scheme.
2. Apply for an exemption from all of the notice requirements of Section 19 of the *Planning and Environment Act 1987*, except for notification to landowners that immediately abut the site, VicTrack, and prescribed Ministers under Section 19(1)(c).
3. Upon receipt of authorisation, prepare and exhibit Amendment C191 to the Melton Planning Scheme in accordance with the relevant requirements of the *Planning and Environment Act 1987*.
4. Authorise the General Manager Planning and Development and Manager City Design, Strategy and Environment to negotiate and resolve any issues that are raised by submitters during the exhibition process prior to the amendment being reported back to Council for referral to a Planning Panel or Adoption of the amendment.

**Motion**

Crs Majdlik/Carli.

That the recommendation be adopted.

CARRIED

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**REPORT****1. Executive Summary**

Council received a request from WSP on behalf of Western Water to prepare an amendment to the Melton Planning Scheme. The amendment proposes to rezone land at 21A Tame Street, Diggers Rest from Public Use Zone 4 (PUZ4 – Transport) and General Residential 1 (GRZ1) to Public Use Zone 1 (PUZ1 – Service & Utility) and remove the Environmental Significance Overlay (ESO) that applies to the land.

Rezoning the property from GRZ1 and PUZ4 to PUZ1 is necessary to reflect the current use of the land for service and utility purposes.

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The subject land contains no native vegetation or vegetation of significance, and therefore the ESO can be removed.

## 2. Background/Issues

### Subject land and surrounding area

The land is located on the western side of the Sunbury Rail Line, approximately 350m south of Diggers Rest Station. The land is located in proximity to three main roads, Old Calder Highway (to the east) and Diggers Rest-Coimada Road (to the north), while the Calder Freeway is approximately 500m east of the site. Refer to **Appendix 1**.

The land is currently operated by Western Water as a sewer pumping station and rising main, facilitating the provision of sewerage and drainage services to surrounding communities.

### Rezoning land from GRZ1 and PUZ4 to PUZ1 and removing the ESO

The amendment proposes to rezone land at 21A Tame Street, Diggers Rest from GRZ1 and PUZ4 to PUZ1 and proposes to remove the ESO that applies to the land as the property is currently being used for service and utility purposes for Western Water. Refer to **Appendix 2 & 3**.

Rezoning the property is necessary as the current zoning is not consistent with the historical and current use of the land. The land was rezoned through a planning scheme amendment in 1998, changing the zoning of part of the land from an agricultural zoning to a residential zoning. Under the existing zoning, Western Water which operates on the land are required to gain a planning permit for any buildings or works that occur, a process that does not meet the goal of providing efficient, effective and timely sewerage and drainage services for the growing municipality.

The subject site to the east is currently used for the purpose of transport. This may explain the anomaly of the subject land being zoned incorrectly, as the land is not currently used for transport purposes.

The ESO that applies to the land is assumed to be associated with the PUZ4 zoning. The subject land contains no native vegetation or vegetation of significance, and therefore the ESO can be removed.

### Strategic assessment of amendment

Ministerial Direction No 11 requires amendments to be assessed against a number of criteria. This strategic assessment has been undertaken and is considered that the amendment adequately addresses the guidelines for the reasons outlined below.

The Amendment will ensure that the Melton Planning Scheme provides the framework to achieve positive environmental, social and economic development outcomes within the Municipality which is experiencing substantial population growth. The upgrading of sewerage infrastructure is important to keep up with this expanding growth area. The amendment will allow upgrades to the subject land to occur without the need for a planning permit or land manager consent from VicTrack, and therefore will aid the timely provision of efficient and effective infrastructure in the future.

## 3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way

*3.1 A City that strategically plans for growth and development.*

#### 4. Financial Considerations

Council officer time and resources are involved in the preparation of the amendment. Council is also required to pay the mandatory fees associated with the amendment process.

#### 5. Consultation/Public Submissions

Planning scheme amendments are subject to an exhibition process which normally includes direct notification to affected residents, notification to government agencies and prescribed Ministers, a notice placed in a local newspaper, and a notice placed in the Government Gazette.

Any submissions received during the exhibition process would need to be assessed by Council and may require consideration by a Planning Panel.

As discussed previously in this report the amendment proposes to correct an anomaly. The amendment seeks to rezone land to reflect the existing land ownership and use of the site by Western Water for the purpose of a sewer pumping station.

It is proposed that Council seek an exemption under Section 20(2) of the *Planning and Environment Act 1987* to exempt the amendment from the notice requirements in Section 19, except for:

- Notice to properties directly abutting the site and VicTrack (Section 19(1)(a))
- Notice to prescribed Ministers in the *Planning and Environment Act 1987* (Section 19(1)(c))

These exemptions are considered appropriate given that the amendment seeks to correct an anomaly, and will not directly impact any individual.

Once the exhibition period closes, a further report will be provided to Council. Outlining whether any submissions were made to Amendment C191 and whether any changes should be made to the amendment.

#### 6. Risk Analysis

If Council chooses not to seek authorisation to prepare a Planning Scheme Amendment it would prevent the necessary updates required to the Melton Planning Scheme to reflect the appropriate zoning of the land.

It would also result in difficulties for Western Water, as they will be required to continue to gain a planning permit for any building and works that occur on the land.

#### 7. Options

Council can choose to either:

1. Not seek authorisation to prepare a Planning Scheme Amendment.
2. Seek authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment in accordance with the *Planning and Environment Act 1987*.

#### LIST OF APPENDICES

1. Subject site & surrounding - dated 27 November 2017
2. DELWP Map PUZ1 - undated
3. DELWP Map ESO - undated