

**BPD Ref: 9445**  
16 May 2024



Manager City Strategy  
Melton City Council  
PO Box 21  
MELTON VIC 3337  
citysupport@melton.vic.gov.au

Dear Sir / Madam,

**Re: Melton Planning Scheme Amendment C232  
Landowner submission  
136-146 & 148-200 Abey Road, Cobblebank**

We act for the owner of the above land, *Ecnam Properties Pty Ltd*, in preparing this submission on their behalf in response to public exhibition of Melton Planning Scheme Amendment C232 proposing to implement the findings of the Toolern Development Contributions Plan Review and Precinct Structure Plan Refresh, February 2024 along with associated amendments to related provisions of the Melton Planning Scheme. The subject land is identified as parcels numbered 86 and 87 within the Toolern PSP/DCP and are shown below. The land is subject to a live application for planning permit, No: 5/2021/7706/1 proposing subdivision in accordance with the PSP. Upon review of the exhibited Planning Scheme Amendment the following submissions are made.

### Submission 1

The PSP property specific land budget shows the subject land supporting an allocation of waterway/drainage land totalling 7.26ha. The amended PSP shows this land use increasing to 8.65ha. The increase of waterway/drainage land appears to be a result of an increase in the size of the wetland and drainage reserve identified as Drainage Asset 01. A comparison between the current and proposed amended urban structure for the land is shown below with the enlarged drainage reserve positioned along the Kororoit Creek.

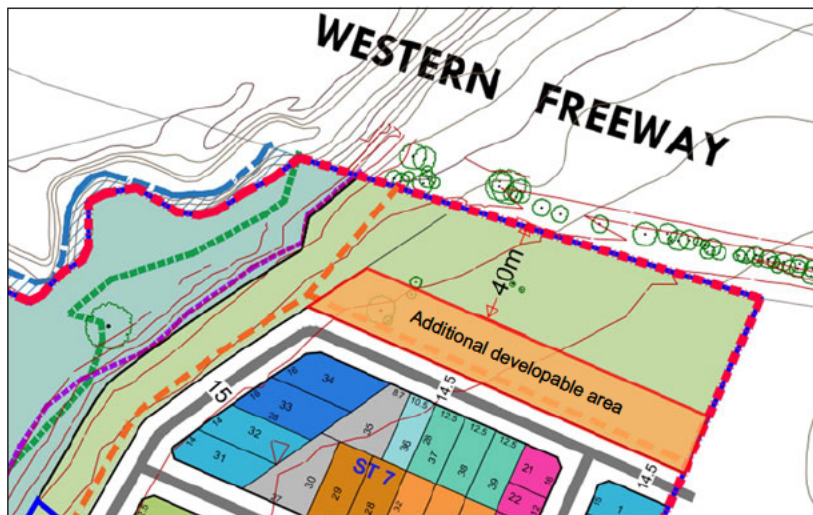


Current



Proposed

The enlarged drainage reserve results in a reduction of net developable area of 1.39ha representing a significant reduction. Our review of the implications of the upsizing of the drainage reserve on the current application for the land shows comprehensive redesign would be required to accommodate the enlarged drainage reserve. To offset some level of loss of developable area and the increased project construction costs from this possible change we request that the area of passive open space for property 86 be reduced by 0.35ha. The proposed reduction to passive open space concerns the area located north of the site adjoining the Western Highway. This open space requires the setting back of development approximately 60 metres from the Western Highway. The proposed reduction would result in an average setback of approximately 40 metres. The below marked up extract of the current plan being considered under the permit application shows the proposed reduction of this open space and additional developable area in orange in response to the proposed 1.39ha loss. The proposal would allow for developable land being setback a suitable distance and maintaining an open space link to the Toolern Creek supporting plantings and a shared path. We consider the proposal to maintain an acceptable planning response and reasonable outcome for the development opportunities of this land.



## Submission 2

The amended property specific land use table as it applies to property 87 shows the retention of 0.64ha of passive open space. The above amended urban structure shows that due to the increase in size of the drainage reserve there will be a reduction in the area of passive open space on this land as the enlarged drainage reserve is positioned where passive open space is currently shown. The below extract of the current PSP identifies the area of passive open space which is proposed to be replaced by encumbered drainage reserve open space. Consequently, the property specific land budget for property 87 should be updated to correct this 'double-up' to reduce the area of passive open space for this land so there is no expectation this is to be provided.

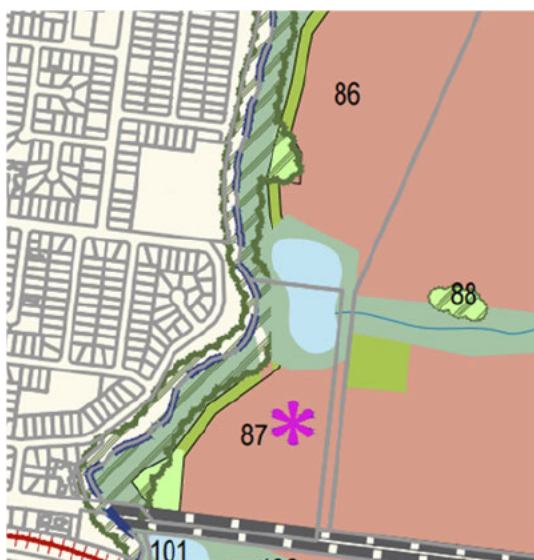


### Submission 3

In similar fashion to the above, it is requested that Council review whether there is any reduction in passive open space provision for property 86 on account of the enlarged drainage reserve. There appears to be a minor discrepancy in the passive open space shown immediately north of the drainage reserve for this land.

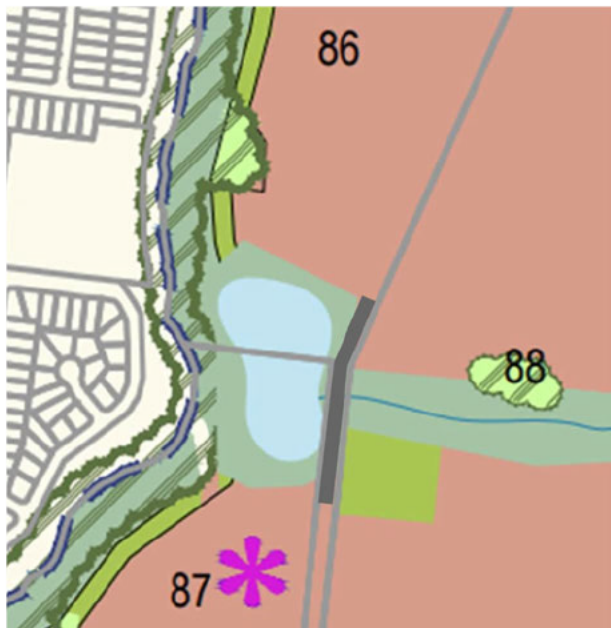
### Submission 4

The exhibited amended PSP shows the enlarged drainage reserve extending from the Toolern Creek to the site's east boundary as shown below.



The amended PSP indicates there will not be any access from property 87 to property 86. The current application for the land supports a local street aligned along the east boundary providing connection

between the parcels along the east side of the drainage reserve. The exhibited amended PSP suggests that access to property 86 will need to be from the adjoining property 88 which would affectively landlock property 86 until the adjoining land is developed which may be well off into the future. It is critical that road access and a link between properties 86 and 87 is maintained consistent with proposal being considered by Council under the permit application. It is requested that the amended PSP show a road connection between properties 86 and 87 as indicated below.

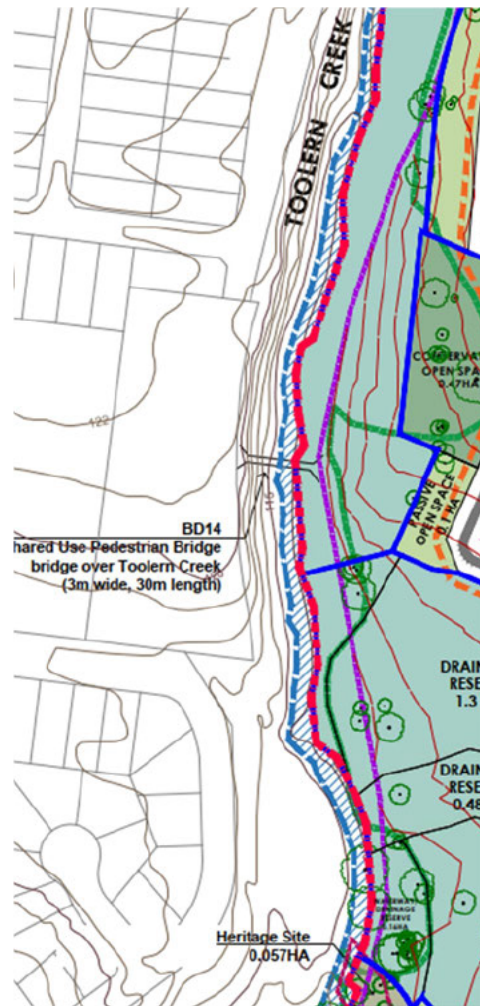


#### Submission 5

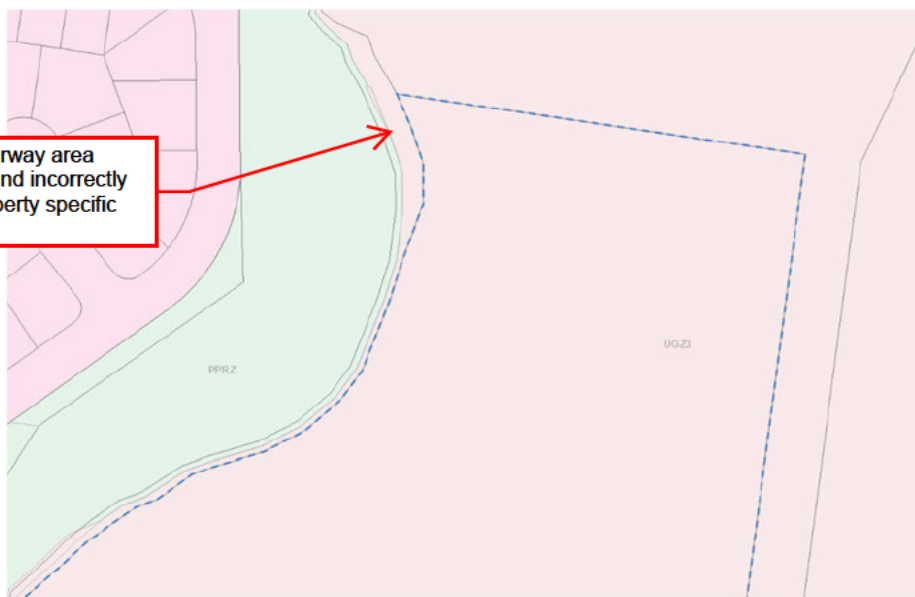
The amended Property specific land use table as it applies to property 87 shows an amendment from the current table whereby the current table shows 0.55ha of land required for the purpose of arterial road widening associated with upgrades to Abey Road. This land was previously acquired by VicRoads to support the upgrading of Abey Road and the Toolern Creek bridge. This land required for arterial road widening should be maintained within the property specific land budget. As a result, the amended land budget incorrectly calculates the net developable area for this parcel as it does not deduct this portion as encumbered land. From review of the property title we also understand the total area for this parcel is incorrect. We understand that the correct area of property 87 is 10.18ha rather than 10.36ha. Further discussion on this is provided below.

#### Submission 6

The PSP boundary along the Toolern Creek does not accord with the property boundary. There is considerable variation between the correct title boundary and the PSP boundary. This is shown below in the proposed development plan for the site with the red line showing the correct title boundary and the blue line showing the PSP boundary. Additionally, the below zone map shows the UGZ extending beyond the property boundary into the Toolern Creek.



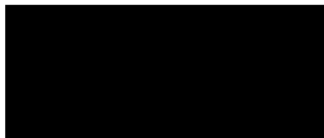
Example of waterway area  
external of the land incorrectly  
attributed to property specific  
land budget



We understand this boundary error has resulted in the size of the subject land stated in the PSP being incorrect and larger than their correct areas. It appears the land size as stated in the PSP/DCP is based on the application of the UGZ rather than the property title. This error results in an enlarged area of waterway/drainage line land under the property specific land budget being allocated to the land where, in fact, some of this land use is positioned external of the title boundary as illustrated in the previous images. The requirement to provide the increased waterway land within the subject land further reduces net developable area of each parcel. We request that the PSP and DCP be amended to show the correct area of each property and adjust the property specific land budget accordingly.

Please contact the below for further discussion.

Kind regards,



Town Planning Manager