

Item 3.1 Planning Scheme Amendment C211 - Rezoning part of land at Palm Springs Road and Western Highway, Ravenhall from Urban Floodway Zone to Industrial 3 Zone and remove the Land Subject to Inundation Overlay.

Appendix 3 Council Meeting Minutes - dated 27 May 2019

MINUTES OF THE ORDINARY MEETING OF COUNCIL

27 MAY 2019

12.7 PLANNING SCHEME AMENDMENT C211 - REZONING PART OF LAND AT PALM SPRINGS ROAD AND WESTERN HIGHWAY, RAVENHALL FROM URBAN FLOODWAY ZONE TO INDUSTRIAL 3 ZONE AND REMOVE THE LAND SUBJECT TO INUNDATION OVERLAY.

Author: Donald Lewis - Strategic Planner

Presenter: Bob Baggio - Manager Planning Services

PURPOSE OF REPORT

To consider the preparation and exhibition of Amendment C211 to the Melton Planning Scheme to remove the Urban Floodway Zone and rezone the land to Industrial 3 Zone and remove the Land Subject to Inundation Overlay.

RECOMMENDATION:

That Council:

1. Seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C211 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 notifications to landowners of affected sites and prescribed Ministers under Sections 19(1)(b) and 19(1)(c).
3. Upon receipt of authorisation, prepare and exhibit C211 to the Melton Planning Scheme in accordance with the 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/Kesic.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

Amendment C211 to the Melton Planning Scheme proposes to rezone a portion of land affecting the following addresses at 11, 57 and 91-167 Palm Springs Road, Ravenhall and 1127A, 1127B and 1201-1227 Western Highway, Ravenhall (**Appendix 1**) from Urban Floodway Zone (UFZ) to Industrial 3 Zone (IN3Z) and remove the Land Subject to Inundation Overlay (LSIO).

The amendment is required to remove redundant planning controls in relation to flooding and storm water management. The zone does not conform to any existing or proposed drainage infrastructure. Melbourne Water is the referral authority for both planning controls and have consented to Council undertaking the Amendment (**Appendix 2**)

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Amendment C211 is consistent with the Strategic Assessment Guidelines in relation to the State Planning Policy (SPP) and Victorian Planning Provisions (VPP), seeking to support economic development and remove unnecessary or redundant planning controls.

2. Background/Issues

Amendment C211

Amendment C211 to the Melton Planning Scheme proposes to rezone a portion of land affecting the following addresses at 11, 57 and 91-167 Palm Springs Road, Ravenhall and 1127A, 1127B and 1201-1227 Western Highway Ravenhall (**Appendix 1**) from Urban Floodway Zone (UFZ) to Industrial 3 Zone (IN3Z) and remove the Land Subject to Inundation Overlay (LSIO).

The amendment is required to remove redundant planning controls in relation to flooding and storm water management. The zone does not conform to any existing or proposed drainage infrastructure. The respective planning controls were applied to the site before the translation of the new format planning schemes in 1999. Melbourne Water is the referral authority for both planning controls and have consented to Council undertaking the Amendment (**Appendix 2**).

The UFZ and LSIO cover an area of approximately 5.4 hectares within the total site area of 164 hectares. A formal request was made by Pro Urban planning consultants on behalf of the landowner to amend the Melton Planning Scheme and address the issue.

Melbourne Water has advised drainage for the development of the site will be provided via the existing Laverton Creek drainage system. As such, Melbourne Water have confirmed the current UFZ and LSIO are not relevant to the site and therefore consent to their removal from the Melton Planning Scheme through this amendment (**Appendix 2**).

Planning permit PA2013/4050 was issued for the site on 2 March, 2015 for a multi-lot staged subdivision, creation of reserves, removal of vegetation and removal of easements.

Ministerial Direction No 11 requires amendments to be addressed against a number of guidelines. Every planning scheme amendment should maintain or develop the strategic intent of the Planning Scheme. This strategic assessment has been undertaken and it is considered that the amendment adequately addresses this requirement.

The amendment is required to remove redundant planning controls in relation to drainage and flooding. The amendment is supported by Melbourne Water as the referral authority for the UFZ and the LSIO. As an adjoining landholder, VicRoads have also supported the amendment.

Overall, the amendment is consistent with the Planning Policy Framework, and makes proper use of the Victorian Planning Provisions as the proposed amendment seeks to remove a redundant planning control in the *Melton Planning Scheme*.

3. Council and Well Being 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. The proponent is required to pay the statutory fees associated with the amendment process.

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5. Consultation/Public Submissions

Planning scheme amendments are subject to an exhibition process in accordance with the *Planning and Environment Act 1987*. This normally includes direct notification to affected landholders and notification to government agencies, prescribed Ministers, local newspapers and the Government Gazette.

The amendment proposes to remove existing flooding controls affecting one part of the site. Prior to requesting Council to undertake the amendment, the Department of Environment, Land, Water and Planning (DELWP) advised the proponent that limited public notice (through 20(2) of the *Planning and Environment Act 1987*) would be the most appropriate method for the amendment.

It is proposed that exhibition of the amendment will involve notice to affected landholders, VicRoads and Melbourne Water (**Appendix 1**). No other adjoining landowners are affected by the amendment.

6. Risk analysis

In accordance with the *Planning and Environment Act 1987*, Council is required to update its planning scheme. If Council chooses not to seek authorisation to prepare Amendment C211, the planning scheme will continue to have redundant zone and overlay controls.

7. Options

Council can resolve to:

1. Seek authorisation to prepare and exhibit Planning Scheme Amendment C211 in accordance with the *Planning and Environment Act 1987*, apply for an exemption from notice requirements under section 19 and authorise the General Manager Planning and Development to negotiate and resolve any issues; or
2. Not proceed with the amendment.

LIST OF APPENDICES

1. Site Plan - dated 2 May 2019
2. Letter of Support from Melbourne Water - dated 29 April 2019