

A Thriving Community Where Everyone Belongs



Caroline Springs Comprehensive Development Zone
Review

Melton City Council
November 2019

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EXECUTIVE SUMMARY

The purpose of this report is to review the current application of the Comprehensive Development Zone (CDZ) in the Melton Planning Scheme and consider which suite of zones are suitable to be applied in the relevant areas of the Caroline Springs Town Centre (CS town centre).

The report will review the current metropolitan and planning policy frameworks, local policies and strategies as well as the relevant VCAT cases and individual planning provisions.

This review is intended to provide strategic justification for rezoning the Comprehensive Development Zone to a suite of appropriate zones.

1. INTRODUCTION

1.1 Purpose

About the Report

This report involves a review of the existing land use types and characteristics within the CDZ of CS town centre. It provides an assessment of standard zones suitable for the area and concludes with a list of proposed zones and guidelines for further implementation.

This report will form the background analysis and strategic justification for an Amendment to the Melton Planning Scheme.

What is the CDZ?

The Comprehensive Development Zone (CDZ) is a zone within the Victorian Planning Provisions. Its purpose is *'to provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme'*.

Why is rezoning of the CDZ required?

The CS town centre is an important local centre servicing Caroline Springs and surrounds. In 2001 the CDZ was implemented in the *Melton Planning Scheme* as a tool to facilitate the development of the CS town centre. Currently the CS town centre is nearing full development and the CDZ is no longer the appropriate planning tool for the area.

A recent VCAT decision highlighted issues, which suggest the impracticality of the CDZ and its inability to maintain and control the intended development outcomes within the CS town centre. This has raised questions in regard to the continued applicability of the zone in the area which is now almost fully developed.

This report provides an analysis of the existing development within the CDZ and makes recommendations to translate the CDZ into the most appropriate suite of zones.

1.2 Area Map

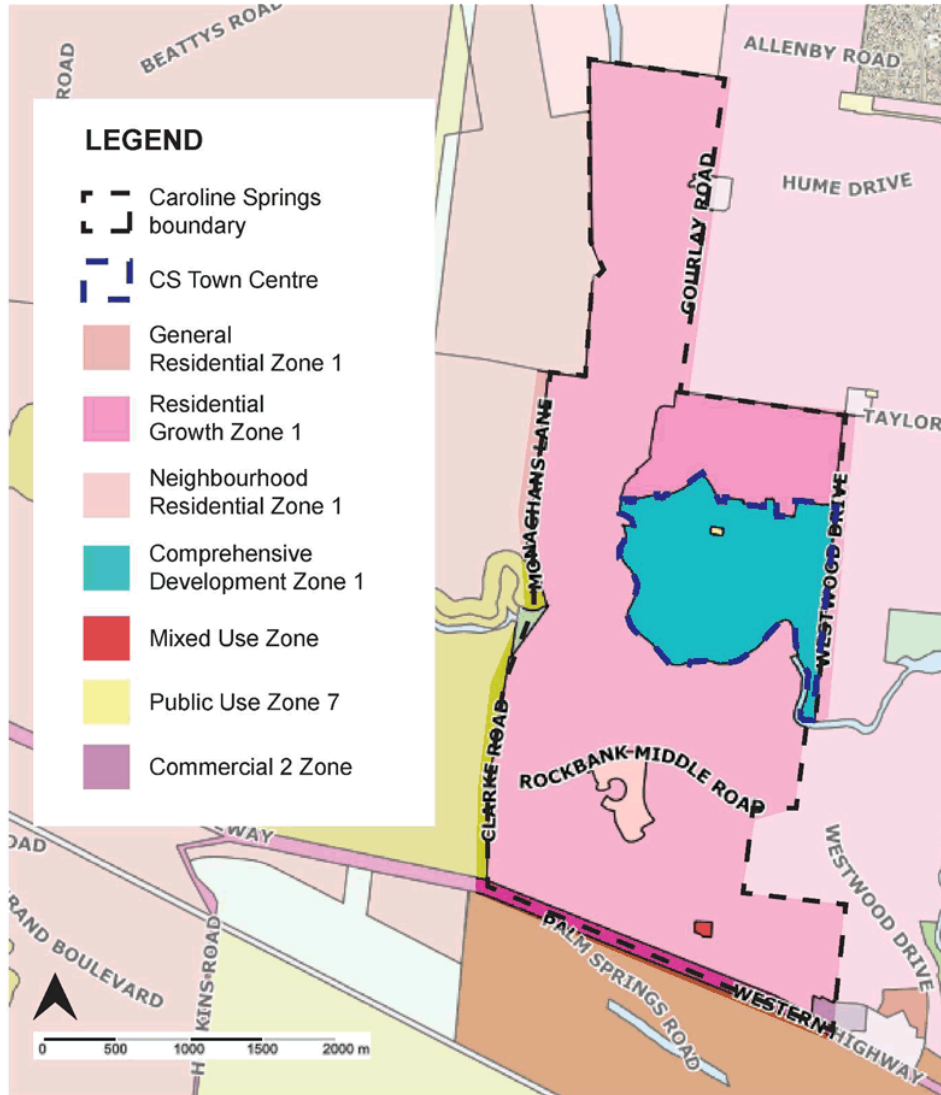


FIGURE 1: CAROLINE SPRINGS PLANNING ZONES

2. SITE ANALYSIS

2.1 Overview

Caroline Springs is located towards the eastern boundary of the City of Melton approximately 25km west of the CBD.

The CS town centre covers an area of approximately 120 hectares. It is centrally located within the residential area of Caroline Springs along Caroline Springs Boulevard, north of Kororoit Creek and around Lake Caroline.

The CS town centre plays an important role in the history of Melton East suburbs' development. Established as the foundation Centre with an employment, cultural and service focus for the Melton East emerging community (Melton East Strategy Plan 1997), it is now servicing a catchment of approximately 72,000 people (the population of the Eastern Corridor) and is featured as the designated Major Activity Centre¹ in the metropolitan strategy Plan Melbourne. This status will be further strengthened by the on-going residential, commercial and retail development within and around the CS town centre area.

Built Form

The CS town centre is defined by a range of large format mixed use and commercial buildings typical for a town centre performing a Major Activity Centre role.

The CS town centre is developed in an irregular grid pattern sub-divided into large lots to accommodate large-scale retail, commercial, educational, community and civic facilities. The residential areas within CS town centre are also subject to medium and conventional density subdivision pattern.

Four and six storey mixed use buildings located on both sides of Caroline Springs Boulevard mark the entrance to CS town centre. Civic and educational buildings are concentrated to the west of Caroline Springs Boulevard and are typically one or two storeys in height.

Retail and commercial buildings are clustered along the east side of Caroline Springs Boulevard and vary in height from two to six storeys. Building height increases towards the southeast of CS town centre with higher buildings situated on the edge of Lake Caroline and steps down to one and two storeys at the centre creating an interesting streetscape and skyline.

Streetscape design and public realm

The town centre area is characterised by tree-lined boulevards and streets with built form articulated to roads to create 'streets' afforded with passive surveillance.

The exception to this is the southern entrance to the town centre from Caroline Springs Boulevard where the orientation of buildings is to the internal road network. This has resulted in 1.8m high fences presenting along the boulevard to provide privacy for the open space of the dwellings.

The majority of streets have established landscape verges incorporating streets trees, shrubs and grasses to create an attractive streetscape without compromising passive surveillance.

¹ "Major Activity Centres are places that provide a suburban focal point for services, employment, housing, public transport and social interaction. They have different attributes and provide different functions, with some serving larger subregional catchments." (DELWP, 2019)



IMAGE 1: LOCAL CONNECTOR ROAD



IMAGE 2: FOOTPATH AND CYCLEWAY
ALONG KOROROIT CREEK



IMAGE 3: TYPICAL FOOTPATH WITHIN THE
RESIDENTIAL AREA

Transport Connections

There are four bus routes servicing the area, which allow movements within the neighbourhood and connect it with major transport hubs and road network of the Eastern Corridor of Melton. Caroline Springs Station is the nearest train station located approximately 3.5 km to the south.

The Kororoit Creek Trail is a shared cycling and pedestrian path located along the Kororoit Creek. The northern section of the path runs along the CS town centre.

Land Use

The town centre has a broad range of uses including retail, commercial, residential, civic and community facilities. Specifically, it accommodates shops, schools, sportsgrounds, offices, medical facilities, apartments, library, serviced apartments and a hotel.

There is approximately 16 hectares of undeveloped land within the town centre area.

The mix of land uses identified within CS town centre is grouped into the following categories summarised below:

- Retail;
- Commercial and Mixed Use;
- Civic and Recreation;
- Education;
- Waterbodies and Conservation Areas and
- Residential.

The above categories and their respective boundaries are proposed to describe the actual uses and intensity of development that occurs on the land of CS town centre. They should be regarded as analytical reference only, and their boundaries should not be confused with the statutory boundaries set out in the Melton Planning Scheme and its incorporated documents.

2.2 Retail

The Retail area largely consists of a large 'mall' type development known as Caroline Springs Square Shopping Centre.

The Retail area (*Figure 2*) is located along the eastern side of Caroline Springs Boulevard, to the north it is bound by Commercial Road, to the east by Lake Street, with some of its southern lots providing interface with Lake Caroline. It is predominantly retail based and includes two discount department stores (Target and Reject Shop), three supermarkets (Coles, Woolworths and Aldi), First Choice and a number of speciality retail and kiosk tenancies including a car wash recently constructed as part of CS Square expansion plan (Stage 3 expansion).

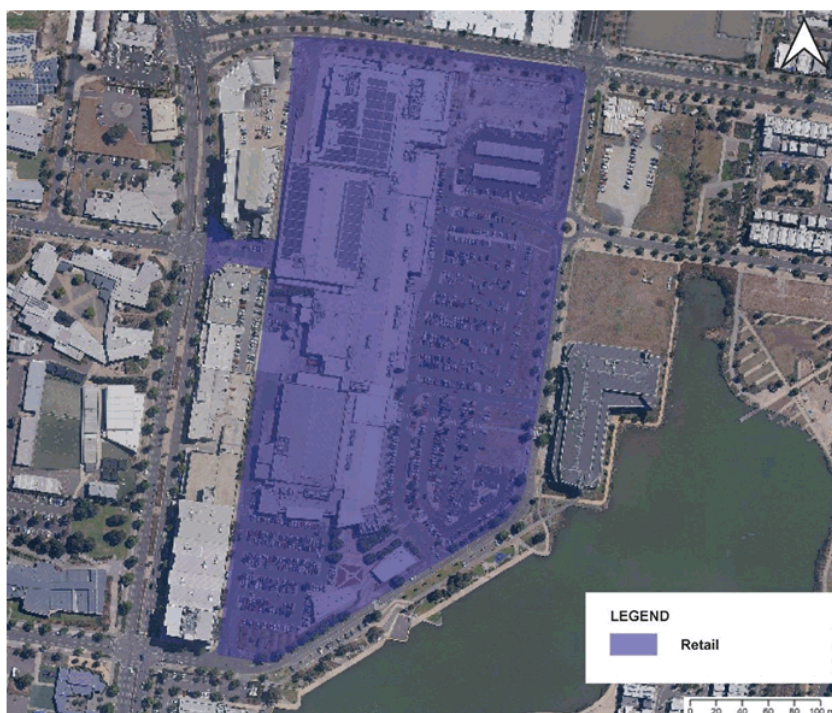


FIGURE 2: RETAIL AREA

The predominant form within the Retail area is characterised by elongated buildings ranging from one to two storeys in building scale organised within the large lots of single ownership. The total retail floor space of the retail area is approximately 24,731 m².

Building height ranges between 6 and 8 metres. The building interface primarily consists of aluminium framed glazed shopfront, concrete panels and textured architectural patter, paint finish, glazed windows, landscaping throughout some of the car parking areas and along building facades.



IMAGE 4: CS SQUARE, STAGE 3 EXPANSION

At-grade car parking and associated landscaping is located to the east and south of the Retail area and occupies approximately thirty percent of its total area.

2.3 Commercial and Mixed Use

A range of minor retail and non-retail offerings such as complementary specialty retail and food and beverage tenancies restaurants, cafes, residential hotels, medical suites, real estate agents, gyms and professional services surround the Retail area. These are grouped into Commercial and Mixed Use category and are illustrated by *Figure 3*.

Professional services such as a vet, service station and take away food outlet are located west of Caroline Springs Boulevard.



FIGURE 3: COMMERCIAL AND MIXED USE

The built form along the eastern side of Caroline Springs Boulevard comprises buildings with medium to large footprints subdivided into smaller tenancies to create a more pedestrian scale. They generally have activated commercial, retail and café uses at the ground floor, to create active frontage, with commercial tenancies or car parking above. Key design elements include glazed street frontage, geometric façade details and colorbond timber rock cladding



IMAGE 5: MIXED USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT, 73 LAKE STREET

The development scale within the mixed-use areas can be described as a mix of one to six-storey contemporary style buildings typically with commercial tenancies facing the street at ground floor level with office and residential uses on upper floors. Some entirely commercial sites accommodate single-storey buildings with extended at-grade car parking.



IMAGE 6: SWIM SCHOOL SITE, 16-24 THE CROSSING

2.4 Civic and Recreation

The CS town centre area includes the following civic and community uses as is illustrated by Figure 4:

- Civic Centre and Library owned by Council, located west of Caroline Springs Boulevard (1).
- A police station (zoned Public Use Zone), located west of Caroline Springs Boulevard (2).
- Active open spaces including sporting facilities - two ovals, stadium and tennis precinct, owned by Council and located west of The Parade (3).



FIGURE 4: CIVIC AND RECREATION USE

The civic and recreation components of CS town centre are developed on large lots along The Parade and Caroline Springs Boulevard. The form of development is one storey in scale with large areas of open space and landscaping.

The stadium was extended in 2019 and now contains five indoor basketball/netball courts and twelve outdoor tennis courts, which are available for public use.

2.5 Education

Education facilities including government and non-government with associated active open space are located west of Caroline Springs Boulevard as is illustrated by *Figure 5*:

- Creekside College (1) – government primary and secondary school (Prep to Year 9)
- The Australian International Academy (2) – non-government school (Prep to Year 12)
- Lakeview Senior College (3) – government secondary school (Years 10 to 12)
- Catholic Regional College Caroline Springs (4) – non-government (the Federation of Catholic Regional College) secondary school (Years 7 to 10).



FIGURE 5: EDUCATION USE

The education sites are defined by well-designed single and double-storey school buildings with large building footprint and minimal front setbacks. The schools also provide the landscaped areas within their sites.

2.6 Waterbodies and Conservation Areas

Waterbodies and wetlands are the main conservation areas within the CS town centre.

Kororoit Creek and Lake Caroline are the main waterbodies

Other conservation areas are spread throughout the CS town centre area as is illustrated by *Figure 6* and are subject to environmental protection:

- Themeda Grassland Reserve
- Drainage reserves along Kororoit Creek
- Passive open spaces (Kororoit Creek Trail)
- Wetlands



FIGURE 6: WATERBODIES AND CONSERVATION AREAS

2.7 Residential Areas

The existing residential areas are clustered around the retail, commercial and mixed use, civic and recreation areas of CS town centre (*Figure 7*). They have been gradually developed over 15 years in accordance with the indicative locations outlined in the *CS Town Centre Comprehensive Development Plan 2000*.

Overall, residential areas are grouped into the following precincts/villages as per their associated Precinct Plans and the planned housing 'products' and are shown in *Figure 7*:

- Lakeside Inner Suburban Precinct (1)
- The Domain (2)
- The Landing (3)
- Creekside Village (4)
- Cypress Views (5)
- Ridgewater Village (6)
- Other – Multi Unit Residential Development (7)

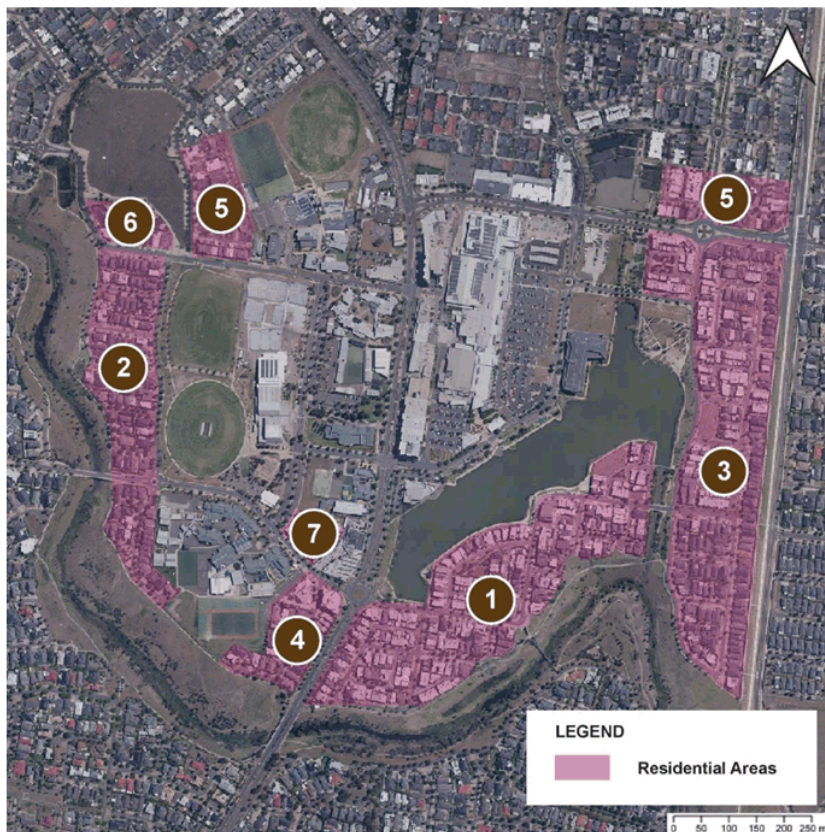


FIGURE 7: RESIDENTIAL AREAS

The development pattern of CS town centre residential areas follows the general approach applied to the wider suburb of Caroline Springs, where residential design was planned and marketed as a managed mix of 13 different dwelling types ('products') with associated covenant guidelines. Each precinct or 'village' was given a different mix of 'product' types to generally comply with the vision set out by the *Caroline Springs Town Centre Comprehensive Development Plan 2000*.

Built form typology found within the residential areas of CS town centre is mixed, containing a concentration of medium-density developments, including detached homes, attached townhouses and apartment buildings.

Residential built form is subject to the Caroline Springs Town Centre Design Guidelines and a number of controls introduced through the Memorandum of Common Provisions, Building Product Sheets and Building Envelope Plans. The guidelines encourage buildings in a contemporary style and prohibit the development of historical reproduction styles. It includes siting, setback, height and car parking controls as well as energy rating requirements. Neither of those documents are incorporated into the Melton Planning Scheme.

As per the guidelines requirements, all buildings in the CS town centre residential area must be at least two storeys in height but not exceed the maximum height of 13 metres. However, site analysis identified that there is a mix of one to three storey dwellings in the area, particularly within The Landing residential precinct. The analysis also showed that there is a higher proportion of the attached double and triple storey dwellings with some building scale up to six storeys in height within the residential areas of CS town centre. The map of existing building heights is shown in *Figure 8*.



FIGURE 8: BUILDING HEIGHT ANALYSIS WITHIN CS TOWN CENTRE

Lakeside Inner Suburban Precinct

Lakeside Inner Suburban Precinct (1) was the first residential area developed within CS town centre aiming to provide a diverse mix of dwelling styles and sizes designed for urban low maintenance living.

The mix of housing designs within this precinct is predominantly of two to three storey “Town Home” and “Laneway House” type construction, sited on 25 to 27 metre deep and 5 to 20 metre wide lots. Higher density built form for apartment style living (up to four storeys) is also included in the mix at prominent corner locations.



IMAGE 7: EXAMPLE OF “LANEWAY HOME” DESIGN WITHIN THE LAKESIDE INNER SUBURBAN PRECINCT

The precinct is nearing completion with only four vacant lots remaining, one of which is going to be constructed as 10-storey residential apartment complex. There are also some two to three storey dwellings yet to be constructed.

The Domain

The Domain (2) is a large residential precinct located in the far western part of CS town centre and on the east side bank of Kororoit Creek. The development pattern of the Domain represents a less dense grid with a mix lots ranging from approximately 250 to 600 m². Dwelling types comprise a range of single and double storey contemporary houses, courtyard, premium villa, patio as well as detached “Town Home” type allotments.



IMAGE 8: EXAMPLE OF “TOWN HOME” DESIGN IN BRUNTON AVENUE WITHIN THE DOMAIN RESIDENTIAL PRECINCT

This precinct is fully constructed and there are no vacant lots.

The Landing

The Landing (3) located along the eastern boundary of the area and to the east of Lake Caroline is the last extensive block of residential area developed within the CS town centre.



IMAGE 9: EXAMPLE OF “TOWN HOME” DESIGN ALONG THE STRAND WITHIN THE LANDING RESIDENTIAL PRECINCT

The development pattern within the precinct is a regular grid pattern of subdivided lots less than 300 m². The built form identified within the precinct varies across the site.

The central part is primarily developed with double and triple-storey townhouses and low scale four storey apartment forms with minimum street setback and trees along sidewalks. In the north, there are higher density dwellings, the prevailing built form is attached double-storey “Terrace Home” and “Town Home” types of contemporary design. The precinct is reaching completion with only seven vacant lots remaining.

Creekside Village

Creekside Village (4) is located to the south of CS town centre along the western side of Caroline Springs Boulevard. Development of Creekside Village accommodates housing on lots with the average size of 500 m² and includes primarily single and double-storey traditional, town traditional, courtyard, premium villa housing type construction. The precinct is fully constructed with no vacant lots remaining.



IMAGE 10: EXAMPLE OF "TRADITIONAL HOME" DESIGN WITHIN THE CREEKSIDE VILLAGE RESIDENTIAL PRECINCT

Cypress Views

Cypress Views (5) precinct consists of two land reserves positioned on the western and eastern edges along the northern boundary of CS town centre area. The western part of the precinct is characterised by generously sized lots developed with contemporary style double storey town cottages, courtyard and villa types of housing. The eastern part is developed with medium density double storey townhouses on smaller lots located along the periphery of CS town centre area. The precinct is reaching completion with only one vacant lot remaining.



IMAGE 11: EXAMPLE OF "TERRACE HOME" DESIGN ALONG TATTERSON WAY WITHIN THE CYPRESS VIEWS (EAST) RESIDENTIAL PRECINCT

Ridgewater Village

Ridgewater Village (6) was originally part of Cypress View Precinct subdivided at a later stage and developed as a separate residential precinct (under Stages 1A and 1B). Ridgewater Village is located in a pocket surrounded by existing, native vegetation areas to both the east and the south (the Themada Grassland Reserve). Running from north to south through the land and connecting to the Kororoit Creek is a tributary of the creek. Ridgewater's average lot size ranges between 451 to 490 m².



IMAGE 12: EXAMPLE OF "VILLA" DESIGN ALONG COLLEGE STREET WITHIN RIDGEWATER VILLAGE

Housing is primarily low scale clustered around the school and grassland areas and include townhouses, courtyard and premium villa types. The lots abutting open space reserve areas are subject to special requirements. The precinct is fully constructed, with no vacant lots remaining.

Other – Medium Density Residential Site

In addition to residential precincts described earlier, the land located along the western side of Caroline Springs Boulevard outside the CS town centre commercial functions is developed as medium density residential site (7). It is characterised by fine grain subdivision with lot sizes ranging from approximately 112 to 210 m². The housing types include two and three-storey townhouses with balconies and on-site car parking.



IMAGE 13: SIX-STOREY MIXED USE DEVELOPMENT ADJACENT TO THE MEDIUM DENSITY RESIDENTIAL SITE

The precinct is fully constructed, with no vacant lots remaining. Directly adjacent is the six storey mixed use residential and commercial development currently under construction.

Commercial and Retail Activity

There are a number of home-based businesses operating in the residential areas. These include beauty salons, hairdresser shops, massage parlours, a taxation office and a plumbing services office. They are located within the established neighbourhoods and have a corresponding signage attached to the building façade of the front fence.

3. PLANNING POLICY ANALYSIS

3.1 Relevant documents

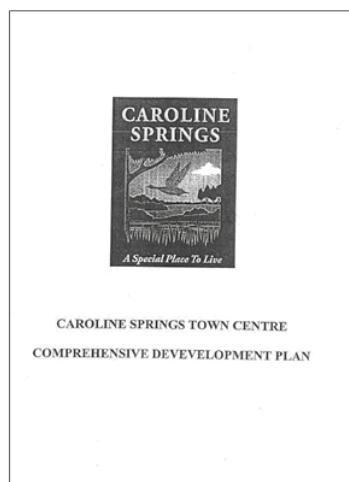
This report builds upon the following policies and strategic documents:

- Melton East Strategy Plan 1997;
- Plan Melbourne 2017 – 2050;
- The City of Melton Planning Scheme;
- Retail and Activity Centres Strategy 2014;
- Housing Diversity Strategy 2014;
- Housing Character Assessment and Design Guidelines (House Rules);
- Caroline Springs Town Centre Comprehensive Development Plan 2000;
- Approved precinct plans;
- VCAT case New Look Homes Pty Ltd v Melton CC [2017] VCAT 323.

3.2 Background

The new format planning scheme, based on the *Victorian Planning Provisions*, were introduced progressively in Victoria between 1997 and 2000. This process replaced the Melton Urban Development Zone with the Residential 1 Zone, and as a consequence the development of the Caroline Springs Town Centre, where this new residential zone was applied, became prohibited.

To address this, an amendment was prepared by the Minister for Planning to rezone the land from Residential 1 Zone to the CDZ and incorporate the *Caroline Springs Town Centre Comprehensive Development Plan (August 2000)* into the *Melton Planning Scheme*. The amendment was prepared in accordance with the *Melton East Strategy Plan Revised (1997)* and was gazetted as Amendment C14 to the *Melton Planning Scheme* in January 2001, facilitating the development of the Caroline Springs Town Centre.



The *Caroline Springs Town Centre Comprehensive Development Plan (August 2000)* is a high-level planning document that identifies the area to be developed and its associated uses. It also outlines a vision for the area and includes design objectives for its development.

3.3 State Policy

Plan Melbourne 2017 – 2050

The State government's metropolitan planning strategy *Plan Melbourne* identifies the CS town centre as a Major Activity Centre within the Western Region of Metropolitan Melbourne.

Plan Melbourne classifies Major Activity Centres as 'suburban centres that provide access to a wide range of goods and services.' The metropolitan strategy acknowledges the potential for future growth of the CS town centre as Major Activity Centre and outlines that diversification of the range of activities supported by relevant planning provisions within activity centres will maximise the opportunities for economic prosperity, investment potential and local job growth. *Figure 9* below is the Implementation Plan Map from Plan Melbourne, which shows CS town centre as the existing Major Activity Centre within the Western Region of Metropolitan Melbourne.

The significance of CS town centre as a Major Activity Centre is further endorsed in the metropolitan strategy, which envisages that future growth within the established activity centres should be maximised by providing access to a diverse range of opportunities for people and businesses. Therefore, planning controls applied to the Caroline Springs Town Centre need to ensure that there is substantial flexibility to allow for a desired mix of land uses while maintaining the existing built form and protecting the interests of the existing community.

To enable this vision, *Plan Melbourne* Direction 1.2 emphasises that planning controls applied to activity centres should adequately respond to the nature of prospective growth and the scope of desired development. Action 9 – Planning for Activity Centres reinforces the intentions of the Direction 1.2 by setting the task to the local governments to review local planning policies and provisions in relation to the individual activity centres.

Plan Melbourne nominates 121 Major Activity Centres (109 existing and 12 planned), 25 of which are located within the West Melbourne suburbs. While all municipalities have their specifics and issues, there are certain similarities in the approach taken to Major Activity Centres zoning.

Generally a suite of commercial and other zones apply to Major Activity Centres across metropolitan Melbourne. Besides, there are 11 Major Activity Centres which are zoned as ACZ1, two of them (Moonee Ponds and Werribee) are located within the western municipalities.

Planning Policy Framework

At the state level, the Planning Policy Framework contains broad policy directions to be addressed in activity centre planning. It contains a number of specific objectives and strategies in relation to Major Activity Centres.

Clause 11.01 – Settlement aims to establish a network of settlements where the compact urban areas are based around the existing or future activity centre.

Clause 11.03 – Growth Areas sets further direction for the growth areas planning to enable a development of high quality walkable mixed-use activity centres, which provide for local employment, business and leisure activities as well as a variety of housing types, including higher density housing in and around activity centres.

State government guidelines explain medium and high-density housing as a mixture of townhouses and apartment style housing up to three storeys and higher where appropriate.

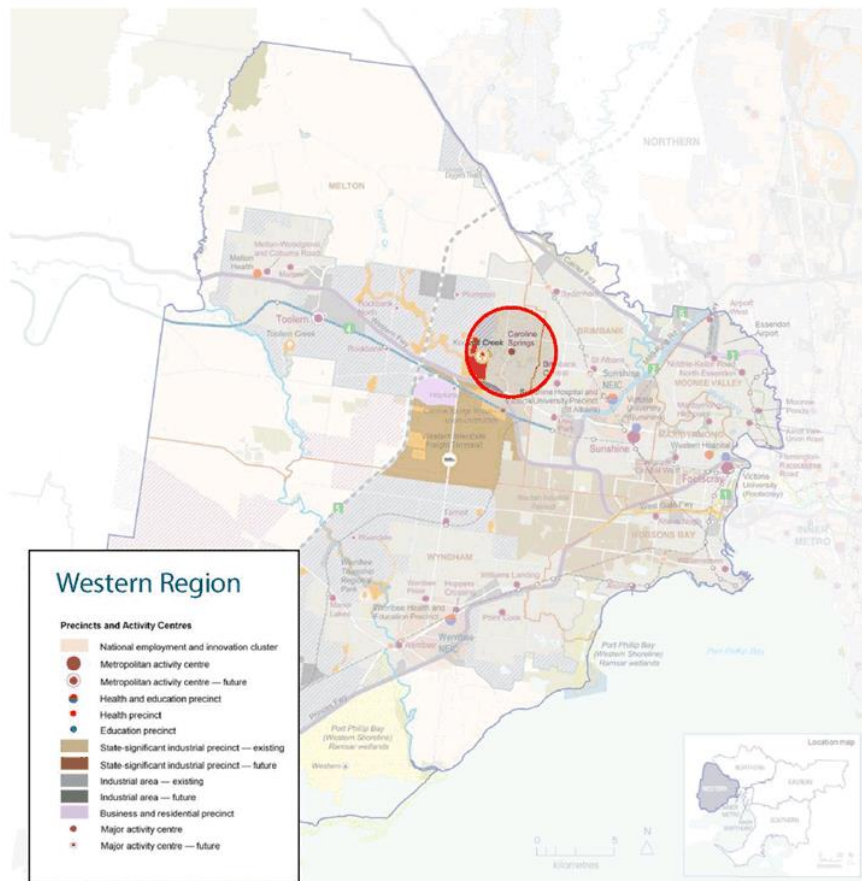


FIGURE 9: IMPLEMENTAION PLAN MAP OF METROPOLITAN AND MAJOR ACTIVITY CENTRES, PLAN MELBOURNE 2017-2050

3.4 Local Policy

Local Planning Policy Framework

Clause 21 of the Melton Planning Scheme outlines Council's Municipal Strategic Statement (MSS) and local policies.

Municipal Strategic Statement

The Municipal Strategic Statement (MSS) outlines the key policy directions for future land use and development in the municipality.

One of the key objectives of the MSS is to facilitate the delivery of a network of retail and activity centres across the municipality, by directing the retail, commercial and community services to the nominated centres in the City of Melton hierarchy of activity centres. By creating a network of activity centres, the MSS seeks to expand a range of local economic opportunities and stimulate investment in activity centres and employment areas.

The MSS Clause 21.06 – Activity Centres and Retail Provision, emphasises the retail focus of major activity centres by allocating 40% of the total floor area within a fully developed major activity centre to non-retail floor space with the proportion of retail floor space distributed between approximately 35,000 m² allocated to conventional and 20,000 m² allocated to restricted retail space. The MSS clarifies that retail focus for the major activity centre includes discount department stores, supermarkets and speciality stores.

Regarding housing, Clause 21.08 – Housing and Clause 21.06 – Activity Centres and Retail Provision promotes consolidation of land with an intention of medium and higher density residential development above ground floor level within activity centres. The MSS requires that the ground floor of mixed use residential development should be allocated to commercial use while the residential part should provide for a variety of housing options with a particular focus on affordable housing for smaller households. While encouraging development, the MSS also requires that further development and redevelopment within the established areas is carefully controlled and managed to ensure that it does not compromise the amenity of the existing areas and their established neighbourhood character.

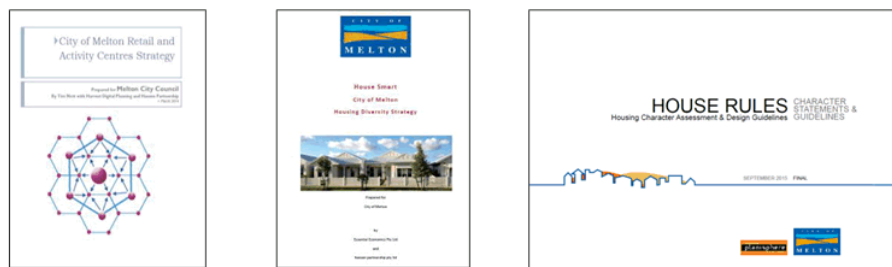
Clause 21.06 – 2.4 in further strategic work identifies that a review of the Caroline Springs Comprehensive Development Plan 2000 be undertaken including investigation of opportunities to rezone land.

The MSS at Clause 21.10 – Transport also identifies a number of objectives with respect to the access to transport, including road system, public transport, walking and cycling options. One of the key objectives is to develop integrated transport infrastructure by means of connecting the activity centres, neighbourhoods and railway stations with the efficient, affordable, safe and easy to use network of public transport, cycling and walking routes. The MSS seeks to ensure that all the activity centres have a well-established and safe road system, which would allow for the integration of sustainable transport options and would facilitate the development of the efficient bus networks. Specific actions include development of the cycling routes along the Korroroit Creek and improving the bus interchange facility at CS town centre, as well as broader strategic objectives encouraging transit-oriented development projects associated with the upgrade of Caroline Springs train station and facilitating the upgrades of train station parking facilities.

Other key objectives at Clause 21.03 – Environment and Landscape Values protect and enhance the environmental values of the waterways, wetlands, catchments as well as their habitat across the municipality. Specific ecological health protection actions noted as key objectives include incorporating creek lines and floodplains as open space, upgrading trail networks along waterways and providing the appropriate development setbacks from adjoining waterways and allowing for re-vegetation and bank stabilisation. In terms of Planning Scheme implementation, Clause 21.02-4.4 instructs applying the Public Park and Recreation Zone or the Public Conservation and Resource Zone to the open space areas.

Council Strategies

At the local level, the following strategic policy documents provide justification in support of rezoning the CDZ as a logical response to addressing the current issues of the City of Melton and an aligned action in implementing the aspirations of *Plan Melbourne 2017-2050*:



- *Retail and Activity Centres Strategy 2014 (adopted April 2014, incorporated November 2018).*
- *Housing Diversity Strategy 2014 (adopted May 2014, incorporated July 2014).*
- *Housing and Character Assessment Guidelines (House Rules) (adopted October 2015, with DEWLP pending to be incorporated, presumably after rezoning).*

Melton Retail and Activity Centres Strategy 2014

The *City of Melton Retail and Activity Centres Strategy* was adopted by Council at its meeting on April 2014 and implemented into the Melton Planning Scheme via Amendment C171 that was gazetted on 8 November 2018.

The Strategy introduces a three-level activity centre hierarchy of retail and activity centres across the City of Melton, which will accommodate different scales of new retail development in line with the State Planning Policy and as directed by *Plan Melbourne 2017-2050*. The Activity Centres hierarchy includes the following:

- Metropolitan Activity Centre;
- Activity Centre; and
- Neighbourhood Centre.

The hierarchy is imperative for developing a network of centres to provide accessible employment and services for current and future residents and to provide certainty for investors, householders and the community. The hierarchy identifies Caroline Springs Town Centre as an 'Activity Centre' level status as shown in *Figure 10* below.

The 'Activity Centre' level status denotes a large centre (catchment size 35,000 – 70,000 people) with a sub-regional function providing a wide range of routine comparison goods (such

as clothes, furniture and household items), food and groceries as well as many community services.

The Strategy envisions that due to the existing office locations Caroline Springs will continue to host a strong business service sector and act as a solid provider of services and jobs in the municipality. In terms of accessibility, the Activity Centre is expected to be connected by walking and cycling routes throughout their catchment area.

The Strategy encourages accommodating higher density housing above the ground floor level within the Activity Centre.

The Strategy contains recommendations in regards to the CS town centre in the following three sections:

- Further Recommendations for Activity Centres
- Planning for Individual Centres
- Planning Implementations.

The key planning recommendation is:

'To ensure the centre continues to develop in a manner consistent with State and local planning policy, a review of the existing masterplan should be undertaken for this centre, with the aim of translating the existing Comprehensive Development Zone to the broader suite of commercial and other zones.'

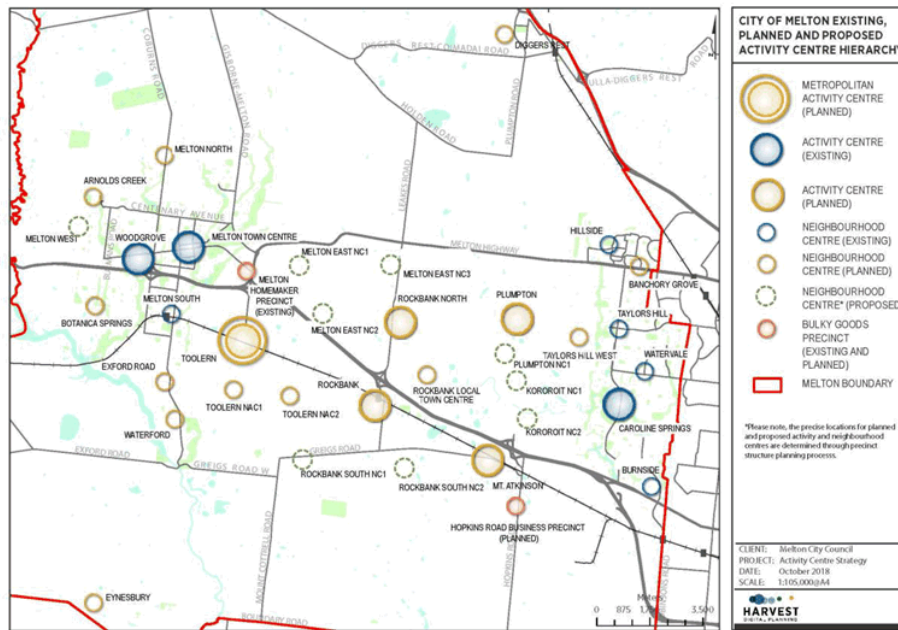


FIGURE 10: CITY OF MELTON EXISTING, PLANNED AND PROPOSED ACTIVITY CENTRE HIERARCHY (excerpt from Clause 21.05 of the Melton Planning Scheme, which is an update of the plan in the Melton Retail and Activity Centres Strategy approved through amendment C71 to the Melton Planning Scheme).

Housing Diversity Strategy

Clause 21.04 of the MSS outlines the local planning policy in relation to housing in established areas based on Council's Housing Diversity Strategy. The Strategy was adopted by Council on 27 May 2014 and incorporated into the *Melton Planning Scheme* (via Amendment C157) on 24 July 2014.

Council's Housing Diversity Strategy is a 20-year plan that identifies the type of housing needed and the suitability of different residential locations to accommodate housing change within established areas of the municipality (as opposed to growth areas). Specifically, the Strategy assessed the future housing demand within the established residential areas, which identified among other things that while there was a limited supply of higher-density development in Melton's established areas, a substantial demand for multi-storey apartment buildings existed in Caroline Springs. Based on the assessment results the Strategy outlined how the new residential zones, the Neighbourhood Residential Zone, General Residential Zone and Residential Growth Zone were to be applied to established areas of the municipality.

The Strategy's application of the new residential zones was specifically guided by the suite of new residential zones and the intensity of future development outcomes that the zones sought to facilitate as shown below:

- NRZ – Limited change area
- GRZ – Incremental change area
- RGZ – Substantial change area

In relation to CS town centre, the Strategy anticipated that the town centre and the areas in the immediate surroundings will continue to provide the opportunities for medium to higher-density housing. The Strategy sets the following objectives to assist with implementation of the above:

- Encourage a diverse range of housing stock, suitable for all household types.
- Facilitate development that contributes to local employment opportunities for City of Melton residents.
- Promote the continued improvement of existing activity centres as a place to shop, socialise, do business and partake in community and entertainment-related activities.
- Encourage the amalgamation of smaller sites to form major development sites.
- Encourage the development of higher-density formats in activity centres, where land zoning permits.
- Identify potential future residential areas that are currently not zoned for residential but where the current use is no longer deemed appropriate or suitable.
- Develop residential and urban design guidelines and incorporate relevant requirements into schedules to the residential zones.

The application of the zones around the town centre are discussed in Section 5 of this report.

Housing Character Assessment and Design Guidelines – House Rules 2015

Council resolved at its ordinary meeting of Council on 13 October 2015 to adopt the Housing Character Assessment and Design Guidelines and to seek authorisation to prepare Planning Scheme Amendment C169 to implement them into the Melton Planning Scheme. Amendment C169 is awaiting authorisation with Department of Environment, Land, Water and Planning (DELWP).

Council's Housing and Character Assessment Guidelines (House Rules) was adopted by Council at its meeting on 13 October 2015. At the time of writing this report, the amendment to implement House Rules is awaiting authorisation with DELWP.

House Rules provides area specific neighbourhood Character Statements and subsequent Design Guidelines to protect the existing character and guide future development in the established areas of the municipality.

Each Character Statement is based on the area's evolution and existing character as well as the current residential zones, which gives an indication as to the proposed intensity of development.

Within House Rules, the character area for the residential part of CDZ is the Urban Transitional (UT) Character Area (Figure 11).



FIGURE 11: URBAN TRANSITION CHARACTER AREA – CS TOWN CENTRE, HOUSE RULES 2015

The UT Character Area's preferred Character Statement describes the area's desired future character as follows:

The Urban Transitional area has introduced terraced and apartment-style housing. Sometimes the dwelling styles and forms vary widely from lot to lot; in other cases, a more uniform form and aesthetic has been achieved. This area will maintain its 'contemporary Australian-style'. Preferred characteristics are:

- Consistency of siting and massing
- Habitable rooms overlook the street
- Minimised interruption of the footpath by driveways.

Where these characteristics already exist, they will be maintained and strengthened into the future. Where these characteristics are absent, opportunities will be sought to establish them in redevelopment and remodelling schemes. Where there is a currently a consistency of style, this will be maintained into the future. The landscape character of Urban Transitional streets is to be strengthened by:

- Retaining the majority of any front setback as permeable garden landscape

- Making space available for avenue street tree planting, where practicable
- Encouraging the provision of vertical or roof gardens.

The preferred housing types for the UT Character area is apartments and townhouses, which represent the dwelling types already present in the area and those that would achieve the preferred character of the area.

Design Guidelines for the UT Character Area provide a set of recommendations regarding front setback, building height and form, walls on boundaries and other elements of building design. The complete set of design guidelines as well as UT Character Statement can be found in the referred document.

House Rules also identifies that “state government guidelines explain medium and high density housing, as intended in the Mixed Use Zone, as a mixture of townhouses and apartment style housing up to three stories, and higher where appropriate. At present, most dwellings are attached double and triple storey. Building heights extend up to 5 storeys.”

Existing Zoning

Comprehensive Development Zone

The land within CS town centre is zoned Comprehensive Development Zone (CDZ) as is illustrated by Figure 12.

The CDZ area is approximately 132.5 hectares in size and is intersected by Caroline Springs Boulevard.

The purpose of the CDZ is:

- To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme’.

The Schedule to the CDZ in the Melton Planning Scheme identifies the Caroline Springs Town Centre Comprehensive Development Plan 2000 as the incorporated document. Both of these documents are shown in the **Appendix A** and **Appendix B** respectively.

Residential Zones surround the CDZ area on all four sides and are applied throughout the eastern corridor. Immediately to the north of the CDZ is the Residential Growth Zone, and immediately to the east, south and west of the CDZ is the General Residential Zone.



FIGURE 12: COMPREHENSIVE DEVELOPMENT ZONE AND ITS SURROUNDING ZONES – CS TOWN CENTRE

Schedule to the CDZ

The Schedule to the CDZ requires development to be 'generally in accordance' with the *Caroline Springs Town Centre Comprehensive Development Plan*.

The Schedule also requires that:

- Clause 3.0: a precinct plan is prepared by the proponent and approved to the satisfaction of the responsible authority before land is subdivided and buildings or works are constructed to show that the application is 'generally in accordance' with the Development Plan.
- Clause 4.0: the use of land must be generally in accordance with the Caroline Springs Town Centre Comprehensive Development Plan and relevant approved precinct plan, and an application for a Section 2 Use on a site that is identified for the use in an approved precinct plan is exempt from notice requirements and the review rights.
- Clause 5.0: a permit is required to subdivide land and any use in Section 2 of Table of Uses, and is exempt from notice requirements provided it is consistent with an approved precinct plan.
- Clause 6.0: a permit is not required to construct or extend one dwelling on a lot more than 300 square metres.
- Clause 8.0: a permit is required to construct a building or carry out works for a use in Section 2, and is exempt from notice requirements.
- Clause 7: a permit is not required to construct or extend medium density housing and residential buildings, including to construct two or more dwellings on a lot or to construct or extend one dwelling on a lot less than 300 metres if the use is in Section 1 of the Table of Uses. However, in a situation when a location of a proposed Section 1 use differs from that in an approved precinct plan, a permit requirement is triggered but the application is exempt from notice requirements.

The CDZ and its Schedule are unique in a way that they have their own set of planning controls designed not to trigger a permit for many land uses or buildings and works. It presents both issues and opportunities for land development within the CDZ. The opportunities created by flexible statutory controls enabled accelerated development of the land. But given that the Caroline Springs town centre area is now substantially developed, the issues are becoming more prominent. The key issues include:

- Planning applications for 'permit required' uses are exempt from third party notice and review rights;
- No permit is triggered to construct two or more dwelling on a lot in residential areas;
- The Comprehensive Development Plan is outdated and does not contain appropriate planning controls or design guidelines;
- The CDZ is vague and is open to different interpretations by the applicants and planning practitioners.

Public Use Zone

The area within CS town centre is covered by the Comprehensive Development Zone with the exception of the police station site, which is zoned as Public Use Zone (PUZ).

In addition to implementing the objectives of the MSS and PPF, Clause 37.01 outlines the purpose of the PUZ as follows:

- To recognise public land use for public utility and community services and facilities.

- To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

Existing Overlays

The Melton Planning Scheme also provides guidance in relation to principles for managing interface conditions to Kororoit Creek. This includes content within the Environmental Significance Overlay and Land Subject to Inundation Overlay.

Environmental Significance Overlay

The area along Kororoit Creek is subject to the Environmental Significance Overlay, Schedule 2 (ESO2) (Figure 13).

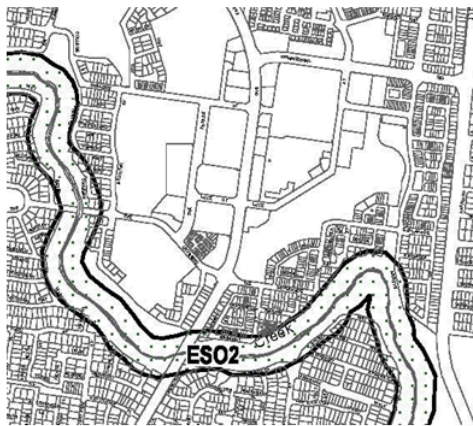


FIGURE 13: ENVIRONMENTAL SIGNIFICANCE OVERLAY – CS TOWN CENTRE

Schedule 2 to the ESO assigns the status of environmental significance to Kororoit Creek. It provides additional requirements to the area and apply the issues of environmental concern to wetlands, waterways and riparian strips. In addition to implementing the Municipal Planning Strategy and the PPF, the ESO has the following purpose:

- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

It also includes the following objectives and guidelines below.

In relation to use and development:

- To protect and conserve wetlands and to discourage inappropriate use and development.
- The role and function of wetlands will be taken into account in respect to any proposed use or development on or adjacent to a wetland area.
- To protect and conserve the riparian habitat and associated escarpment and to discourage inappropriate development.
- To identify, conserve and enhance the character of significant landscapes.
- To recognise areas of high fire hazard, and to ensure all development acknowledges any potential risk.

The ESO2 decision guidelines include considering a set of documents, where appropriate:

- "Sites of Botanical Significance in the Western Region of Melbourne", McDougall 1987.
- "Sites of Geological and Geomorphological Significance in the Western Region of Melbourne", Rosengren 1987.
- "Skeleton Creek Waterways and Environs Strategy", Melbourne Water 1996.
- "Woodlands: Department of Defence Property, Rockbank, Victoria Conservation Management Plan", Hyder Consulting and Biosis Research 13 December 2000.
- "Wetlands: Department of Defence Property, Rockbank, Victoria Conservation Management Plan", Hyder Consulting and Biosis Research 13 December 2000.

Land Subject to Inundation Overlay

The area along Kororoit Creek is also covered by the Land Subject to Inundation Overlay, Schedule 2 (LSIO2) (Figure 14).



FIGURE 14: LAND SUBJECT TO INUNDATION OVERLAY – CS TOWN CENTRE

The LSIO seeks to minimise the risks of potential flooding in the flood prone areas.

In addition to implementing the Municipal Planning Strategy and the PPF, the purpose of the LSIO is:

- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

The Schedule to the LSIO requires written approval from Melbourne Water prior to submitting a planning application.

Incorporated documents

Caroline Springs Town Centre Comprehensive Development Plan 2000

The Caroline Springs Town Centre Comprehensive Development Plan, August 2000 (Comprehensive Development Plan) is a high level strategic document, which identifies the boundaries of the town centre area and the indicative main roads, it describes a vision for the town centre and sets out the framework of its future development. Most importantly, the Comprehensive Development Plan identifies the following five urban design objectives for the town centre, each objective pursuing its own development goals:

- 'Land use' objective sets out the proposed land use types and their indicative distribution within the CS town centre. It also outlines the approaches to creating the strong relationships between the land uses.
- 'Built form' objective introduces a precinct plan as an instrument for the expression of built form and provides the tools for its assessment.
- 'Access/circulation' objective specifies the details for the indicative vehicular and pedestrian movement routes.
- 'Open space and landscape' objective sets out the fundamental principles guiding the creation of landscape and open space character.
- 'Staging' objective indicates the development phases required to facilitate a balanced and continuous growth within the town centre.

The sketch map below (Figure 15) illustrates the urban design outline of a major activity centre supported by the above objectives of the Comprehensive Development Plan.

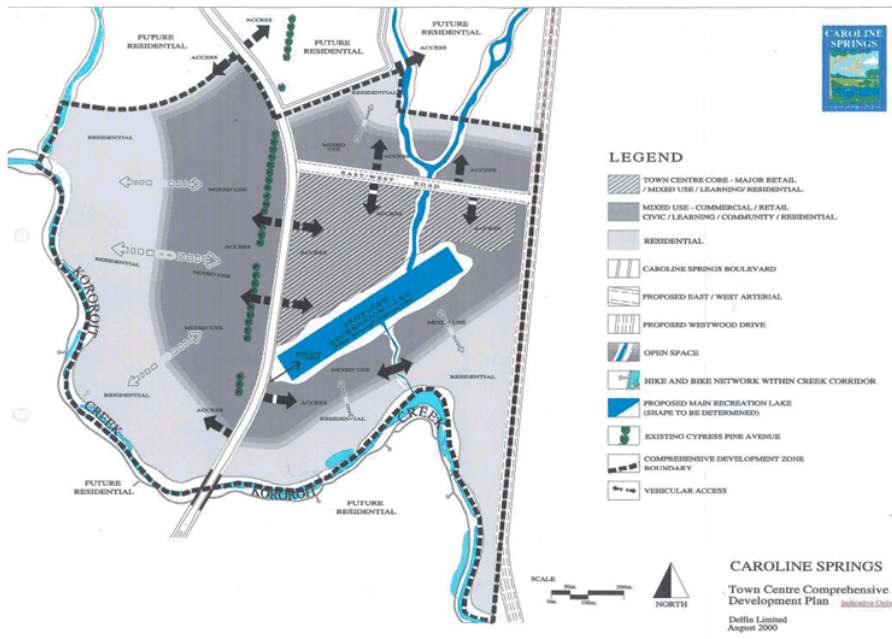


FIGURE 15: INDICATIVE LOCATION OF LAND USE TYPES AND MAIN ROADS WITHIN THE CS TOWN CENTRE, CAROLINE SPRINGS TOWN CENTRE COMPREHENSIVE DEVELOPMENT PLAN 2000

Precinct Plans

As mentioned earlier in Section 4.4: Local Policy – Existing Overlays, a Schedule to the CDZ requires a precinct plan to be submitted by the proponent before land is subdivided and buildings or works are constructed. The precinct plan is required to be ‘generally in accordance’ with the Caroline Springs Town Centre Comprehensive Development Plan.

The Comprehensive Development Plan explains that

‘a Precinct Plan provides the mechanism for the expression of built form requiring the preparation of building envelopes showing building heights, setbacks, massing and indicative scale’.

Section 3.0 of Schedule 1 to the CDZ clarifies that a precinct must include the following information:

- The proposed land uses
- A response to the design objectives and principles in the Caroline Springs Town Centre Comprehensive Development Plan
- Details of roads, including pavement widths
- A parking plan
- Staging of development
- Relationship of the land to existing or proposed land uses on adjoining land and interface treatments for residential uses
- Building envelopes showing building heights, massing and indicative scale.

Due to the CDZ being operational since 2000, precinct plans have been prepared for the entire CDZ area, including vacant lots.

With regards to the land ownership, it is important to note that Delfin Lend Lease property and infrastructure group was initially the sole owner of the majority of the land within the CS town centre. Therefore, most of the precinct plans were prepared by or on behalf of Delfin Lend Lease and those approved by Council prior to 2017 do not have an expiry date. From 2017, Council have included a two-year expiry date on precinct plans.

Despite the existing precinct plans are expected to identify the proposed land uses, some of them were found to lack details required to allocate a use type to the appropriate Table of Uses. For example, The Landing Precinct Plan 33 Caroline Springs consists of one A3 drawing with the majority of the precinct plan land identified for ‘residential use’. The precinct plan does not explain which forms of housing ‘residential use’ applies for and interpretation of ‘residential use’ by development proponents created a precedent for a planning dispute between a project proponent and the Council in the past.

Section 4.3 of this report discusses the impacts of the proposed changes on the existing precinct plans, including those prepared for the vacant lots.

Restrictive covenants

A number of restrictive covenants are active in the area of CS town centre. The restrictive covenants were created at the time of land subdivision to impose restrictions that reflect the unique needs contained within the precinct plans. While most of the covenants have a lapse date and are not enforceable after the date when they end, some of them were registered with

no expiration date and therefore will remain on the title in perpetuity unless otherwise agreed to be removed.

Table 1 below outlines the list of lots to be developed, which have the active restrictive covenants registered on the title and details the restrictions applied:



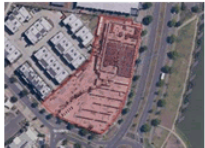
| Address | Area (m ²) | Precinct Plan No | Restrictive Covenant Summary | Aerial |
|-------------------|------------------------|---|--|---|
| 22-26 Lake Street | 5,397 | CDZ40 - Office Development | Not to use or develop the land as a shop |  |
| 135 The Esplanade | 2,238 | CDZ59 – Medium Density Site | Not to use or develop the land as a shop |  |
| 2 The Crossing | 5,927 | CDZ61 - 6 storey mixed use residential and commercial development | Not to use or develop the land as a shop |  |

TABLE 1: LOTS TO BE DEVELOPED SUBJECT TO THE ACTIVE RESTRICTIVE COVENANTS REGISTERED ON THE TITLE

4. REZONING

4.1 Justification for rezoning

Planning Policy

Caroline Springs town centre is an important local centre servicing the outer western suburbs of Metropolitan Melbourne. In 2001, the CDZ was implemented in the *Melton Planning Scheme* as a tool to facilitate development of the greenfield area, the future CS town centre (Figure 16).

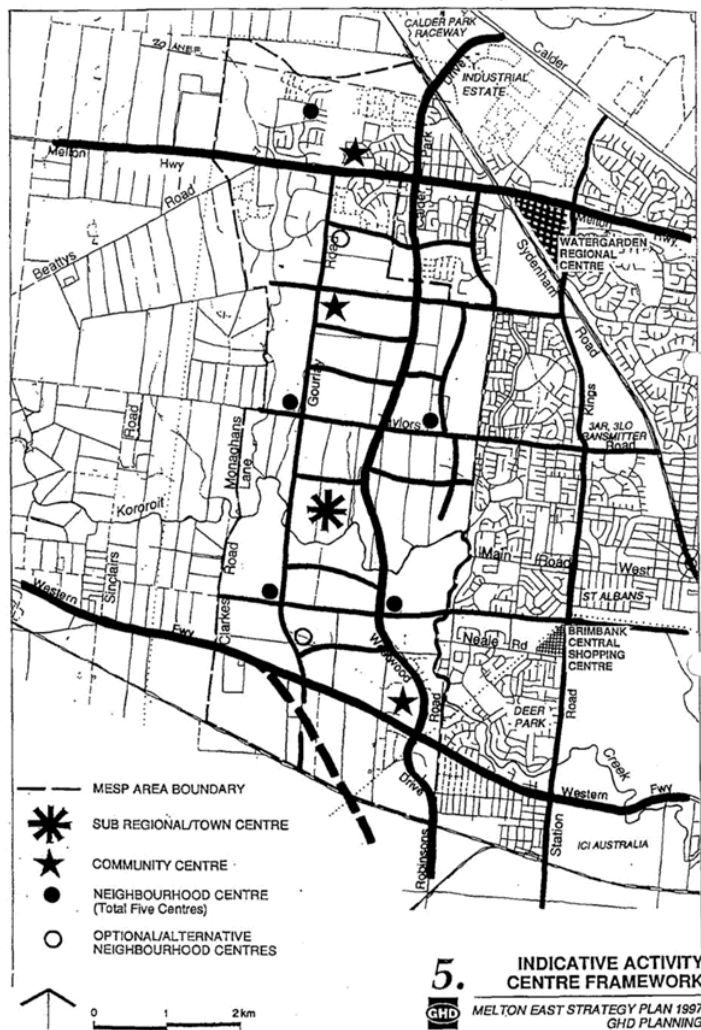


FIGURE 16: INDICATIVE LOCATION OF FUTURE CS TOWN CENTRE, MELTON EAST STRATEGY PLAN 1997

Now the CS town centre is nearing its full development and the CDZ is no longer the appropriate planning tool for the area. While growth and development is still the primary objectives for the CS town centre, the approach to its further growth needs to be reconsidered. Given that the CS town centre has already reached its full development potential, its further growth needs to be guided by a set of principles of the established areas. It is inevitable that future growth is primarily going to occur through redevelopment of sites for higher density housing and development of infill sites and thus should be carefully measured to avoid conflicting land uses and loss of amenity by the existing landowners.

The task of rezoning the CDZ in the CS town centre requires Council to be consistent with State and Local planning policy and to be guided by the consistent application of zones both within the City of Melton and other metropolitan Councils.

The recent updates in metropolitan and municipal strategic planning policies illustrate that rezoning of the CDZ is a needed measure to implement the metropolitan strategy and avoid over- or undesirable development. At the state level, the Planning Policy Framework describes an activity centres as a focus for business, shopping, working, leisure and community facilities, providing for different types of housing at higher densities in and around the activity centres. Also, the *Plan Melbourne's* Activity Centres policy sets the task to the local government to review local planning policies and provisions in relation to the individual activity centres (Action 9) according to the provided classification. The local planning policy takes further steps to implement these provisions in the MSS Clause 21.06 and actions to review the master plan for CS town centre and investigate opportunities to rezone land from the CDZ to a broader suite of commercial and other zones. Prior to that, Planning Scheme Review conducted by Council in 2012 recommended that the Retail and Activity Centres Strategy should investigate the CDZ and make recommendations on whether CS town centre would be best served by the removal of the CDZ or the CDZ being augmented with other controls.

The recommendations from the Retail and Activity Centres Strategy in regards to the CS town centre include:

1. Consideration to be given to reviewing the existing Comprehensive Development Zone and its effects on the competitiveness of the Activity Centre and translating the existing CDZ to more regular Commercial and other zones.
2. Update the Masterplan for the Caroline Springs Town Centre.
3. Support a future structure planning process that reflects the emerging commercial realities for the centre and which plans to preserve and improve high quality urban design of the centre.

The recommendations of the *Housing Diversity Strategy 2014* include directing medium and higher density housing within or on a 400-metre radius walking distance of the CS town centre. Although in this instance the CDZ could be a relevant tool to enable this type of development, the composition of CDZ does not provide the mechanisms for developing the residential and urban design guidelines and incorporate these guidelines into the appropriate schedule to the zone, which is also the key objective of the *Housing Diversity Strategy*. Taking that residential areas occupy approximately 30% of the total CDZ, it is essential to ensure that future development or redevelopment of these areas is guided by well-articulated design guidelines, which are clear to use, assess and interpret. At the moment the built form within the residential precincts is subject to the Town Centre Design Guidelines and a number of controls introduced through the Memorandum of Common Provisions, Building Product Sheets and Building Envelope Plans. Both documents were developed by Delfin Lend Lease in partnership with the Council, they provide an overview of the CS town centre Guidelines in relation to the Melton Planning Scheme. However, both the Town Centre Design Guidelines and the

Memorandum of Common Provisions, Building Product Sheets and Building Envelope Plans apply minimum design standards and even those are not mandated and cannot be regarded as the required assessment documents because they are not incorporated and are not legit planning provisions of the Planning Scheme. The present day situation, therefore, requires the Council taking control over residential development within the CDZ to secure the appropriate protection of the residential properties within and around CS town centre and ensure that its current and future residents enjoy fair access to the essential amenities.

VCAT determination

New Look Homes Pty Ltd v Melton CC [2017] VCAT 323

Permit application No. CDZ2008/45/4

In February 2017, a VCAT hearing was held in regards to a proposal to construct three double storey townhouses on vacant land at 5 Lorimer Street, Caroline Springs. The proponent, New Look Homes Pty Ltd, applied to Council to amend the approved precinct plan that applied to the land and for approval that the plans for the townhouses were to Council's satisfaction.

Council officers recommended approval of the amended precinct plan however, the Council refused to grant approval on grounds relating to dwelling density, neighbourhood character and overdevelopment.

The hearing itself demonstrated the ambiguity of the CDZ through questioning if an approval was required for the application under the Melton Planning Scheme and if the application was for the use of a dwelling, regardless of the built form of the dwelling or dwellings.

The hearing highlighted that there was no requirement for an amendment to the precinct plan as the use and development proposed was in accordance with the precinct plan and therefore a Section 1 use. Similarly, the hearing also found that there was no requirement for the proponent to seek approval of layout plans.

The VCAT member dismissed the application with the following concluding note:

- 63 *'If it was the Council's intention that an amendment to the precinct plan is required for all proposals for two or more dwellings on a lot in a 'residential use' area identified in the precinct plan and that layout plans must be endorsed or approved as being to the Council's satisfaction, the CDZ and the precinct plan do not realise that intention. The Council should consider preparing amendments to CDZ1 and/or the precinct plan to give effect to that intention should this be its objective.'*

In making the decision the Tribunal reviewed the provisions in CDZ – Schedule 1 which help to determine permit requirements to construct two or more dwellings on a lot. These include Clause 8.0, Clause 7.0 and Clause 3.0 in Schedule 1 of the CDZ. The Tribunal's view was that there is nothing in the clauses that would confirm that a permit is required to construct two or more dwellings on a lot if proposed use is generally in accordance with the precinct plan:

- 21 *'A permit is not required under clause 8.0 because I find its second sentence answers the CDZ description of otherwise specifying that a permit is not required and because the proposed use is in a section 1 use.'*
- 25 *'Clause 7.0 does not specify that a permit is not required to construct two or more dwellings on a lot so, on the face of it, the CDZ requirement for a permit for buildings and works to construct two or more dwellings on a lot is not affected. However, clause 7.0 must be read in the context of clause 8.0. There is nothing in either clauses that provides that clause 8.0, for a section 1 use, does not apply to two or more dwellings on a lot.'*

28 *'It might be said that clause 7.0 consequently has no work to do. I do not accept that. An application under clause 7.0 can only apply to an application for permit, given the reference to exemptions in relation to sections 52 & 64 of the PE Act. Clause 7.0 remains effective in setting requirements for applications for permit to construct two or more dwellings if the use is a section 2 in CDZ1 i.e. if the relevant land is not identified for dwelling in an approved precinct plan.'*

30 *'As with clause 7.0, clause 3.0 does not expressly state that a permit is not required and therefore, on its face, it does not displace the default provision in the CDZ that a permit is required. However, like clause 7.0, it does not seek to derogate from the effect of clause 8.0.'*

It was the Council's common practice for the applications for two or more dwellings on a lot under the CDZ to require a variation to the precinct plan and to submit plans for Council's approval. The Tribunal identified several issues with this approach including:

36 *'First, it is the Council's practice to approve plans with this notation:*

This plan is endorsed in accordance with Clause 37.02 Schedule 1 (1.0) Section 1 – Permit not required.'

37 *'The difficulty is this purports to rely on the section 1 condition for "accommodation (other than ...dwelling...)" that requires plans showing the proposed layout, elevations etc. to be approved by the Council. The Council cannot rely on this condition when the condition does not apply to use for dwelling. I discern no other power in CDZ1 under which plans must be approved by the Council.'*

38 *'Second, the status of condition that purport to apply to the endorsed plans is unclear, if only because it relies on an incorrect power to endorse the plans.'*

The Tribunal also commented on the structure of the precinct plan prepared for the area (*The Landin Precinct Plan 33 Caroline Springs*). In particular, it was highlighted that the precinct plan lacks details required to determine the housing type it applies to:

11 *'The relevant precinct plan is the Landin Precinct Plan 33 Caroline Springs (the **precinct plan**), the latest amendment of which was approved by the Council on 5 November 2009. The precinct plan consists of one A3 drawing. By my estimate, it applies to about one-fifth of the town centre area, located along the eastern boundary of the area and to the east of lake Caroline.'*

12 *'In the precinct plan, the subject land is identified for 'residential use'. By my estimate, about 90% of the precinct plan area is identified for 'residential use.'*

13 *'It is unclear to me why the precinct plan refers to 'residential use'. There is nothing in or that can be inferred from the precinct plan that suggests what was intended by 'residential use'. There is nothing that suggests what was intended by 'residential use'. There is nothing that suggests, for example, that it applies to some forms of housing but not others.'*

The New Look Homes Pty Ltd v Melton CC [2017] VCAT 323 case is an important precedent to demonstrate that the CDZ has multiple implementation issues, which become more prominent while the area is nearing its full development potential.

The case provides a basis on which some predictions can be made about the likely future impacts of the continued application of the CDZ in the Caroline Springs town centre area.

Neighbourhood character and amenity

In a situation if the land is transferred to a new owner there may be more applications for two or more dwellings on a lot arising in the future. While standard residential zones usually trigger a permit for two or more dwellings on a lot, the current application of CDZ allows to construct more than two dwellings on a lot in its established residential areas without a permit. This has significant implication on the future neighbourhood character and amenity of the adjoining properties and limits the opportunities for better design.

Planning permit application process

For a number of years the Council was employing a procedurally incorrect requirement of endorsing precinct plans, not formally required to be approved by Council under the CDZ. The changes in land ownership, lack of clarity in the structure of precinct plans and missing links with the planning controls and design guidelines would continue to compromise the ability of the applicants and planning practitioners to interpret the correct application of CDZ. Confusion on behalf of land owners and permit applicants results in increased costs, processing times for planning permit applications, both in the amount of time required to undertake an assessment and the length of time to reach a decision.

The New Look Homes Pty Ltd v Melton CC is the evidence of inefficiency of the planning controls of the CDZ in the established area, which needs to be addressed by applying more appropriate zone or suite of zones for this area.

4.2 Options

To achieve the land use directions outlined in the MSS for CS town centre, rezoning of land currently within the CDZ is required.

This section discusses the options with regards to the appropriate zone/suite of zone for CDZ to be rezoned into followed by the recommendation on the preferred option.

Proposed rezoning options are outlined below and are supported by comparisons within the City of Melton and other metropolitan Councils.

Based on analysis of land the following rezoning options have been considered:

Option 1 – Activity Centre Zone

Activity Centre Zone

- Purpose is to encourage a mixture of uses and the intensive development of the activity centre as a focus for business, shopping, working, housing, leisure, transport and community facilities.

The following Planning Practice Notes are relevant to the proposed rezoning.

PPN56: Activity Centre Zone, June 2015

In addition to implementing the Planning Policy Framework, the purpose of this Planning Practice Note is to:

- Explain the function of the ACZ;
- Provide guidance on the application of the ACZ;
- Assist Councils in drafting the schedule to the ACZ to accord with the adopted structure plan.

The Planning Practice Note states that the ACZ is developed specifically for application at activity centres and Metropolitan Activity Centres in metropolitan Melbourne.

It also states that Council must have a corresponding Structure Plan or a body of significant strategic work in place for the area where the ACZ will be applied. The Planning Practice Note further informs that an activity centre boundary must be identified to apply the ACZ.

It also provides guidance in relation to drafting the zone schedule.

Below is a map of the proposed Activity Centre Zone boundaries matching the current CDZ boundary applied to CS town centre (*Figure 17*).

Advantages

Below are the advantages of rezoning the CDZ to the ACZ:

- Applying the ACZ is a logical step consistent with the state planning policy. The ACZ is the preferred tool to guide and facilitate the development within the designated Major Activity Centre.
- The purpose and the application of the ACZ are similar to those of the CDZ however, the ACZ requires more justification and analysis before a permit can be granted.
- Applying the ACZ will sustain the mix of uses and will introduce the appropriate controls over the built form within CS town centre.
- Rezoning of CS town centre to the ACZ will maintain its current flexibility and the dynamics of continuous development while enabling the missing control mechanisms,

such as notice requirements of Section 52 (1)(a), (b) and (d), and the review rights of Section 82(1) of the Act.

- The intended use identified by the corresponding precinct plans will be reinforced via relevant schedules to the zone.

Disadvantages

The disadvantages of applying the ACZ include:

- The significant disadvantage is that the CS town centre does not have a current structure plan and therefore, it does not meet the condition of the PPN56, which requires the schedule to the ACZ to be prepared to accord with the adopted structure plan.
- A request was submitted to DELWP to determine whether earlier strategic work conducted by Council in regards to the CS town centre, including the Precinct Plans meets the requirements of the PPN to be qualified as “a body of significant strategic work” and can be considered as the part of structure planning process. DELWP confirmed that adopted structure plan is a requirement and a pre-requisite for the ACZ to be applied. Therefore, prior to rezoning the land of CS town centre to the ACZ, the Council will need to go through the process of structure planning for the Caroline Springs Major Activity Centre.
- The ACZ is applied to facilitate the intensive development within the activity centres. Taking that there are only 16 vacant lots left to be developed in CS town centre, the ACZ is not an appropriate zone to be applied to the fully or substantially developed area.
- The ACZ and the corresponding structure plan is a complex planning tool containing multiple details, which regularly need to be updated. The CDZ and the Comprehensive Development Plan are equally difficult and time consuming to interpret, therefore changing one complex zone to another is considered to be an impractical measure to pursue by Council.

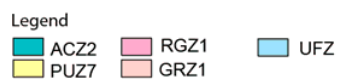
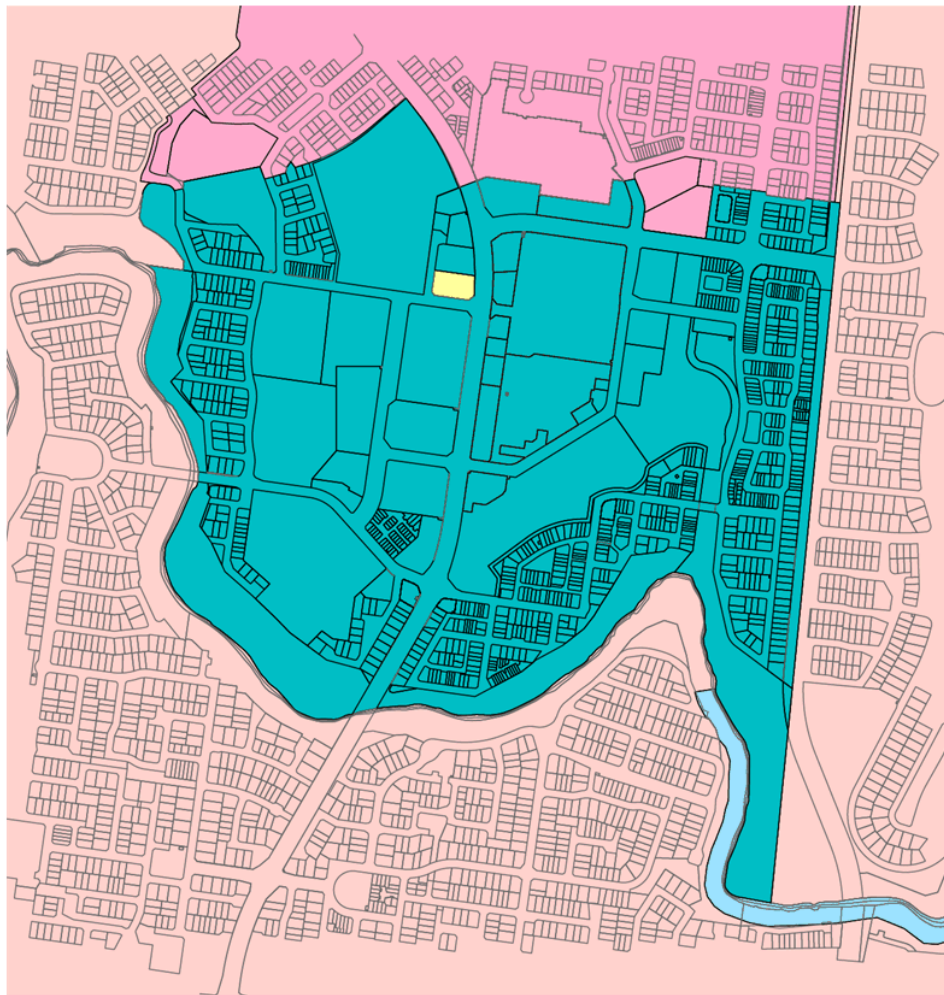


FIGURE 17: OPTION 1 - PROPOSED ACTIVITY CENTRE ZONE, CS TOWN CENTRE

Option 2 – Suite of Zones

Below is the summary of each of the proposed suite of zones.

Commercial 1 Zone:

- Purpose is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- This is a proposed potential zone within the Comprehensive Development Zone as it applies to land near town centres, public transport and main arterial roads. It allows a wide range of commercial and accommodation activities without a permit, including a supermarket or shop.

Mixed Use Zone:

- Purpose is to provide for higher housing density and a range of residential, commercial, industrial and other uses which complement the mixed use function of the locality.
- This is a proposed potential zone for CS town centre as it applies to town centres near public transport and main arterial roads. Majority of the land uses listed are under Section 1 and do not require a permit with a minority under Section 2 and subject to a permit application.
- A schedule to the zone may specify maximum building heights and local requirements for specified Clause 54 and Clause 55 dwelling standards.

Residential Growth Zone

- Purpose is to provide housing at increased densities in buildings up to and including four storey buildings and a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
- This is a proposed potential zone for CS town centre as it is intended to be used in locations near activity centres and the areas suitable for increased housing. The zone encourages medium density residential development to make optimum use of available services and facilities. Some of the land uses including education centre group are Sections 2 use and require a permit.
- A discretionary building height of 13.5 metres applies to a dwelling or residential building. A schedule to the zone can be used to specify an alternative maximum building height and local requirements for specified Clause 54 and Clause 55 dwelling standards.

Public Use Zone

- Purpose is to recognise public land use for public utility and community services and facilities.
- This is a proposed potential zone for CS town centre as this is the main zone for public land used for community service provision. A schedule allows specified uses or managers of public land to be exempted from specified requirements. Alternative advertising sign categories may be specified if required.

Public Park and Recreation Zone

- Purpose is protect and conserve areas of significance where appropriate.
- This is a proposed potential zone for CS town centre as it is the main zone for public open space and public recreation areas. A schedule allows specified uses or managers of public land to be exempted from specified requirements. It also allows an exemption

for buildings and works specified in an Incorporated Plan. Alternative advertising sign categories may be specified if required.

Table 2 below provides the proposed zone selection for all land to be rezoned and Figure 18 illustrates a map of the proposed suite of zones to replace the current CDZ. Table 2 does not intend to provide the details on the proposed zone for each address included within the CDZ. Rather, it provides an overall assessment of the most appropriate zone to be applied to the existing land use types within the CDZ.

| Existing Land Use Type | Land Use Group | Proposed Zone |
|---------------------------------|--|---|
| Retail | | |
| Pharmacy | Retail premises | Commercial 1 Zone |
| Shops | Retail premises | Commercial 1 Zone |
| Supermarkets | Retail premises | Commercial 1 Zone |
| Commercial and Mixed Use | | |
| Bank | Office | Commercial 1 Zone |
| Car wash | Industry | Commercial 1 Zone |
| Convenience restaurant | Retail premises | Commercial 1 Zone |
| Food and drink premises | Retail premises | Commercial 1 Zone |
| Hotel | Retail premises | Commercial 1 Zone |
| Medical centre | Office | Commercial 1 Zone |
| Place of worship | Place of assembly | Commercial 1 Zone |
| Real estate agency | Office | Commercial 1 Zone |
| Mixed use buildings | Office/Retail premises and Accommodation | Residential Growth Zone with Mixed Use Zone under consideration |
| Swimming pool | Leisure and recreation | Residential Growth Zone with Mixed Use Zone under consideration |
| Veterinary hospital | Office | Commercial 1 Zone |
| Civic and Recreation | | |
| Active open space | Leisure and recreation | Public Park and Recreation Zone |
| Civic Centre and Library | Place of assembly | Public Use Zone |
| Indoor sporting facilities | Leisure and recreation | Public Use Zone |
| Open sports ground | Leisure and recreation | Public Park and Recreation Zone |
| Police station | Office | Public Use Zone |

| Education | | |
|---|------------------|---|
| Government primary and secondary school | Education centre | Public Use Zone |
| Non-government primary and secondary school | Education centre | Residential Growth Zone with Mixed Use Zone under consideration |
| Waterbodies and Conservation areas | | |
| Creek | Natural systems | Public Park and Recreation Zone |
| Grassland and wetland reserves | Natural systems | Public Park and Recreation Zone |
| Lake | Natural systems | Residential Growth Zone with Mixed Use Zone under consideration |
| Passive open space | Natural systems | Public Park and Recreation Zone |
| Residential areas | | |
| Dwellings | Accommodation | Residential Growth Zone with Mixed Use Zone under consideration |

TABLE 2: PROPOSED SUITE OF ZONES

Advantages

Rezoning of the CDZ to the suite of proposed zones has the following advantages:

- Applying a suite of relevant zones to the Major Activity Centre is consistent with the existing zoning of other designated Major Activity Centres across Metropolitan Melbourne. There are 122 Major Activity Centres nominated in Plan Melbourne, 30 of which are located in the Western Region. The majority of the designated Major Activity Centres are covered by a broad suite of zones including the C1Z, GRZ, MUZ and other zones.
- Rezoning of CS town centre to the suite of appropriate zones is consistent with other activity centres and surrounding residential uses across the municipality.
- Taking that there is limited sites left to develop in CS town centre, it is more appropriate to translate the CDZ use types to the relevant zones consistent with other activity centres and surround residential uses across the municipality.
- A proposed suite of zones will fix the errors identified by the review by introducing functional planning controls over the built form, which are easy to interpret by the applicants and planning practitioners.
- The intended use identified by the precinct plans will be reinforced via corresponding zones most suitable for the area.
- Planning scheme amendment process to implement the rezoning will not be required to change any part of the incorporated document because the reference to the Comprehensive Development plan will be deleted from the planning scheme.

Disadvantages

The disadvantage of a suite of zone mainly include the extensive consultation process, which will require multiple information sessions with the residents and landowner in

order to explain the nature of the proposed changes and the potential impacts for each of the applied zones.

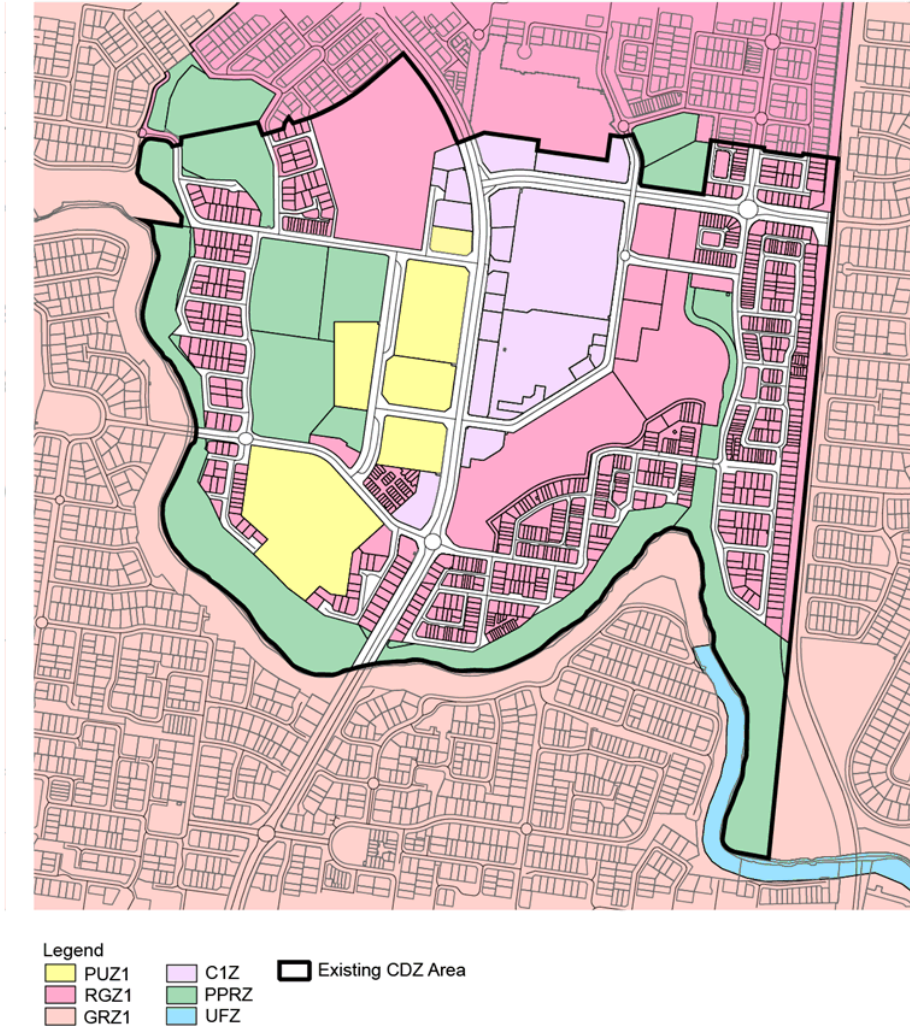


FIGURE 18: OPTION 2 - PROPOSED SUITE OF ZONES, CS TOWN CENTRE

4.3 Impact of proposed changes

One of the objectives of the rezoning is to provide greater certainty about the likely built form of new development. Therefore, the proposed rezoning is likely to have impact on land yet to be developed.

Vacant Lots

As of November 2019, there were 16 vacant lots within the CS town centre as per the locations identified in Figure 19.

Table 3 below outlines further information on the vacant lots within the CS town centre area with their respective precinct plans.

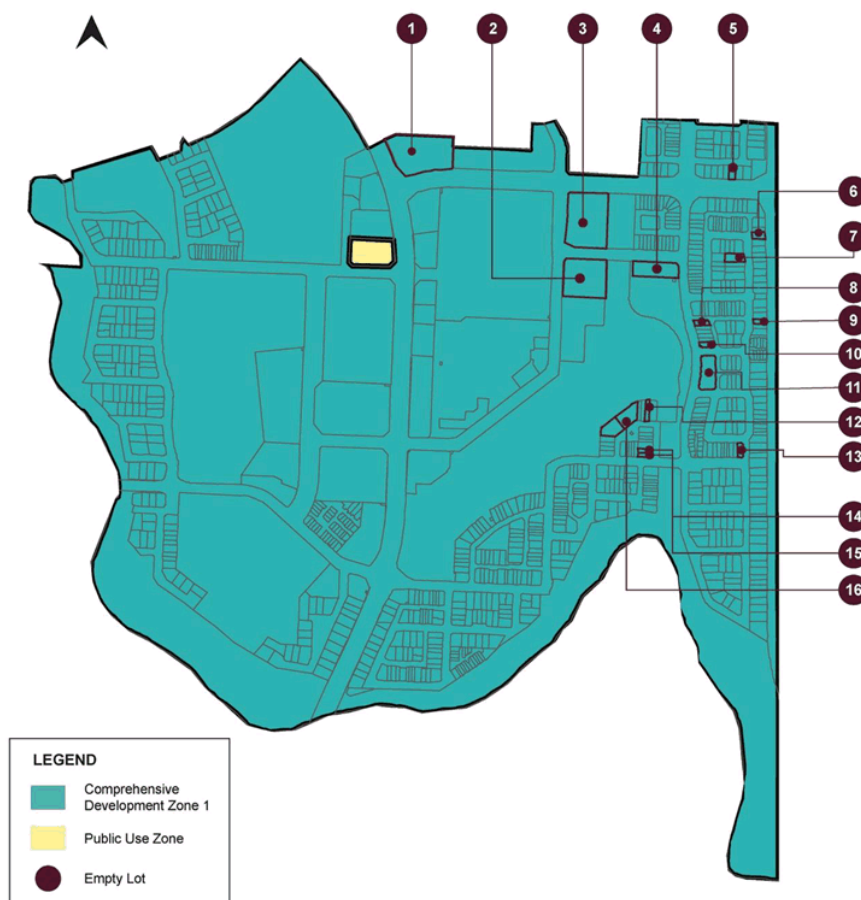


FIGURE 19: VACANT LOTS WITHIN THE CS TOWN CENTRE

| # | Address | Description | Approx. size, m ² | Council Precinct Plan/Permit Reference | Council Precinct Plan/Permit Description |
|---|------------------------------------|--|------------------------------|---|---|
| 1 | 246-252 Caroline Springs Boulevard | Vacant land (shared with parcel as place of worship) | 2,015 | Precinct Plan CDZ/19/2 – Anglican Church and Childcare Site | The site has approved plans for the construction of a place of assembly, consisting of a church and parish centre and a child care and family services centre. The land is currently developed with the existing place of assembly. Child care and family services centre is not built. |
| 2 | 22-26 Lake St | Super lot | 5,401 | Precinct Plan CDZ/40 – Office Development | The site has approved plans for office development, including 3 four storey and 1 three storey office buildings. The site is currently vacant. |
| 3 | 28-36 Lake St | Super lot | 7,432 | Precinct Plan: CDZ39 – Part 1 – Two Lot Subdivision PS611889P | The site has approved planning permit for two lot subdivision. Future use and type of development on the site are not defined and subject to a separate PP. The site is currently vacant. |
| 4 | 135 The Esplanade | Residential subdivision | 2,238 | Precinct Plan CDZ59 – Medium Density Site PA2017/5720/2 PA2018/6086 | The site has approved planning permit for twenty six lot subdivision. The site has approved plans for the development of the land for twenty six, three storey dwellings with associated car parking and landscaping. The site is under construction. |
| 5 | 12 Murchison Place | Residential lot | 313 | Precinct Plan CDZ/42 - Cypress Views Stage 18 PA 2007/1469 | The site is within the approved planning permit for 54 lot subdivision and construction of a dwelling on each lot. The site is currently vacant. |
| 6 | 23 Beaconsfield Lane | Residential lot | 300 | Precinct Plan CDZ/45 | The site is being developed with two double storey dwellings. The site is under construction. |
| 7 | 22 Marine Parade | Residential lot | 519 | Precinct Plan CDZ/45 PA 2016/5328/1 | The site has approved plans for the development of the land with two double storey dwellings The site is currently vacant. |

| | | | | | | |
|----|-----------------------|-------------------------|-------|--|------|--|
| 8 | 150 The Esplanade | Residential subdivision | 212 | Precinct CDZ/45 | Plan | The site is planned for residential use. The site is currently vacant. |
| 9 | 19 Boathouse Drive | Residential subdivision | 213 | Precinct CDZ/45 Lapsed building permit 20150452/0 | Plan | The site has a lapsed building permit for the development of 3-storey dwelling The site is currently vacant. |
| 10 | 142 The Esplanade | Residential subdivision | 270 | Precinct CDZ/45 | Plan | The site is planned for residential use. The site is currently vacant. |
| 11 | 126-140 The Esplanade | Super lot | 1,710 | Precinct CDZ/45 PA 2015/4767/1 | Plan | The site has a planning permit for the purpose of 18 triple storey dwellings and an 18 lot subdivision. The site is currently vacant. |
| 12 | 17 Caravel Lane | Residential subdivision | 296 | Precinct CDZ014 Lapsed building permit BSU – 16991/20110560/0 | Plan | Proposal for double storey dwelling. The site is currently vacant. |
| 13 | 32 Bursaria Drive | Residential subdivision | 264 | Precinct CDZ/45 Building permit 2018/0167 | Plan | The site has a building permit for the construction of two storey dwelling and a garage. The site is currently vacant. |
| 14 | 22 Caravel Lane | Residential subdivision | 190 | Precinct CDZ014 PA2016/5429 PA2016/5437/2 | Plan | The site has a planning permits for two lot subdivision and a construction of triple storey dwelling. The site is currently vacant. |
| 15 | 24 Caravel Lane | Residential subdivision | 190 | Precinct CDZ014 PA2016/5429 PA2016/5437/2 | Plan | The site has a planning permits for two lot subdivision and a construction of triple storey dwelling. The site is currently vacant. |
| 16 | 9 - 11 Caravel Lane | Super lot | 2,048 | Precinct CDZ 58/2 | Plan | The site has approved plans associated with a 10-storey residential apartment building |

TABLE 3: VACANT LOTS AND CORRESPONDING PRECINCT PLANS

The analysis demonstrates that the CS town centre is predominantly developed and the rezoning of the land will not affect the existing and future use types of the vacant land. The majority of the vacant lots have the approved precinct plans that define their future use. The intended future use corresponds to the proposed new zoning for the area and therefore will not be impacted by the rezoning.

As highlighted earlier in Section 3.4, two vacant lots (No 2 and 4 on *Figure 19*) have active restrictive covenants directing not to use or develop the land as a shop. These land use limitations will not be impacted because the restrictive covenants will not be removed from the land titles as result of rezoning and therefore will continue to perform their function.

It is also not expected that the rezoning of the land will result in a substantial increase in precinct plan or planning permit applications.

Other impacts are likely to include:

Neighbourhood character and amenity

It is inevitable that future growth is primarily going to occur through redevelopment of sites for higher density housing and development of infill sites. The proposed rezoning will help to avoid conflicting land uses and loss of amenity by the existing landowners. Applying the correct zoning will enable the Council taking control over residential development within the CDZ to secure the appropriate protection of the residential properties within and around CS town centre and ensure that its current and future residents enjoy fair access to the essential amenities.

Planning permit application process

Current application of the CDZ and its schedule creates confusion on behalf of land owners and permit applicants. It results in the increased costs in the preparation and assessment of planning permit/precinct plan applications, and creates consequential costs of any additional time taken to make a decision. The proposed rezoning will positively impact on the planning permit application process as it will remove the link to the outdated Comprehensive Development Plan and will replace it with the appropriate planning controls and design guidelines. It will help to reduce the time required to process the planning permit applications, including the amount of time required to provide advice on zone schedule, with resultant impacts on workloads. Applying the correct operational zones will minimise the need for land owners and permit applicants to seek expert town planning advice.

4.4 Recommendation

Given that there is no structure plan prepared for the CS town centre, it is recommended that Council does not rezone land within the Comprehensive Development Zone to the Activity Centre Zone (ACZ).

It is recommended that Council rezone the land within the Comprehensive Development Zone to the relevant suite of commercial, residential and other appropriate zones to be consistent with other activity centres and surrounding residential uses across the municipality as set in option 2.

4.5 Conclusion

This report provides the evidence and reasons to support a decision to rezone the land at CS town centre from the CDZ to a suite of commercial, residential and other appropriate zones.

There is limited land left to be developed in the CS town centre and it is more appropriate to translate the CDZ use types to the relevant zones consistent with other activity centres and surrounding residential uses across the municipality. The rezoning is supported by policies at state and local levels.

It is recommended that Council initiate an Amendment to the Melton Planning Scheme to rezone the CDZ to a broader suite of commercial, residential and other appropriate zones.

5. APPENDICES

APPENDIX A

Comprehensive Development Zone and Schedule to the Comprehensive Development Zone

APPENDIX B

Caroline Springs Town Centre Comprehensive Development Plan

37.02

31/07/2018
VC148

COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ** with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.

37.02-1

19/01/2006
VC37

Table of uses

Section 1 - Permit not required

| Use | Condition |
|---|---|
| Any use in Section 1 of the schedule to this zone | Must comply with any condition in Section 1 of the schedule to this zone. |

Section 2 - Permit required

| Use | Condition |
|---|---|
| Any use in Section 2 of the schedule to this zone | Must comply with any condition in Section 2 of the schedule to this zone. |

Any other use not in Section 1 or 3 of the schedule to this zone

Section 3 - Prohibited

| Use |
|---|
| Any use in Section 3 of the schedule to this zone |

37.02-2

31/07/2018
VC148

Use of land

Any requirement in the schedule to this zone must be met.

Application requirements

An application to use land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.

37.02-3

31/07/2018
VC148

Subdivision

Permit requirement

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

| Class of application | Information requirements and decision guidelines |
|--|--|
| Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> ▪ The area of either lot is reduced by less than 15 percent. ▪ The general direction of the common boundary does not change. | Clause 59.01 |
| Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> ▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. ▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. | Clause 59.02 |
| Subdivide land into 2 lots if: <ul style="list-style-type: none"> ▪ The construction of a building or the construction or carrying out of works on the land: <ul style="list-style-type: none"> - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. - Has started lawfully. ▪ The subdivision does not create a vacant lot. | Clause 59.02 |

Application requirements

An application to subdivide land for residential development, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

| Class of subdivision | Objectives and standards to be met |
|----------------------|--|
| 60 or more lots | All except Clause 56.03-5. |
| 16 – 59 lots | All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3. |
| 3 – 15 lots | All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6. |

| Class of subdivision | Objectives and standards to be met |
|----------------------|---|
| 2 lots | Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2. |

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives and standards of Clause 56.
- Any guidelines in the schedule to this zone.

37.02-4
31/07/2018
VC146

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

An apartment development must meet the requirements of Clause 58.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

| Class of application | Information requirements and decision guidelines |
|--|--|
| Construct a building or construct or carry out works with an estimated cost of up to \$500,000 and the land is not: | Clause 59.04 |
| <ul style="list-style-type: none"> ▪ Within 30 metres of land (not a road) which is in a residential zone. ▪ Used for a purpose listed in the table to Clause 53.10. | |

Transitional provisions

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

Exemption from notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if it is generally consistent with the comprehensive development plan.

The schedule to this zone may specify that other applications are also exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.

37.02-5

31/07/2018
VC148

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

MELTON PLANNING SCHEME

24/07/2014
C157

SCHEDULE 1 TO THE COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ1**

CAROLINE SPRINGS TOWN CENTRE AREA

The Caroline Springs Town Centre Comprehensive Development Plan is the Comprehensive Development Plan for this area.

Land

Comprehensive Development Zone 1 and the Caroline Springs Town Centre Comprehensive Development Plan apply to the Caroline Springs Town Centre.

Purpose

- To identify land developed as the Caroline Springs Town Centre.
- To provide a dynamic range and mix of commercial, retail, entertainment, residential, recreational, educational and community uses in the Caroline Springs Town Centre.
- To provide for the development of the Town Centre generally in accordance with the Caroline Springs Town Centre Comprehensive Development Plan.
- To achieve a high standard of urban design, public amenity and safety.
- To establish higher order sub regional functions to reflect the sub regional status of the Town Centre.
- To provide opportunities for medium and higher density residential development.
- To implement the Melton East Structure Plan.
- To implement the Melton East Strategy Plan Revised (1997).
- To integrate Kororoit Creek as a feature of the Town Centre.
- To provide a community focus in an accessible and convenient location.
- To establish an attractive pedestrian scale for the Town Centre.

1.0

24/07/2014
C157

Table of uses

Section 1 - Permit not required

| Use | Condition |
|---|---|
| Accommodation (other than bed and breakfast, caravan and camping park, corrective institution, dwelling, group accommodation and host farm). | <p>The site is identified for the use in a precinct plan approved by the responsible authority.</p> <p>In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority.</p> <p>The approved plan may include requirements to ensure that the use does not adversely affect the amenity of the area.</p> |
| Art and craft centre | <p>The site is identified for the use in a precinct plan approved by the responsible authority.</p> <p>In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority.</p> |
| Bed and breakfast | <p>No more than 6 persons may be accommodated away from their normal place of residence.</p> <p>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</p> |

MELTON PLANNING SCHEME

| Use | Condition |
|--|---|
| | In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority. |
| Car park | The site is identified for the use in a precinct plan approved by the responsible authority. In accordance with plans showing layout, dimensions, access ways and landscaping to the satisfaction of the responsible authority. |
| Child care centre | The site is identified for the use in a precinct plan approved by the responsible authority. In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority. The approved plan may include requirements to ensure that the use does not adversely affect the amenity of the area. |
| Cinema-based entertainment facility | The site is identified for the use in a precinct plan approved by the responsible authority. In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority. |
| Display home | The site is identified for the use in a precinct plan approved by the responsible authority. |
| Dwelling | The site is identified for the use in a precinct plan approved by the responsible authority. |
| Education centre | The site is identified for the use in a precinct plan approved by the responsible authority. In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority. The approved plan may include requirements to ensure that the use does not adversely affect the amenity of the area. |
| Funeral parlour | The site is identified for the use in a precinct plan approved by the responsible authority. In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority. The approved plan may include requirements to ensure that the use does not adversely affect the amenity of the area. |
| Home occupation | |
| Leisure and recreation (other than Motor racing track and Paintball games facility) | The site is identified for the use in a precinct plan approved by the responsible authority. In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority. The approved plan may include requirements to ensure that the use does not adversely affect the amenity of the area. |
| Office | The site is identified for the use in a precinct plan approved by the responsible authority. In accordance with plans showing the layout, elevations, dimensions, car parking, access and landscaping approved to the satisfaction of the responsible authority. The approved plan may include requirements to ensure that the use does not adversely affect the amenity of the area. |

MELTON PLANNING SCHEME

| Use | Condition |
|---|--|
| Place of assembly (other than carnival, circus) | <p>The site is identified for the use in a precinct plan approved by the responsible authority.</p> <p>In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority.</p> <p>The approved plan may include requirements to ensure that the use does not adversely affect the amenity of the area.</p> |
| Utility installation (other than Telecommunications facility) | |
| Retail premises(other than shop) | <p>The site is identified for the use in a precinct plan approved by the responsible authority.</p> <p>In accordance with plans showing the layout, elevations, dimensions, car parking, access and landscaping approved to the satisfaction of the responsible authority.</p> <p>The approved plan may include requirements to ensure that the use does not adversely affect the amenity of the area.</p> |
| Research and development centre | <p>The site is identified for the use in a precinct plan approved by the responsible authority.</p> <p>In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority.</p> <p>The approved plan may include requirements to ensure that the use does not adversely affect the amenity of the area</p> |
| Service industry(other than motor repairs and panel beating) | <p>The site is identified for the use in a precinct plan approved by the responsible authority.</p> <p>In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority.</p> <p>The approved plan may include requirements to ensure that the use does not adversely affect the amenity of the area.</p> |
| Service station | <p>The site is identified for the use in a precinct plan approved by the responsible authority.</p> <p>In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority.</p> <p>The approved plan may include requirements to ensure that the use does not adversely affect the amenity of the area.</p> |
| Shop | <p>The site is identified for the use in a precinct plan approved by the responsible authority.</p> <p>In accordance with plans showing the proposed layout, elevations, dimensions, car parking, access and landscaping approved to the satisfaction of the responsible authority.</p> |
| Transport terminal(other than airport, and road freight terminal) | <p>The site is identified for the use in a precinct plan approved by the responsible authority.</p> <p>In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority.</p> <p>The approved plan may include requirements to ensure that the use does not adversely affect the amenity of the area</p> |
| Veterinary centre | <p>The site is identified for the use in a precinct plan approved by the responsible authority.</p> <p>In accordance with plans showing the proposed layout, elevations, car parking, access and landscaping approved to the satisfaction of the responsible authority.</p> |

MELTON PLANNING SCHEME

| Use | Condition |
|--------------------------------|--|
| | The approved plan may include requirements to ensure that the use does not adversely affect the amenity of the area. |
| Any use listed in Clause 62.01 | Must meet the requirements of Clause 62.01. |

Section 2 - Permit required

| Use | Condition |
|--|---|
| Adult sex bookshop | Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school |
| Amusement parlour Heliport Hospital Motor repairs (other than panel beating) | |
| Store | Must be in a building, not a dwelling, and used to store equipment, goods or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot. Must not be for a storage purpose listed in the Table to Clause 52.10. |
| Warehouse (other than store and fuel depot) | Must be in a building, not a dwelling, and used to store equipment, goods or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot Must not be for a purpose listed in the table to Clause 52.10. |
| Any Section 1 use - if the Section 1 condition is not met Any other use not in Section 1 or Section 3 | |

Section 3 – Prohibited

| Use |
|--|
| Airport |
| Agriculture (other than Apiculture) |
| Brothel |
| Camping and caravan park |
| Cemetery |
| Corrective institution |
| Crematorium |
| Freeway service centre |
| Fuel depot |
| Industry (other than research and development centre and service industry) |
| Motor racing track |
| Panel beating |
| Paintball games facility |
| Road freight terminal |
| Saleyard |

MELTON PLANNING SCHEME

2.005/06/2014
GC6**Caroline Springs Town Centre Comprehensive Development Plan**

The Caroline Springs Town Centre Comprehensive Development Plan identifies the area developed for the Caroline Springs Town Centre and associated uses. The plan shows the general location of the Town Centre, the indicative main road frontages and the indicative arrangement of land uses proposed within the Town Centre.

The Caroline Springs Town Centre Comprehensive Development Plan describes the vision for the Town Centre and includes design objectives for its development.

3.005/06/2014
GC6**Precinct Plan**

Before land is subdivided or buildings or works are constructed, a precinct plan for all or part of the land must be prepared and approved to the satisfaction of the responsible authority. A precinct plan may be amended at any time to the satisfaction of the responsible authority.

All subdivision and buildings and works must be generally in accordance with the approved precinct plan.

A precinct plan must be generally consistent with the Caroline Springs Town Centre Comprehensive Development Plan to the satisfaction of the responsible authority.

A precinct plan must provide or contain the following information as appropriate:

- The proposed land uses;
- A response to the design objectives and principles contained in the Caroline Springs Town Centre Comprehensive Development Plan
- Details of roads, including pavement widths;
- A parking plan including the number of car parking spaces provided for particular uses; the basis on which the car parking rate is justified and the internal layout of the car parking areas;
- The staging of development;
- The relationship of the land to the existing or proposed land uses on adjoining land; and appropriate interface treatments particularly for residential uses;
- Buildings envelopes showing building heights, massing, and indicative scale;
- Pedestrian and bicycle paths, if provided;
- Areas available to the public and any recreation or other public facilities to be provided;
- Public transport facilities, if provided;
- Traffic Management Plan;
- Proposed landscaping and the urban design theme for public areas; and
- Any other relevant information.

Exemption from Clause 52.06- Car Parking

Clause 52.06 does not apply to a use shown in an approved precinct plan; provided the car parking numbers and arrangements are in accordance with the approved parking plan.

4.019/01/2006
VC37**Use of land**

The use of land must be generally in accordance with the Caroline Springs Town Centre Comprehensive Development Plan and any relevant approved precinct plan.

MELTON PLANNING SCHEME

Exemption from notice and review

An application for a Section 2 Use on a site that is identified for the use in an approved precinct plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1)(2) and (3) and the review rights of Section 82(1) of the Act.

5.019/01/2006
VC37**Subdivision**

A permit is required to subdivide land. An application must be referred to a referral authority listed in Clause 66.

Exemption from notice and review

An application for subdivision which is generally consistent with an approved precinct plan is exempt from the notice requirements of Section 52(1)(a) (b) and (d), the decision requirements of Section 64(1),(2) and(3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding an application to subdivide land in addition to the decision guidelines in Clause 65, the responsible authority must consider the Caroline Springs Town Centre Comprehensive Development Plan.

Construction and extension of single dwellings on lots of at least 300 square metres

A permit is not required to construct or extend one dwelling on a lot of at least 300 square metres.

6.019/01/2006
VC37**Construction and extension of single dwellings on lots of at least 300 square metres**

A permit is not required to construct or extend one dwelling on a lot of at least 300 square metres.

7.019/01/2006
VC37**Construction and extension of medium-density housing and residential buildings****Application requirement**

An application:

- To construct or extend one dwelling on a lot of less than 300 square metres;
- To construct a dwelling if there is at least one dwelling on the lot;
- To construct two or more dwellings on a lot;
- To extend a dwelling if there are two or more dwellings on the lot;
- To construct or extend a residential building.

must be accompanied by a neighbourhood and site description and design response as described in Clause 55.01.

This does not apply to the construction of one dependent person's unit on a lot.

Exemption from notice and review

An application is exempt from the notice requirements of Section 52(1)(a),(b) and (d), the decision requirements of Section 64(1),(2) and(3) and the review rights of Section 82(1) of the Act.

Satisfactory neighbourhood and site description

The responsible authority:

- Must inform the applicant in writing:
Before deciding an application that the neighbourhood and site description meets the requirements of Clause 51.01-1 and is satisfactory or does not meet the requirements of Clause 51.01-1 and is not satisfactory.

MELTON PLANNING SCHEME

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

- Must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 55.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The provisions of Clause 54 or clause 55. This does not apply to a development of five or more storeys, excluding a basement.

8.0

19/01/2006
VC37

Buildings and works**Permit requirement**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of this Clause.

A permit is not required to construct a building or construct or carry out works for a use in Section 1 of this Clause.

Application Requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

A plan drawn to scale which shows:

- The boundaries and dimensions of the site
- Adjoining roads
- The location, height and purpose of buildings and works on adjoining land
- Existing ground levels
- The layout of existing and proposed buildings and works
- All driveways, car parking and loading areas
- Proposed landscaping
- All external storage and waste treatment areas.

Elevations drawn to scale and showing the colour and materials of all buildings and works.

Exemption from notice and appeal

An application for buildings and works in association with a Section 2 use is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1),(2) and(3) and the review rights of Section 82(1) of the Act.

Decision Guidelines

Before deciding an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider the Caroline Springs Town Centre Comprehensive Development Plan and any relevant approved precinct plan.

MELTON PLANNING SCHEME

9.0

19/01/2006
VC37

Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 1.



**CAROLINE SPRINGS TOWN CENTRE
COMPREHENSIVE DEVELOPMENT PLAN**

August 2000

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1.0 INTRODUCTION

The Caroline Springs Town Centre Comprehensive Development Plan identifies the area to be developed for the Caroline Springs Town Centre and associated uses.

The plan shows the general location of the Town Centre, the indicative main roads and the indicative land uses proposed within the Town Centre.

The Caroline Springs Town Centre Comprehensive Development Plan describes the vision for the Town Centre and includes design objectives for its development.

2.0 VISION STATEMENT

Caroline Springs Town Centre will be a unique destination place in Melbourne's outer western suburbs. The Town Centre will have an urban character more typical of main street precincts and country town centres. The centrepiece of the Town Centre will be a magnificent recreation lake. By responding to local features, topography and landmarks, a strong sense of place will be nurtured. A wide range and mix of uses will provide a vibrant and vital centre of activity for Melton East.

The Caroline Springs Town Centre will be perched on the northern bank of the Kororoit Creek and will:

- Have a distinctive urban village and landscape character with a main street approach, town square and market plazas;
- Become the primary focus of employment and economic activity for Melton East;
- Become a destination place and focus for community activity for Melton East and beyond;
- Become the heart of learning, cultural, community, recreational and entertainment activities for the Melton East district;
- Create and instil a unique sense of place and community spirit;
- Demonstrate a high level of integration between all uses within a lively and high quality environment.

The Comprehensive Development Plan provides the basis for an urban strategy characterised by a fine grain of uses, walkable streets and plazas, a more intimate and integrated main street retail theme, a variety and mix of land uses, and a significant recreational lake as the main focus.

The urban strategy for the Caroline Springs Town Centre is based upon the following objectives:

- A “main street” approach to retail and urban design.
- A strong sense of arrival.
- A high level of integration between land uses eg live, learn, work, play and shop.
- A variety of scale and character within the Town Centre.
- A diverse mix of building forms, styles and uses.
- A diverse mix of housing styles including medium and high density housing
- Central meeting places in the form of town square, promenade and market plazas.
- A pedestrian friendly urban environment.

The overriding outcome is an urban framework that will have the positive qualities of traditional neighbourhoods and towns whilst still accommodating the contemporary requirements of the motor vehicle.

3.0 URBAN DESIGN OBJECTIVES

The Vision Statement will be articulated in the design of the Town Centre. The design will be forged on carefully considered urban design objectives creating a vibrant and lively pedestrian environment.

These urban design objectives include the following:

3.1 LAND USE

Purpose

The Caroline Springs Town Centre Comprehensive Development Plan shows the indicative arrangement of land uses proposed within the Town Centre.

The land uses have been defined to ensure the development of strong linkages between residential, community facilities, learning centres, retail and mixed use.

Objectives

To:

- Provide an innovative mixed-use environment within the suburban growth corridor of Melton East.
- Integrate domestic, commercial, recreational, entertainment, and educational facilities within an attractive landscape.
- Establish a mixed range of uses in and around the town centre that are appropriate to its role as a sub-regional centre.
- Establish a structure that provides flexibility to stage development and to meet changing educational, recreational, entertainment, housing, retail, and community needs.
- Integrate the Town Centre with surrounding land uses.
- Create a strong relationship with the recreational lake.
- Establish strong meeting places in the form of “town squares”, promenades and market plazas.
- Establish all of life learning with shared and integrated facilities.
- Create a centre for sporting and recreational facilities.

3.2 BUILT FORM

Purpose

The Caroline Springs Town Centre Comprehensive Development Plan provides the basis for the assessment of Precinct Plans within the Town Centre.

A Precinct Plan provides the mechanism for the expression of built form requiring the preparation of building envelopes showing building heights, setbacks, massing, and indicative scale.

Objectives

To:

- Develop fine grain, lively, and stimulating streetscapes.
- Develop a clear and legible layout with landmark buildings.
- Establish a relatively continuous and harmonious facade of varying heights along principal streets, incorporating colonnades and verandahs or awnings within the Town Centre Core.
- Establish a strong sense of enclosure of public streets, squares and pedestrian spaces.
- Establish a variety of building types and forms, reflecting a human scale and “built over time” appearance.
- Retain long distance water views to foster sense of place.

3.3 ACCESS/CIRCULATION

Purpose

The Caroline Springs Comprehensive Development Plan identifies the indicative key vehicular and pedestrian movement routes within the Town Centre.

Objectives

To:

- Create a high degree of vehicular, pedestrian and cyclist permeability.
- Provide a clearly defined pedestrian network.
- Establish safe, user friendly pedestrian amenity through use of wide paths and verges, verandahs, colonnades or awnings and street trees.
- Provide multi use car parking plazas including extensive on street parking.
- Provide convenient, clear and safe linkages between different major activities and to surrounding residential areas.
- Provide strong links to existing regional cycling and walking trails
- Provide public and private vehicular traffic access to ensure the Town Centre is accessible and convenient to visitors, employees, students and residents.
- Provide opportunities for malls, arcades, squares, courtyards and colonnades between adjoining buildings.
- Create a lakeside promenade that gives easy public access to a significant water body.

3.4 OPEN SPACE AND LANDSCAPE

Purpose

The following landscape objectives identify how the landscape and open space character for the Caroline Springs Town Centre will be created. The key principles are also recognised within the Caroline Springs Landscape Master Plan.

Objectives

To:

- Establish a landscape planting strategy that ensures strong identity and structure.
- To create a hierarchy of public spaces, accommodating passive and active uses.
- Provide dispersed celebration spaces throughout.
- Provide opportunities for siting public art works and landscaping structures that reflect local character and foster a sense of place.
- Contribute to the creation of legibility.
- Create attractively landscaped and designed streets and public squares which integrate and complement the built form.
- Provide opportunities for casual surveillance of public spaces through appropriate building design, orientation and address.
- Use linear parkland links to connect open space within the site, allowing for connection at the edges of the site to linear parkland links from adjacent district and regional recreational facilities.
- Preserve and enhance the natural landscape features of the site, especially Kororoit Creek corridor.
- Provide adequate open space within walking distance of all residents and workers.
- Maximise opportunities for the multi-use of open space areas.
- Provide a sustainable lake system.

3.5 STAGING

Purpose

The Caroline Springs Town centre will evolve over a period of approximately 15 years. The Caroline Springs Town Centre Comprehensive Development Plan recognises the need to facilitate the evolution of the Town Centre.

Objectives

To:

- Provide a critical mass of uses at an early stage of development to create a vital and viable centre.
- Ensure arterial road networks are constructed to enable early access to the Town Centre.
- Ensure residential uses are an early component of the Town Centre.
- Enable the cost effective provision of infrastructure.
- Enable the Town Centre to grow and establish over time -
- Provide community facilities to match the residential growth.
- To enable built form to adapt to different uses over time.

CAROLINE SPRINGS TOWN CENTRE COMPREHENSIVE DEVELOPMENT PLAN

DELFIN LIMITED

ATTACHMENT 1

CAROLINE SPRINGS TOWN CENTRE
COMPREHENSIVE DEVELOPMENT PLAN
(Indicative Only) AUGUST 2000

