

Melton Planning Scheme

Amendment C243melt

Explanatory Report

Overview

The amendment facilitates the relocation of the Riding for Disabled Association of Victoria (RDAV) horse-riding school to an alternative site within the *Rockbank North Precinct Structure Plan* (PSP) area.

The horse-riding school has operated within the PSP area at Aintree (the 'existing site') since 2013. The land is identified in the PSP as a future residential area and a site specific provision allows the use of the land for a horse-riding school on a temporary basis.

The proposed new site is in Bonnie Brook, on land identified in the PSP as a future active open space and small residential area. To allow for the ongoing operation of the horse-riding school at the new site, for an interim period prior to its development as envisaged by the PSP, it is proposed to introduce a new site specific provision.

To cease the use of the horse-riding school at the existing site in Aintree, the existing site specific provision will be amended with an earlier expiry date to correspond with the relocation to the new site in Bonnie Brook.

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>

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

Melton City Council
Civic Centre
232 High Street
MELTON VIC 3337

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person may make a submission about the amendment to the planning authority. Submissions about the amendment must be received by Monday 12 August 2024.

A submission must be sent to:

Manager City Strategy, Melton City Council

By post: PO Box 21, Melton VIC 3337

In person: 232 High Street, Melton VIC 3337

By email: citysupport@melton.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: week commencing 11 November 2024
- Panel hearing: week commencing 9 December 2024

Details of the amendment

Who is the planning authority?

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

The amendment has been made at the request of Urbis Pty Ltd on behalf of Leakes Road Rockbank Pty Ltd (Woodlea).

Land affected by the amendment

The amendment applies to land at two sites in the *Rockbank North Precinct Structure Plan* area, the 'existing site' and the 'proposed new site' as follows:

Existing site (Aintree)

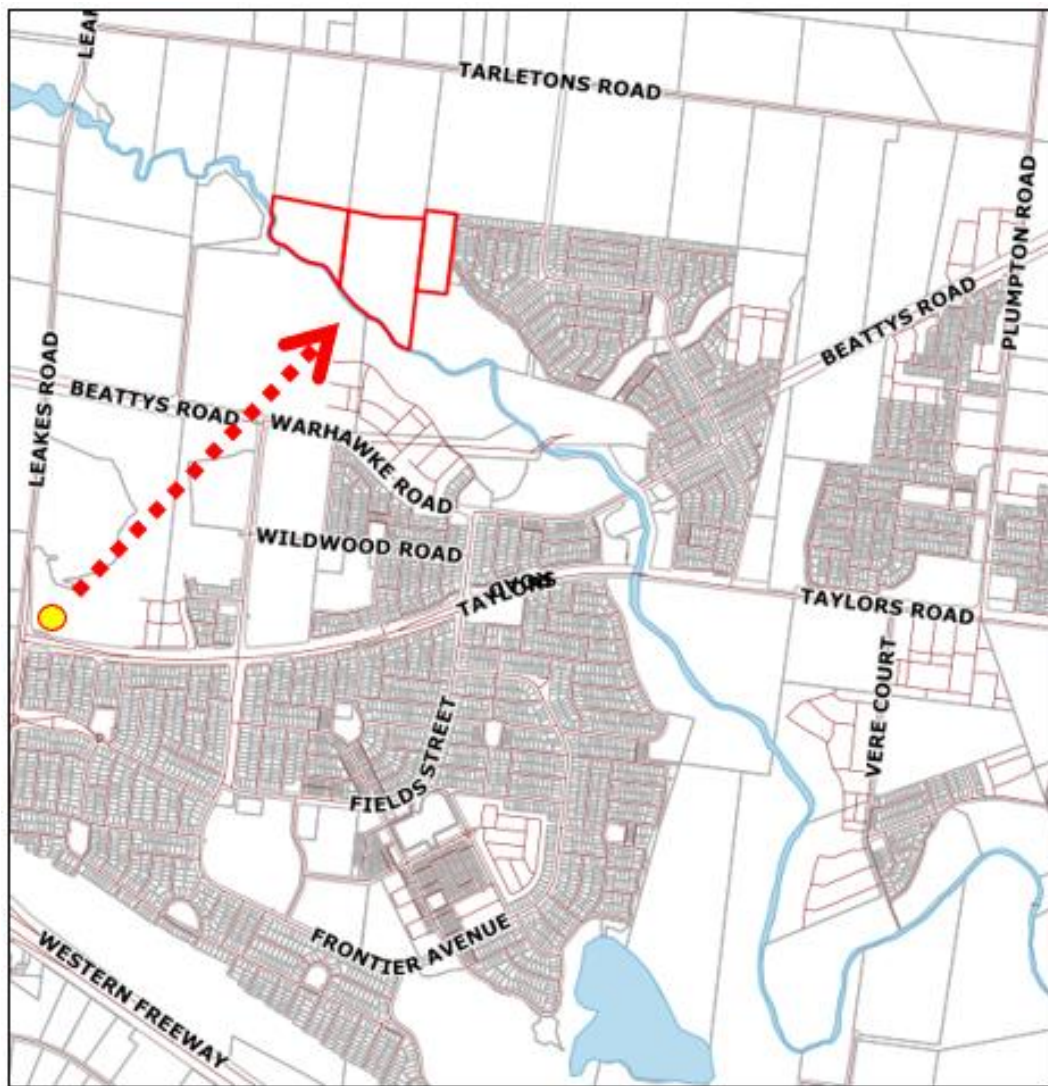
- Lot A on Plan Number PS828137 at Taylors Road, Aintree 3336 (Standard Parcel Identifier: A\PS828137)

Proposed new site (Bonnie Brook)

The adjoining parcels of land at:

- 41 Newfoundland Circuit, Bonnie Brook 3335;
- Lot 6 on Plan Number TP956560 at Tarletons Road, Bonnie Brook 3335 (Standard Parcel Identifier: 6\TP956560); and
- Lot 7 on Plan Number TP956560 at Tarletons Road, Bonnie Brook 3335 (Standard Parcel Identifier: 7\TP956560)

Figure 1 – Context map illustrating the relocation of the horse-riding school



MAP LEGEND

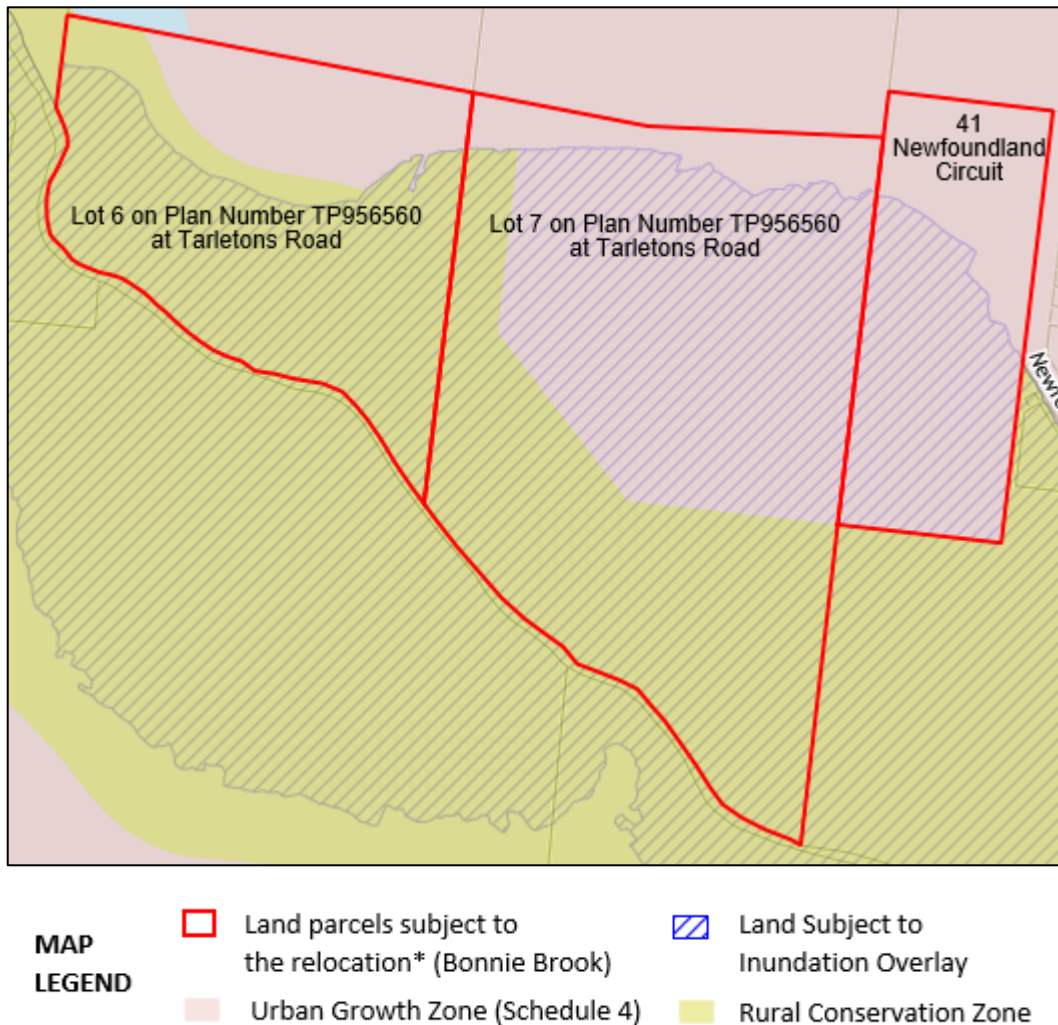
 Existing site (Aintree)	 Land parcels subject to the relocation* (Bonnie Brook)
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*Note: Proposed use does not occupy the entire area outlined in red.
See SCO8 map for extent of proposed use.

Proposed new site description (Bonnie Brook):

The three adjoining parcels above total approximately 17 hectares in area. The site is currently vacant and was previously used for farming and grazing.

Figure 2 – Map of proposed new site in Bonnie Brook



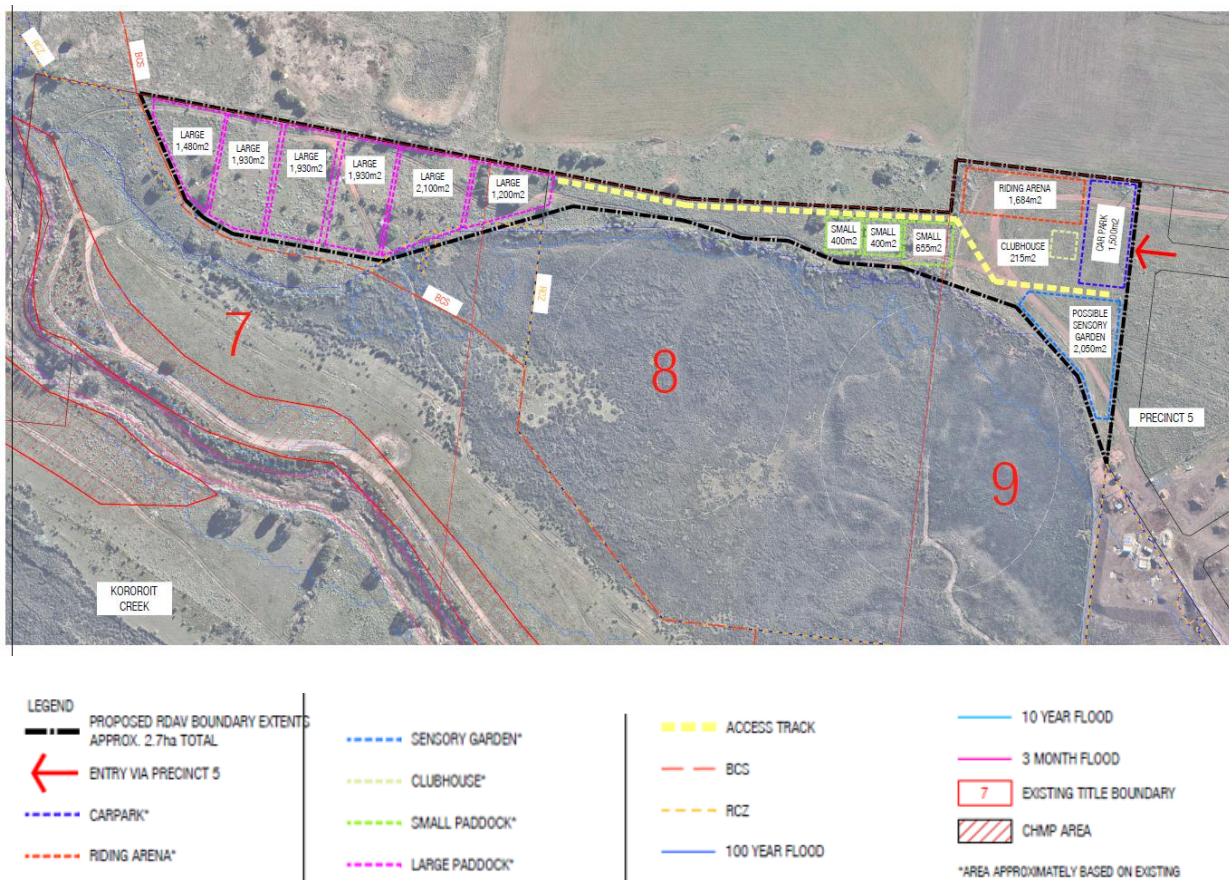
The northern boundary of the site abuts rural land identified for the future *Warrensbrook Precinct Structure Plan*. The southern and western boundary are formed by the Kororoit Creek environs, the Land Subject to Inundation Overlay (LSIO) and the Rural Conservation Zone (RCZ).

The biodiversity conservation values of the Kororoit Creek environs and RCZ were considered when planning for the proposed use and as a result, the horse-riding school has been located outside of environmentally sensitive areas. The proposed use has also been located outside the flood plain.

The proposed horse-riding school will occupy an area of approximately 3 hectares at the northern edge of the land, beyond the extent of the RCZ and LSIO. Access to the site is to be provided via 41 Newfoundland Circuit. See Figure 3 – Proposed Indicative Site Layout.

The proposed horse-riding school will be located on land identified in the *Rockbank North PSP* as future active open space and a residential area, both outside of the conservation area.

Figure 3 – Proposed Indicative Site Layout (MDG Landscape Architects, 2023)



What the amendment does

The amendment facilitates the relocation of a horse-riding school to an alternative site within the *Rockbank North PSP* area. A new site specific provision will be applied to the proposed site to allow the use until the active open space envisaged in the *Rockbank North PSP* is delivered. To correspond with the relocation, the site specific provision at the existing site will be revised to expire at an earlier date.

Specifically, the amendment makes the following changes:

- Amend the site specific provision for the existing site in Aintree by:
 - Updating the existing incorporated document.
 - Amending the Schedule to Clause 51.01 to list the updated incorporated document.
 - Amending the Schedule to Clause 72.04 to list the updated incorporated document.
- Introduce a new site specific provision for the new site in Bonnie Brook by:
 - Applying the Specific Controls Overlay (SCO) to the land.
 - Amending the Schedule to Clause 45.12 to list the new specific control and associated incorporated document.
 - Amending the Schedule to Clause 72.04 to list the new incorporated document.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to enable the ongoing operation of the RDAV horse-riding school within the *Rockbank North PSP* area.

The land at the existing site (Aintree) is being prepared for residential development as identified in the PSP. The RDAV horse-riding school was established at the existing site through a site specific provision introduced in 2013, which currently allows for its operation until 2043. It is proposed to be amended to expire in 2026 to enable the planned residential development. Amending the provision to expire in 2026 will ensure that the land is available to accommodate urban growth as designated in the PSP.

The land at the proposed new site (Bonnie Brook) is a location within the PSP area that is not anticipated to be developed until the final stages of the broader precinct. As such, the land at the proposed new site is considered an appropriate location for the horse-riding school to relocate to on an interim basis.

The use of land for a horse-riding school is prohibited under the Urban Growth Zone provisions as the land is designated to be developed land for urban uses in accordance with the PSP. To allow the interim use of a horse-riding school at the proposed site (Bonnie Brook), a new site specific provision is proposed.

As it is an interim use, the long term vision of the *Rockbank North PSP* will not be undermined and the development of the site for future Active Open Space and residential purposes identified in the PSP will not be prejudiced. The proposed 2034 expiry date for the provision accommodates the anticipated timeframes for delivery of the future active open space and residential area.

Notwithstanding the relevant provisions of the Urban Growth Zone, the proposed interim use is considered appropriate given that it is a low impact community use and consistent with the existing agricultural/grazing use of the land. The amendment will enable a needed community facility to continue operating whilst making use of land that would otherwise remain vacant for the medium to long term.

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

The amendment implements the objectives of planning in Victoria as outlined in section 4(1) of the *Planning and Environment Act 1987* as follows:

a) Provide for the fair, orderly, economic and sustainable use, and development of land;

The amendment will result in the fair, orderly, economic and sustainable use of land by facilitating the interim use of land which addresses the needs of the Melton

community, whilst the land is in the process of transition from farming uses to residential uses.

c) Secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

The amendment will provide for a horse-riding school operated by Riding for the Disabled Association Victoria, a not-for-profit organisation that enables individuals with a variety of disabilities, ages and backgrounds to develop a range of skills through horse-riding.

f) Facilitate development in accordance with the objectives;

The amendment achieves this objective by introducing appropriate planning provisions to enable an interim use of the land consistent with state, regional and local planning policy.

g) Balance the present and future interests of all Victorians.

The proposed amendment has been drafted to ensure development of the site occurs in a logical manner, consistent with the objectives set out in paragraphs (a) and (c).

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

The amendment will result in a net community benefit by allowing an established community use to continue operations at a proposed new site, enabling residential development to proceed at the existing site as stipulated in the *Rockbank North PSP*.

The amendment provides for the fair and orderly use of the land by allowing an interim community based use that is compatible with the existing land use at the proposed new site, maximising the use of a site that would otherwise be vacant. The proposed interim use will not prejudice or undermine the long term development capacity of the site.

Environmental effects

The amendment will not have any adverse environmental effects, given the overall low intensity use proposed. Whilst the particular area of land the proposed use will occupy is adjacent to the existing waterway conservation corridor, there will be stock fencing enclosing the facility to prevent any environmental impacts from horse grazing. No native vegetation is proposed to be removed from the site as a result of the proposed use.

Social effects

The amendment will have a positive social impact, with a not-for-profit community use able to continue operating in the area on the proposed new site. The low intensity use, together with the site's locational context will ensure that there will be

minimal off-site amenity impacts.

Economic effects

The amendment will not have any adverse economic effects. Given the timeframes associated with the development of the wider precinct, it is appropriate that an interim use can be accommodated on the land that enables a more productive use of otherwise vacant land. The relocation of the use will also enable residential development to occur at the existing site in accordance with the *Rockbank North PSP*.

Does the amendment address relevant bushfire risk?

The affected land is identified as within a Bushfire Prone Area, however it is considered that the proposal will not result in any increased risk to life, property or the environment.

The particular area on the subject site that is to be occupied by the proposed use has been largely cleared of vegetation, having previously been used for farming. There will be a minimal change to the existing conditions as minimal built form is proposed and the use is considered to be a low impact activity.

The Country Fire Authority (CFA) will be notified during exhibition and given the opportunity to express their views.

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

The amendment has been prepared in accordance with the requirements of the *Ministerial Direction - The Form and Content of Planning Schemes* under section 7(5) of the *Planning and Environment Act 1987*.

The amendment responds to Outcome 5 of *Plan Melbourne* as the proposal supports a not-for-profit organisation to provide a community service, promoting inclusivity.

The amendment is consistent with *Ministerial Direction 11 (Strategic Assessment of Amendments)* under section 12 of the *Planning and Environment Act 1987*. The direction ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces, and this is demonstrated by this explanatory report.

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

The amendment supports the Planning Policy Framework as noted below.

Clause 11 – Settlement

The objective of Clause 11.02-3S – Sequencing of Development is to manage the sequence of development in growth areas so that services are available from early in

the life of new communities. The proposed use and development of the land is highly consistent with the sequencing strategy for the project, in providing an interim use on land that is not expected to be ready for development for some time.

Clause 19.02 – Community Infrastructure

The objective of Clause 19.02.4S – Social and cultural infrastructure is to provide fairer distribution an access to social infrastructure by providing land for a range of accessible community resources. The provision of a community based use on the site supports this objective, by establishing a not-for profit use on land that can accommodate the use.

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

The amendment supports the following strategic directions of the Municipal Planning Strategy:

Clause 02.03-1 - Settlement

Planning for non-urban land seeks to:

- Protect the natural and cultural values of non-urban land.
- Support sustainable agricultural activities.

Planning for growth areas seeks to:

- Ensure PSP areas are not compromised by land fragmentation or land use and development.

The proposed use will not result in land fragmentation as no additional land parcels or lots will be created. The proposed interim use is considered appropriate whilst the land is in the process of transition from former farming uses to urban uses. The interim nature of the provision will not prejudice the development of the land as envisaged by the PSP.

Clause 02.03-2 - Environmental and landscape values

Planning for biodiversity seeks to:

- Protect and enhance biodiversity values while managing the impacts from growth and development.

Planning for landscapes seeks to:

- Design and site development to provide a sensitive interface with waterways and landscape and conservation areas.

Environmental sensitivity around the Kororoit Creek was taken into consideration when determining the location of the proposed use. The particular area the proposed use will occupy is identified in the PSP as future active open space and small residential area, not part of the conservation area. Overall, the proposed use is

considered a low impact activity and there will be minimal built form.

Clause 02.03-9 - Infrastructure

Planning for infrastructure seeks to:

- Enhance educational and recreational opportunities through the provision of community infrastructure, including new schools and youth services.
- Provide community facilities, infrastructure and services in an equitable and timely way.
- Discourage out of sequence development within growth areas.

The amendment allows for a needed community use on land that would otherwise be vacant. The interim nature of the provision will allow for future community facilities to be delivered as envisaged in the PSP.

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

The amendment makes proper use of the Victoria Planning Provisions by utilising site specific provisions.

The existing site specific provision that applies to the existing site in Aintree was introduced in 2013. It provides for the establishment and operation of the RDAV horse-riding school as an interim use on the site until 2043. To correspond with the proposed relocation of the facility to a proposed new site, the expiry date is proposed to be amended to 2026. This allows sufficient time for the establishment of the horse-riding school at the proposed new site, and to prepare the Aintree site for the next stage of residential development as envisaged in the *Rockbank North PSP*.

The proposed amendment applies the Specific Controls Overlay (SCO) to the land in Bonnie Brook, which is the appropriate provision to achieve the particular land use and development outcome (RDAV horse-riding school). The SCO allows the land to be used in a manner that would otherwise be prohibited under the provisions of the Urban Growth Zone which apply to the land. This proposed site specific provision is an interim control set to expire in 2034, allowing for the land to be developed as is envisaged by the *Rockbank North PSP*.

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

The amendment seeks to facilitate use and development on land adjacent to an important area of biodiversity, which is protected under the Melbourne Strategic Assessments (MSA) Program (within the Department of Energy Environment and Climate Action). The proposed site specific provision requires that the appropriate consents are obtained prior to the development of the land, pursuant to the *Conservation, Forests and Lands Act 1987*.

As such, the views of the MSA Program team will be sought during exhibition of the amendment. The views of Melbourne Water will also be sought during exhibition as they are the responsible authority for the Kororoit Creek and the relevant floodplain management authority.

Views from additional agencies will be sought during exhibition as appropriate.

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

The amendment is unlikely to have a significant impact on the transport system. The horse-riding school is an existing use and has operated for a considerable time. Its relocation will unlikely result in increased traffic or increased demand for transport services and infrastructure as there will be a similar number of patrons to the existing operations.

Resource and administrative costs

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

The amendment will not have any significant impact on the resource and administrative costs of the responsible authority. There will not be an increase in the number of planning permit applications as the new planning provisions seek a site specific exemption from the requirements of the planning scheme. Upon gazettal of the amendment, there will be limited resources required from the Responsible Authority.