

Appendix 3 – Assessment against relevant Planning Scheme controls

Planning Scheme Reference	Assessment
Planning Policy Framework	
Clause 11 - Settlement	<p>Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.</p> <p>Planning is to recognise the need for, and as far as practicable contribute towards diversity of choice, accessibility, economic viability, a high standard of urban design and amenity and land use and transport integration.</p> <p>The proposal is contrary to this clause as it is not located in an area that is fully serviced with a range of infrastructure and services.</p>
Clause 11.02-1S – Supply of urban land	<p>The objective of this clause is <i>“to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses”</i>.</p> <p>The proposal is contrary to this clause as it does not consider the efficient use of the future development of the land.</p>
Clause 11.03-2S - Growth areas	<p>The objective of this Clause is to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.</p> <p>The proposal is contrary to this clause as it does not consider the efficient use of the future development of the land.</p>
Clause 12.03-1S - River, corridors, waterways, lakes and wetlands	<p>The objective of this Clause is to protect and enhance river corridors, waterways, lakes and wetlands.</p> <p>The proposal is contrary to this clause as it did not provide a review on the protection of the conservation area along the Kororoit Creek.</p>
Clause 15.01-1S - Urban design	<p>The objective is <i>“to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.”</i></p> <p>The proposal does not contribute to the surrounding context of newly developing residential land.</p>
Clause - 15.01-5S Neighbourhood character	<p>The objective of this Clause is to recognise, support and protect neighbourhood character, cultural identity, and sense of place.</p> <p>The proposal is not supported as it will not complement</p>

	the surrounding environment in terms of character and visual amenity.
Clause 15.03-1S - Heritage conservation	<p>The objective of this clause is to ensure the conservation of places of heritage significance.</p> <p>The proposal is contrary to this clause as separate ownership and different developments would provide a poor outcome for the heritage values of the site which contains dry stone walls and trees along Sinclairs Road and the Stoneleigh Homestead.</p> <p>It is recommended by Council's Heritage Advisor that the entire property be developed in a holistic manner in order to ensure the best outcomes for the future development, conservation and interpretation of the heritage features and values of the place.</p>
Local Planning Policy Framework	
Clause 21.0 - Introduction (Municipal Strategic Statement (MSS))	<p>Council's population has grown to the establishment of eleven suburbs across the growth corridor, which are surrounded by non-urban land with an increasing focus on growing townships that support population growth.</p> <p>The Council's role is to provide clear direction for future growth that results in a well-planned and built City and respond to key land use planning objectives. These objectives explicitly address each of the identified key issues and they underline Council's decision making and strategic thinking for the municipality.</p> <p>The proposal is contrary to this clause as it does not provide an effective transition into urban land.</p>
Clause 21.02-1 - Urban Growth Areas	<p>The Growth Corridor Plans set the strategic direction for development of land within the City of Melton that is inside the Urban Growth Boundary and guides the development of Precinct Structure Plans. Precinct Structure Plans detail how the land will be developed and how and where services are planned to support development.</p> <p>One of the main objectives is to manage urban growth in a planned and orderly manner and to manage urban growth so that services are available from early in the life of new communities.</p> <p>The proposal is contrary to this clause as it has failed to take into account the strategic and physical context of the location by not appropriately facilitating the future urban development by offering a high quality subdivision in comparison to the adjoining Deanside Village Estate located to the west of the site.</p>
Clause 21.07 - Built Environment and Heritage	<p>Council has a key role to play in creating vibrant, flexible, integrated and connected public spaces relevant to people's day to day lives. Good design also means that</p>

	<p>spaces, buildings and pathways are suitable for use by people with disabilities. Protecting the municipality's heritage assets contributes to an attractive environment and creates an important sense of place.</p> <p>Melton City Council is committed to achieving better developments with the implementation of environmentally sustainable designs through Precinct Structure Plans in growth areas.</p> <p>Furthermore, the dry-stone wall landscape is a heritage asset which is critical in ensuring cultural values that should be protected and identified in the early stages of Precinct Structure Planning.</p> <p>The proposal is contrary to this clause as it fails to provide appropriate assets for the Council and does not constitute orderly planning.</p>
<p>Clause 22.14 - Dry Stone Walls</p>	<p>The City of Melton's dry stone walls provide information about settlement patterns, farm management and wall construction techniques on Melbourne's western plains. Geologically significant volcanic eruption points such as Mount Cottrell, Mount Kororoit, Mount Atkinson and She Oak Hill are the origins of the fieldstone that was gathered up and shaped into the walls that characterise the landscape of the municipality.</p> <p>The dry stone walls are of cultural significance to the municipality. Across the municipality, urban settlement is now encroaching on these dry stone walls.</p> <p>The proposal is contrary to this clause as it fails to conserve the Stoneleigh Homestead, trees and the dry stone walls along Sinclairs Road.</p>
<p>Zones</p>	
<p>Clause 37.07 - Urban Growth Zone (Schedule 12)</p>	<p>The purpose of this zone is as follows:</p> <ul style="list-style-type: none"> • <i>To implement the Municipal Planning Strategy and the Planning Policy Framework.</i> • <i>To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.</i> • <i>To provide for a range of uses and the development of land in accordance with a precinct structure plan.</i> • <i>To contain urban use and development to areas identified for urban development in a precinct structure plan.</i> • <i>To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.</i> • <i>To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.</i>

	<p>Under the provisions of the Urban Growth Zone, land that is subject to the Kororoit Precinct Structure Plan, included under Part B, Clause 37.07-10 which triggers a planning permit for subdivision.</p> <p><i>A permit granted must:</i></p> <ul style="list-style-type: none"> • <i>Be generally in accordance with the precinct structure plan applying to the land.</i> • <i>Include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.</i> <p>The proposal is contrary to this clause as it does not provide an effective transition into urban land and is considered to prejudice the future use and development of the land and the Kororoit PSP.</p>
<p>Clause 35.06 - Rural Conservation Zone (Schedule 3)</p>	<p>The purpose of this zone is as follows:</p> <ul style="list-style-type: none"> • To implement the Municipal Planning Strategy and the Planning Policy Framework. • To conserve the values specified in a schedule to this zone. • To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values. • To protect and enhance natural resources and the biodiversity of the area. • To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality. • To provide for agricultural use consistent with the conservation of environmental and landscape values of the area. • To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes. <p>Pursuant to Clause 35.06-3 of the Rural Conservation Zone, a planning permit is required to subdivide land with the following requirements:</p> <p><i>Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.</i></p> <p><i>A permit may be granted to create smaller lots if any of the following apply:</i></p> <ul style="list-style-type: none"> • <i>The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number</i>

	<p><i>of dwellings that the land could be used for does not increase.</i></p> <ul style="list-style-type: none"> <i>The subdivision is by a public authority or utility service provider to create a lot for a utility installation.</i> <p>Schedule 3 to the Rural Conservation Zone does not specify an area of land for a minimum subdivision. The site has an overall area of 7.883 hectares, which does not meet the above requirement of least 40 hectares.</p>
Overlays	
Clause 42.01 - Environmental Significance Overlay (Schedule 6)	<p>It should be noted that the application was referred to Melbourne Water as a result of the Kororoit Creek being affected by the Rural Conservation Zone (Schedule 3) and Land Subject to Inundation Overlay (Schedule 1). Melbourne Water raised no objection to the proposal subject to conditions.</p>
Clause 43.01 - Heritage Overlay (HO128)	
Clause 43.03 - Incorporated Plan Overlay (Schedule 4)	
44.04 - Land Subject to Inundation Overlay (Schedule 1)	
Clause 45.11 - Infrastructure Contributions Overlay (Schedule 1)	
Particular Provisions	
Clause 53.01 - Public Open Space Contribution and Subdivision	<p>Under Clause 53.01 an application to subdivide land triggers a requirement for a public open space contribution. This Clause states as follows:</p> <p><i>A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.</i></p> <p>This clause requires that a person who proposes to subdivide land must make a contribution to the Council for public open space in an amount specified in the schedule to this clause.</p> <p>The Schedule to Clause 53.01 does not include the UGZ12 as a location of subdivision, therefore a public open space contribution is not required in this instance.</p>
Clause 56 - Residential Subdivision	<p>Clause 56 applies to an application to subdivide land in the General Residential Zone. This clause aims to ensure that subdivisions are designed appropriately and have regard to safety, access, amenity, and servicing. A</p>

	<p>subdivision should meet all the objectives and standards of this clause.</p> <p>Although the land may be suitable for subdivision, this particular proposed two lot subdivision will not produce an acceptable outcome as it fails to provide appropriate infrastructure assets for the Council and does not constitute orderly planning</p> <p>The proposed subdivision also fails to take into account the strategic and physical context of the location by not appropriately facilitating the future urban development by offering a high quality subdivision.</p> <p>A per the above argument, the proposal will prejudice the future use and development of the land and the Kororoit PSP.</p>
<p>Clause 65 Decision Guidelines</p>	<p>Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.</p> <p>The proposal does not comply with the decision guidelines of Clause 65.</p>