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URBIS

PLANNING SCHEME AMENDMENT

RDAV Melton and District
Riding for the Disabled Facility

Prepared for

LEAKES ROAD ROCKBANK PTY LTD (WOODLEA)

21 December 2023 (updated 2 July 2024)

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Appendix A Relocation Master Plan

1. INTRODUCTION

This planning report has been prepared in support of a Planning Scheme Amendment for 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).

These parcels are required to exclusively facilitate an interim horse riding school use on the land, in parallel with the development of the wider site for urban growth purposes under the Rockbank North Precinct Structure Plan.

The horse riding school will be operated by Riding for the Disabled Association Victoria (RDAV), 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.

The horse riding use is compatible with the existing farming use of the land, and is a low impact community use. The proposed interim use will not prejudice the opportunity for future use and development of the site for Active Open Space or residential purposes, nor undermine the long term vision of the Rockbank North PSP.

The proposal is considered to bring wide-ranging benefits to the local community, and will enable the land to be productively used for a needed community purpose while the broader site development takes place.

2. BACKGROUND

2.1. THE LAND

The subject site is located within Bonnie Brook, within the Rockbank North Precinct Structure Plan area. The overall subject site consists of approximately 3 hectares of land, which is proposed to be developed with standard residential dwellings, Active Open Space (two football fields), a waterway and a conservation waterway (Growling Grass Frog).

More specifically, the overall site:

- Is made up of three (3) parcels of varying sizes.
- Has a southern and western boundary formed by Kororoit Creek and the Rural Conservation Zone, an eastern boundary adjoining future residential land currently being subdivided for standard density dwellings, and a northern boundary adjoining and within an Urban Growth Zone and identified as the future Warrensbrook Precinct Structure Plan
- Is moderately sloping, and has previously been used for farming and grazing.

The land proposed for development of the riding school is situated north and west of the future Active Open Space land north of Kororoit Creek.

2.2. SURROUNDING LAND

The land surrounding the site has been used for farming/grazing and conservation purposes in the past, but is now identified for urban growth within the Rockbank North Precinct Structure Plan and future Warrensbrook Precinct Structure Plan.

The Rockbank North PSP has identified surrounding land uses for a future Active Open Space reserve which will accommodate two football ovals, a conservation waterway for Growling Grass Frog and standard density residential.

It is important to note that the Warrensbrook PSP has not been prepared for land to the north of the subject site.

2.3. EXISTING PLANNING SCHEME PROVISIONS

2.3.1. Definitions

The use of the land as a horse-riding school is identified within Clause 73.03 of the Melton Planning Scheme and is included in horse husbandry which is defined as “land used to keep, breed, board or train horses”, and included in Animal Husbandry.

Animal Husbandry is defined as ‘land used to keep, breed, board, or train animals...’, which is further nested within ‘Agriculture’.

2.3.2. Zoning

The site is located within an Urban Growth Zone (UGZ) Schedule 4, pursuant to Clause 37.07. This zone applies to land within the Rockbank North Precinct Structure Plan (PSP). Part of the site is zoned Rural Conservation Zone, pursuant to Clause 35.06.

Pursuant to Part 2.2 of Schedule 4 of Clause 37.07, applied zone provisions of General Residential Zone (Clause 32.08) apply to the site. The use of the land for ‘horse husbandry’ is prohibited within the General Residential Zone. While a permit is required for agriculture (which includes horse husbandry) within the Rural Conservation Zone.

2.3.3. Overlays

The following overlays affect the site, either wholly or in part:

Development Contributions Plan Overlay

The site is covered by a Development Contributions Plan Overlay (DCPO) Schedule 4. This applies to land covered by the Rockbank North Development Contributions Plan. Pursuant to Clause 45.06-1, a permit granted must be in accordance with the relevant Development Contributions Plan

Incorporated Plan Overlay

Part of the land is covered by an Incorporated Plan Overlay (IPO) Schedule 2. The purpose of the Incorporated Plan Overlay in this instance is to give effect to the requirements of the Rockbank North PSP, and in particular the conservation and environmentally sensitive areas. Pursuant to Clause 43.03-1, a permit granted must be generally in accordance with the approved incorporated plan.

Land Subject to Inundation Overlay

Part of the site is covered by a Land Subject to Inundation Overlay (LSIO) Schedule 2. Pursuant to Clause 44.04-1, a permit is required to construct a building or to construct or carry out works.

2.3.4. Particular Provisions

Clause 51.01 – Specific Sites and Exclusions

The purpose of this Clause is:

- To recognise specific controls designed to achieve a particular land use and development outcome existing on the approval date.
- To provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome.

Land identified in the schedule to this clause may be used or developed in accordance with the specific controls contained in the incorporated document corresponding to that land. This provision applies to the location of the existing Riding for the Disabled (Aintree) facility and is proposed to be amended as part of this planning scheme amendment.

3. PROPOSED AMENDMENT

3.1. PLANNING SCHEME AMENDMENT

It is proposed to amend the Melton Planning Scheme to facilitate an interim horse riding school on 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).

This is to be done by:

- Incorporated Document, entitled “RDAV Melton and District Riding for the Disabled Facility Incorporated Document, July 2024” to be incorporated at Clause 72.04.
- Amended Incorporated Document, entitled “RDAV Rockbank Facility Incorporated Document, July 2013 (amended July 2024)” to be updated at Clause 51.01 and Clause 72.04.

3.2. PROPOSED USE AND DEVELOPMENT

It is proposed to use the land for a horse riding school, on an interim basis until the land is required for development of the future Active Open Space, waterway and residential development. Having regard to the staging of development proposed for the PSP, the land on which the riding school is to be established is not expected to be required for development until the final stages of the project and such point in time where development occurs in the Warrensbrook precinct to the north.

Accordingly, as discussed with Council, an expiration date of 30 June 2034 is proposed to be specified in the Incorporated Document. In the event that the land is required to be developed at an earlier timeframe, the project developer will work with Council and RDAV to transition the use to its next location.

It is recognised that the proposed 10 year expiry date is a long timeframe for an ‘interim’ use, however in this circumstance it is considered entirely appropriate given the sheer scale and long term nature of the project. It is not considered that there is any risk to the achievement of the PSP in allowing a 10 year timeframe, on the basis that the PSP identifies the site to be used for Active Open Space and residential development and any other uses outside of this would not be in accordance with the PSP. The project developer has confirmed that the residential use of the land will be activated once the supply of other vacant residential land in the estate has been exhausted, while the Active Open Space use will be activated once Council is ready to deliver this facility.

The riding school will be operated by Riding for the Disabled Association Victoria (RDAV), which is a not-for-profit organisation enabling individuals with a variety of disabilities, ages and backgrounds to develop a range of skills through horse-riding.

Similar to the existing facility, the following works will be required:

- An area provisioned for office, with ancillary kitchen and toilets.
- A yard area.
- Outbuildings, storage and horse sheds.
- Riding paddock and an enclosed child proof area.
- Car parking area with 29 car parking spaces, inclusive of two spaces for disabled persons.
- Associated landscaping.

The proposed site layout is included in the enclosed plans, prepared by MDG. The proposed use will occupy an area of approximately 3 hectare of land, which will be accessed from a local access street within Precinct 5 of the Woodlea Estate, and situated generally to the north of the future Active Open Space north of Kororoit Creek.

The surrounding paddocks may be used for riding trails associated with the horse-riding school. This is an ancillary use, and would only be used by members of the riding groups during the permitted hours of operation. The use of the surrounding land for riding trails is directly related to the over-riding horse-riding school use, and would only be used in conjunction with the horse-riding school use.

3.3. PROPOSED OPERATIONS

The horse-riding school is proposed to operate six days a week, generally from 9am to 4pm, and will cater for school groups and individual riders. The school will operate over two sessions (AM and PM) to cater for different groups of riders.

There will generally be a maximum of six riders per session, with up to three volunteers per rider, and one coach in attendance. Accordingly, there could be up to 12-15 riders per day, plus volunteers, coach and spectators (parents / carers).

3.4. PROPOSED SPECIFIC CONTROLS OVERLAY

The purpose of this clause is to apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances. Pursuant to Clause 45.12-1, land affected by this overlay may be used or developed in accordance with a specific control contained in the incorporated document identified within the planning scheme.

In this instance, the specific control will allow the land to be used and developed in a manner that would otherwise be prohibited. This will allow for the temporary use of the site as a horse riding school as part of the Riding for the Disabled organisation, with conditions and requirements controlling the use and development of the site to be outlined in the incorporated document as identified within the Specific Controls Overlay.

3.5. EXISTING SITE AND TRANSITIONAL ARRANGEMENTS

As part of the amendment, it is proposed to retain the existing Incorporated Document given effect by Clause 51.01, but revise the expiry date from 30 June 2043 to 30 June 2026. The purpose for the retention of the existing Incorporated Document, is to allow the existing operations (in Aintree) to continue until such time as the new location (in Bonnie Brook) is ready for use. This is considered necessary, as there is a buildings and works component in order to make the site operational which is reliant on the outcome of the Planning Scheme Amendment.

Due to the community benefit that the ongoing presence of the Riding for the Disabled facility offers, it is considered appropriate to ensure a transition between the two facilities can be accommodated without requiring the temporary discontinuation of the use. Notwithstanding, it has been identified that it would be inappropriate for two facilities to operate in proximity to each other on an ongoing basis, therefore it is proposed to amend the expiry date associated with the existing Incorporated Document to provide certainty regarding its discontinuation.

4. PLANNING CONSIDERATIONS

The merits of the Amendment proposal have been assessed in some detail against the requirements of the Strategic Assessment Guidelines and the provisions of the Melton Planning Scheme.

4.1. STRATEGIC ASSESSMENT GUIDELINES

Why is an amendment required

The Amendment seeks to provide an interim horse riding school use on the land, prior to its development as envisaged by the Rockbank North Precinct Structure Plan. The horse riding use is compatible with the existing farming use of the land, and is a low impact community use. The proposed interim use will not prejudice the opportunity for development of the site for Active Open Space and residential purposes, nor undermine the long term vision of the Rockbank North PSP.

The subject site is nominated within the PSP as providing an area of Active Open Space (two football ovals), waterway, a conservation waterway (Growling Grass Frog) and residential land.

Given the existing zoning of the land prohibits the consideration of a horse riding school, a planning scheme amendment is required to facilitate the use. The use of Clause 45.12 – Specific Controls Overlay is considered to be the most appropriate provision to enable the proposed land use and development outcome for the site. The use of the specific control allows the land to be used and developed in a manner that would otherwise be prohibited.

Notwithstanding the provisions of the Urban Growth Zone and applied General Residential Zone, the proposed interim use is considered entirely appropriate, on the basis that it is highly compatible with the existing agricultural/grazing use of the land, and will provide a needed community facility on land that would otherwise remain vacant for the medium to long term.

The horse riding school will be 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. The ability for this community based use to be established on the site should be encouraged.

Does the Amendment implement the objectives of planning and address any environmental social and economic effects?

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. The use will not prejudice or undermine the long term development capacity of the site, and will maximise the use of an otherwise vacant site during the short-medium term stages of development over the next 10 years.

The amendment will not have any environmental effects, given the low intensity use proposed. While the site has an abuttal 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.

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

The amendment will not have any adverse economic impacts. Given the timeframes associated with the development, it is appropriate that an interim use can be accommodated on the land that enables a more productive use of otherwise vacant land.

Does the Amendment address relevant bushfire risk?

The proposed Amendment will not result in any increased risk to life, property or the environment. The site has been largely cleared of vegetation, having previously been used for farming.

Does the Amendment comply with all the relevant Minister's Directions?

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

The amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments). This report contains an evaluation and discussion of how the amendment addresses the strategic considerations outlined in the Ministerial Direction and provides a sound strategic basis and an appropriate level of justification for the amendment.

The amendment is not affected by any other Ministerial Direction.

Does the Amendment support or implement the Planning Policy Framework (PPF)?

The Amendment supports the State 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 is consistent with the Municipal Planning Strategy, given the use of the land is complementary to the existing farming / grazing use. Further, the proposed planning scheme amendment does not undermine the provisions of the Rockbank North Precinct Structure Plan, which has been prepared cognisant of the Local Planning Policy Framework and wider Council policies.

Does the Amendment Make Proper Use of the Victoria Planning Provisions?

The Amendment seeks to utilise Clause 45.12 – Specific Controls Overlay – to facilitate the development. The purpose of Clause 45.12 is to provide specific controls designed to achieve a particular land use and development outcome in a manner that would otherwise be prohibited.

The Planning Scheme, through Clause 45.12, specifically acknowledges that there are circumstances in which providing site specific planning controls is appropriate. Given the proposed interim use would be prohibited under the existing planning controls that apply to the site, it is appropriate to utilise Clause 45.12 to facilitate a use which is in all respects entirely compatible with the current and emerging uses.

How Does the Amendment Address the Views of Relevant Agencies?

The Amendment is not likely to raise any issues that require resolution by relevant agencies. The low impact activity mitigates any potential for off-site impacts, through appropriate management of the use and careful positioning of the built form.

Does the Amendment Address the Requirements of the Transport Integration Act 2010?

The Amendment is unlikely to have a significant impact on the transport system, such as roads, cycling paths or footpaths. Whilst part of the broader estate is designated as land to be developed for the Outer Metropolitan Ring Road (E6 Corridor), this land is located on the eastern boundary of the estate, away from the proposed development.

No statements of policy principles have been issued under Section 22 of the Act.

What Impact will the New Planning Provisions have on the Administrative Costs of the Responsible Authority?

The proposed amendment will not have any significant impact on the administrative costs of the Responsible Authority. There will not be any increase in the number of planning permit applications as a result, as the provisions seek to provide 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.

4.2. AMENITY IMPACTS

The proposed activity on the site is a low-impact use that will be confined to a small portion of the overall site. The proposed operations of the horse riding school will be managed in a way that does not cause any off-site impacts, through noise, light spill, traffic movements or odour.

The buildings and works associated with the use (carpark, clubhouse and riding area), have been considered and designed in such a way so as to provide maximum separation between the residential land to the east and the proposed horse riding school. Specifically, these uses will be separated by a local access road, the facilities carpark and sensory garden.

Whilst the area to the north of the site is proposed to be developed for residential uses, the development of this land is some time away, given the absence of a prepared Precinct Structure Plan for land to the north.

Furthermore, development of the Active Open Space reserve is also some time off as Council are yet to identify a timeframe for delivery of this facility. Notwithstanding the temporary use of this land will not impact the future development of this area as an Active Open Space facility for the community.

Operations

The hours of operation, being 9am to 4pm, Monday to Saturday, will ensure that there is no noise or movement at the site during the early morning or late night periods. Should any lighting be required, this will be switched off at night, to ensure that any nearby residential properties are not affected by lightspill.

During the hours of operation, the small class sizes will limit noise. There will be no use of loudspeakers or amplifiers during the classes. Whilst spectators may be on-site, these are likely to be parents, carers and / or teachers. Given the nature of the classes, the number of spectators will be limited, thereby further minimising any potential for noise.

Access and carparking

The site will be via a local access street, within Precinct 5 of the Woodlea Estate, which is a Council managed road. Vehicular access to the site will be via a proposed crossover. Considering the location of the horse riding facility in proximity to the future Active Open Space reserve it is considered that the surrounding road network will be able to accommodate the traffic generated by this use, which is likely to be significantly less than the traffic that will be generated by the Active Open Space reserve.

Furthermore, and based on the existing RDAV facility it is proposed to provide 29 car parking spaces on site, inclusive of two disabled person spaces. These spaces are to provide for the coach, volunteers and parents / carers of the riders. Based on current experience it is expected that there will be a maximum of 25 spaces utilised at any one time, with between 6 and 15 cars departing / arriving at any one time.

Volunteers will generally arrive in the morning, and remain on site for the day, minimising the number of vehicle movements through the local road network.

Emergency vehicle access to the site will be provided, to ensure that any medical assistance required can be provided in a safe and efficient manner.

5. CONCLUSION

It is submitted that the proposed Planning Scheme Amendment to incorporate the document “RDAV Melton and District Riding for the Disabled Facility” and amend the original incorporated document in the Melton Planning Scheme to allow an interim horse-riding school use on the land is appropriate, given:

- The existing context of the site, which supports a complementary use such as a horse-riding school facility.
- The ability for the interim use to establish without prejudicing the future development opportunities of the site as envisaged by the Rockbank North Precinct Structure Plan
- The use and development will not cause any off-site amenity impacts on surrounding properties.

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APPENDIX A

RELOCATION MASTERPLAN

