

**16 May 2024**

Manager City Strategy  
Melton City Council  
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Sent via email: [citysupport@melton.vic.gov.au](mailto:citysupport@melton.vic.gov.au)

**RE: Amendment C232melt – Toolern PSP and DCP Review**

Thank you for the opportunity to make a submission in relation to Amendment C232melt (the **Amendment**) to the Melton Planning Scheme, and specifically the proposed changes to the Toolern Precinct Structure Plan (**PSP**) and Development Contributions Plan (**DCP**) and accompanying planning scheme provisions.

Insight Planning Consultants, on behalf of the Roman Catholic Trust Corporation for the Diocese of Melbourne (**RCTC**) who own land within the Toolern PSP area, including within the Cobblebank Metropolitan Activity Centre (**CMAC**), are pleased to provide the following submission in response to the Amendment.

I trust the contents of this submission are clear, however we welcome to opportunity to discuss these matters further with the City of Melton ahead of the approval of the Amendment.

Background & Site Details

Our client owns land within the Toolern PSP, and this submission relates specifically to the following properties:

- 245 Ferris Road, Cobblebank (Lot 1, PS847510C) (part Property 31); and
- 108 Alfred Road, Cobblebank (Lot 2, PS847510C) (part Property 35 – north of Bridge Road).

245 Ferris Road has an area of 4.057 hectares. 245 Ferris Road forms the western part of Property 31 and is located within the CMAC, directly south of the existing Coles Supermarket and retail development. The eastern part of Property 31 is a separate lot and is earmarked for the location of the future Melton Hospital.

108 Alfred Road has an area of 7.489 hectares and forms the northern part of Property 35. Property 35 is located directly east of Property 31 and includes part of the Cobblebank Metropolitan Activity Centre and some medium density residential. The southern part of Property 35 is also owned by the RCTC but is occupied by the Melbourne Archdiocese Catholic Schools and is occupied by the Cobblebank campus of the St Francis Catholic College.



**FIGURE 1: SUBJECT SITES (LANDCHECKER 2024)**



**FIGURE 2 - PSP (2019) PLAN 5 'FUTURE URBAN STRUCTURE' (PROPERTY BOUNDARIES INDICATIVELY SHOWN)**

## Submission

There are several matters relating to the proposed levy and infrastructure project inclusions that we believe should be addressed to ensure that the true impacts of the revised DCP are understood. Additionally, we believe the PSP and DCP should be updated to reflect the actual land uses that apply to the subject land and the subsequent changes that could occur to the metropolitan (major) activity area shown in the PSP.

### Indexation of proposed Levy Rate

Both sites are located within Charge Area 2 of the Toolern DCP. The total Levy Rate specified in the existing DCPO3 and the Toolern DCP for Charge Area 2 is \$146,782 per NDHa. The current indexed rate listed on the Melton City Council website for 2023/2024 is \$353,689.92. The exhibited DCPO3 sets out a proposed levy rate of \$441,988 per NDHa, however this is identified as the 2021/2022 rate. If this proposed rate is anticipated to be subject to further indexation, it is unclear as to the actual increase in this rate. This means that it is impossible to fully determine the impact that the increased rate will have on the development contribution liability for the sites.

### Infrastructure Projects

We do not support the addition of costs associated with the construction of BD16 – East Road Rail Overpass, being a rail-road grade separation at the intersection of East Road and the Melbourne-Ballarat rail corridor (interim standard), in the exhibited Toolern DCP.

We seek to clarify that this project relates only to the cost of the construction of the overpass only, and not any land associated with it. Currently, it is unclear what the land implications for the site will be in relation to this project, given that this project is likely to require land within the north-western part of 108 Alfred Road.

The Amendment has identified a number of new infrastructure projects to be funded by the Toolern DCP, including BD16, which result in a substantial increase to the overall levy rates throughout the precinct. The review of the Toolern PSP and DCP needs to reconsider which of these projects is truly essential for the ongoing development for the precinct, and which are simply a 'nice-to-have'. If BD16 truly has a broader benefit to the precinct, and is to be funded through the DCP, then the land accommodating this project should also be included.

We do not believe that BD16 is essential for the precinct and it therefore should not be included in the DCP. There are other bridges providing road connections across the rail line to the west, along Ferris Road, and east, along Mount Cottrell Road, which could be utilised in lieu of the proposed BD16. Further, the land to the north of the rail line is currently being utilised by WestKon, a major pre-cast concrete manufacturer and supplier, and is unlikely to be redeveloped in the short-medium term. Given that there is not likely to be a road to connect to on the other side for quite some time, we do not believe there is a broader benefit to the precinct in identifying this bridge in the DCP.

The addition of BD16 in the exhibited Toolern DCP, results in an additional \$13,833,445 in costs to the already significantly higher costs for transport-related projects within the DCP. Further, this project alone contributes an additional \$17,403 per NDHa within Charge Area 2. Based on a combined site



area of 11.546 hectares, this one project results in a maximum of \$200,935.04 in additional contributions payable to the site – noting that not the entire site area will be NDHa.

We submit that BD16 is a State infrastructure project and as such would be more suitably funded through the Growth Areas Infrastructure Contribution (GAIC) collected from the precinct, rather than through the DCP. Further, any land required for the construction could be acquired under a future Public Acquisition Overlay (PAO) applied to the site at such time that this is needed. As such, we request that this project is deleted from the DCP prior to its approval.

When considered in conjunction with multiple other new projects and increased costs, the increase in levy amount across the precinct is substantial. The increase in levy amount will be passed on to future homeowners as increased land costs. At a time when Victoria is facing an affordability and housing supply crisis, both Council and State Government need to be doing more to minimise the cost of developing land to facilitate increased supply in the short term. The utilisation of GAIC for the delivery of State infrastructure, such as the proposed rail overpass, rather than passing these costs onto developers and future homeowners, should be thoroughly investigated.

Land Uses - Current

Whilst we acknowledge that the primary purpose of the Amendment is to implement the review of the Toolern DCP, we note that there have been some changes to land use allocation within the Toolern PSP which has then been reflected in the revised DCP and land use budget.

In relation to our client’s land, we refer to the document that supported the exhibited material titled: *Marked up changes to FUS February 2024 background document.*

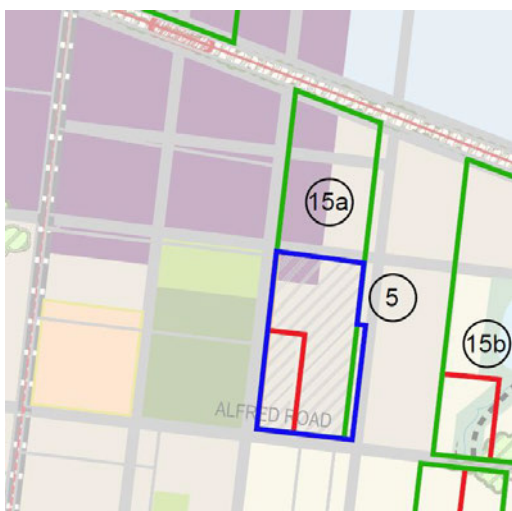
This document includes the below image and the following note:

*Changes to Community and Recreation Projects*

*5. Delete non-government school from properties 33 and 34 - replaced with active open space.*

*Expand non-government school on property 35 north to Bridge Road*

*15. The following properties have been consolidated: Properties 35A and 35B into a single property – Property 35*



**FIGURE 4 - EXHIBITION DOCUMENT “MARKED UP CHANGES TO FUS FEBRUARY 2024 BACKGROUND DOCUMENT” (EXCERPT)**



**FIGURE 3 PSP (2019) PLAN 8 'LAND USE BUDGET' (EXCERPT)**

The client supports these changes as it more accurately reflects the current land use and development of the land.

However, there are further consequences to the proposed changes outlined above, including the reduction in the 'Major Activity Centre' land on Property 35, which is now occupied by the St Francis Catholic College.

To respond to this reduction in MAC land, it would be appropriate to consider the balance of 108 Alfred Road, north of Bridge Road (Property 35), as part of the Major Activity Centre.

#### Property Specific Land Use Budget

Table 2 of the DCP outlines that property specific land use budget for all sites within the precinct. The property specific land use budget for Property 31 does not reflect the current land use directions outlined in the Cobblebank Metropolitan Activity Centre UDF.

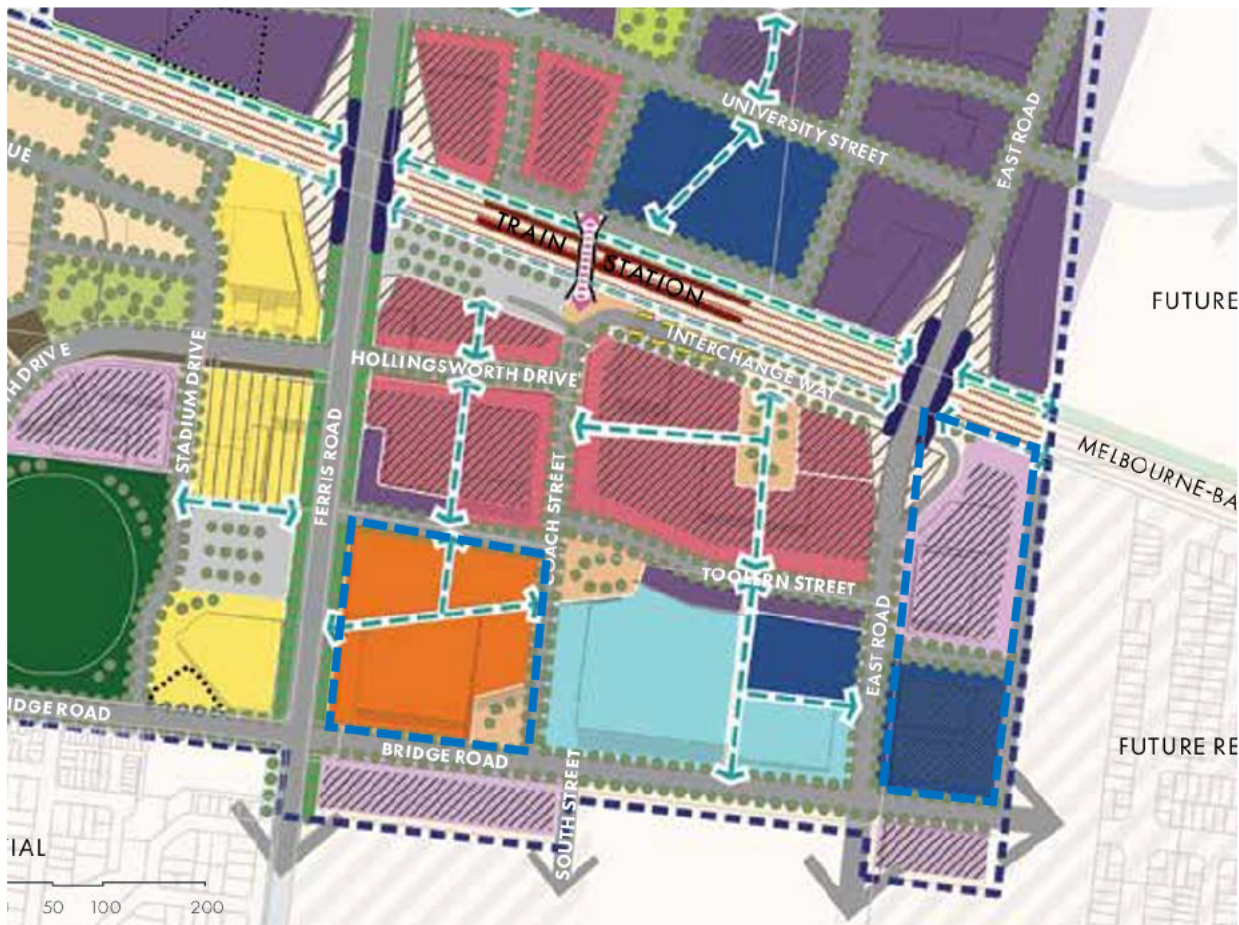
Specifically, the land use budget does not include any designation of 'justice' uses on Property 31, but does on Property 123. Further, the land area specified on Property 123 is 2ha, however the Cobblebank MAC UDF appears to require an area closer to 4ha.

We request that this be reviewed and confirmation is sought as to whether the State Government remain committed to acquiring the land for justice purposes, and if so, the time associated with the acquisition and confirmation of the exact land area they require (see below for further discussion on land area).

#### Land Uses - Proposed

As part of reviewing the land uses to reflect the current 'state of play', we request that the land use designations shown in the Cobblebank MAC UDF for the two sites be reconsidered now to ensure all of council's strategic documents appropriately align and State Government acquisitions confirmed.

The Toolern PSP and accompanying Urban Growth Zone - Schedule 3 (**UGZ3**) require the preparation of an Urban Design Framework (**UDF**) for land within the CMAC. The amended Cobblebank UDF was prepared in 2017, and adopted by Council on 9 December 2019, replacing the previous 2012 UDF. The UDF identifies 'justice facilities' on 245 Ferris Road, whilst 108 Alfred Road is partially within the UDF boundary and is shown as the location for 'tertiary education' and 'retail/commercial/office', with the balance outside the UDF being medium density residential. An extract of Plan 6 – CMAC Framework Plan of the UDF is shown below.



**FIGURE 5: EXTRACT OF PLAN 6 - CMAC FRAMEWORK PLAN (COBBLEBANK UDF 2019)**

Currently, the entirety of 245 Ferris Road is shown as ‘justice facilities’. With an area of 4.057 hectares, we consider that this site is large enough to accommodate the justice facilities as well as other complementary mixed uses. Other examples of integrated justice and services facilities are smaller than what is provided for in the UDF, including Sunshine (1.5ha) and Frankston (1.2ha). As such, we believe the UDF should be clearer on the opportunity for mixed uses (including higher density residential) to be located on this site.

Part of 108 Alfred Road, north of Bridge Road, is shown as being the location for ‘tertiary education’, within the CMAC boundary. Currently there has been no interest shown for the acquisition of this part of the site from tertiary education providers. As such, we request that the PSP and UDF offer greater flexibility for alternative land uses in this location if the land is not required for tertiary education.

The UDF contains a requirement for a review to occur every five years, to ensure that the information provided within it is up to date and still relevant. Based on its approval in 2019, noting that preparation commenced in 2017, we would anticipate that a review to the UDF be commenced this year. Given that there are likely to be several deviations to the Framework Plan as it is currently shown in the approved UDF, we request that this review be commenced as soon as possible.

We consider that there is a clear opportunity to at least start this review process prior to the approval of this Amendment. This would allow any implications to the land use budget of properties as a result of the UDF review to be appropriately captured in the Amendment without the need for further

revision of the PSP and DCP. As such, we request that the upcoming review of the UDF be brought forward and undertaken as soon as possible.

### Requested Changes

The following is a summary of the requested changes throughout this submission:

- The levy rates in the DCP and DCPO3 be amended to reflect the indexed rate at the time of approval (i.e. 2024/2025).
- Confirmation that BD16 includes only the cost of the construction of the overpass, and not any land associated with it.
- Deletion of BD16 from the PSP and DCP.
- Update Table 2 – Property Specific Land Use Budget to accurately reflect the proposed land uses on Property 31 and 35.
- Amend the PSP and DCP to include the land north of Bridge Road on Property 35 within the Metropolitan Activity Centre.
- Amend the Toolern PSP and Cobblebank UDF to offer greater flexibility for alternative land uses to be considered if there is no demonstrated demand for 'tertiary education' or other identified uses.
- Request that the Cobblebank MAC UDF 5-yearly review commences, prior to the approval of the Amendment.

Given the significant increase in the per hectare levy, our client reserves its right to lodge a further submission after evaluating the details of the increased individual project costs.

We trust the above information is sufficient for the Council's review of the submission. Once Council has had a chance to review, we welcome the opportunity to discuss our submission with Council and continuing to be involved in discussions to resolve the matters raised.

Please do not hesitate to contact me on [REDACTED] or [REDACTED] if you have any queries.

Yours sincerely

[REDACTED]  
**Managing Director**  
**Insight Planning Consultants**