

## **MELTON PLANNING SCHEME**

### **AMENDMENT C229melt**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

This amendment has been prepared by the Melton City Council which is the planning authority for this amendment.

The amendment has been made at the request of the Department of Transport.

##### **Land affected by the amendment**

The amendment applies to land at 501 Brooklyn Road, Brookfield shown below (Lot 1 on Plan of Subdivision PS702397).



*Figure 1 - 501 Brooklyn Road Brookfield. PAO1 identified as the hatched area*

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

##### **What the amendment does**

The amendment deletes Public Acquisition Overlay 1 (PAO1) from the land at 501 Brooklyn Road, Brookfield.

The amendment:

- Deletes Public Acquisition Overlay 1 (PAO1) from 501 Brooklyn Road; Brookfield.
- Amends the Melton Planning Scheme Map No 7PAO to delete the PAO1 at 501 Brooklyn Road, Brookfield.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The amendment is required to delete a redundant Public Acquisition Overlay and has been made at the request of the Department of Transport.

The Public Acquisition Overlay 1 (PAO1) was originally applied to facilitate realignment of the Western Freeway and make provision for a future diamond interchange between the Western Freeway, Brooklyn Road and Harkness Road.

To prevent 501 Brooklyn Road, Brookfield becoming land locked, a proportion of a neighbouring property was acquired to facilitate access to the property from Brooklyn Road. The subject land was subsequently consolidated into the title of 501 Brooklyn Road by the Roads Authority and now forms the driveway to the property. However, the removal of the PAO1 was not part of the agreed works at the time.

The amendment removes the PAO1 from the driveway of the land at 501 Brooklyn Road, Brookfield. It does not affect the adjoining PAO1 on surrounding land.

The removal of the PAO1 reflects the private ownership of the land and provide certainty to the landowner about access to the property. It simplifies and improve the operation of the Melton Planning Scheme.

The Green Wedge A Zone (GWAZ) applies to the land. The amendment does not change the zoning of the land.

### **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives for planning in Victoria, set out at Section 4 of the Planning and Environment Act 1987. In particular, the amendment implements the following objectives:

- (a) *to provide for the fair, orderly, economic and sustainable use and development of land;*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (c) and (g);*
- (g) *to balance the present and future interests of all Victorians.*

The amendment responds to these objectives by ensuring the right to access the land for both current and future owners.

### **How does the amendment address any environmental, social and economic effects?**

The removal of the PAO ensures a redundant provision does not burden the subject land and will provide certainty to the current and future owners of the land in regard to access to 501 Brooklyn Road, Brookfield.

### **Does the amendment address relevant bushfire risk?**

The amendment does not affect the bushfire risk of the subject land.

### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

Ministerial Direction No. 11 – Strategic Assessment of Amendments

The requirements of this Ministerial Direction have been addressed in the course of preparing this amendment.

Ministerial Direction No. 15 – The Planning Scheme Amendment Process

The amendment is consistent with the Ministerial Direction No. 15 – The Planning scheme Amendment Process under Part 8 of the *Planning and Environment Act 1987*.

**How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment is consistent with and implements the Planning Policy Framework as follows:

Clause 11.01-1R

The site is located within the GWAZ and the amendment is consistent with the strategies of Clause 11.01-1-R *Green Wedges - Metropolitan Melbourne*.

The amendment removes the redundant transport planning control PAO1 as the land is not required for transport uses. This supports the continued use of the land for appropriate non-urban uses such as agriculture, rural amenity, environmental and landscape values as outlined in the GWAZ and Clause 11.01-1-R.

Clause 14.01-1S

Clause 14.01-1S *Protection of agricultural land* seeks to protect agricultural land by avoiding changes to land uses which do not contribute to the existing or potential agricultural uses.

The removal of the redundant PAO1 supports the purpose of Clause 14.01-1S and the underlying GWAZ by protecting the agricultural potential of the land from a permanent change in land use to a transport use.

**How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment is consistent with the Local Planning Policy Framework. By removing PAO1 it ensures this land which is within the GWAZ remains a buffer between urban and rural land uses (Clause 21.02-3) and continues to be recognised and protected for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources (Clause 35.05).

**How does the amendment support or implement the Municipal Planning Strategy?**

Not applicable.

**Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victorian Planning Provisions by removing a redundant provision.

The GWAZ will continue to apply to the land.

**How does the amendment address the views of any relevant agency?**

The amendment request had been prepared by the Department of Transport who is supportive of this amendment.

## **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment will not have a significant impact on the transport system, as defined by Part 2 of the *Transport Integration Act 2010*.

## **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment deletes a redundant planning overlay PAO1, therefore the new planning provisions will not have an impact on the resource and administrative costs of the responsible authority.

## **Where you may inspect this amendment**

The amendment can be inspected free of charge at the Melton City Council website at <https://www.melton.vic.gov.au/planningschemeamendments>; or

The amendment is available for public inspection, free of charge, during office hours at the following place:

- Melton City Council, 232 High Street, Melton

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection) or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
501 Brooklyn Road, Brookfield	Driveway as identified by D-PAO1	Melton C229melt 7PAO