

# A Thriving Community Where Everyone Belongs



## Municipal Strategic Statement Rewrite Background Report

Melton City Council

30 June 2017

## Table of Contents

|  |           |
|--|-----------|
| <b>1. Executive Summary</b>  | <b>3</b>  |
| 1.1 Project Overview   | 3         |
| 1.2 Project Objectives   | 3         |
| <b>2. Introduction</b>   | <b>4</b>  |
| 2.1 Planning & Environment Act 1987 and review requirements                          | 4         |
| <b>3. State Planning Policy (SPPF)</b>   | <b>4</b>  |
| 3.2 What is contained within the SPPF?   | 4         |
| <b>4. Local Planning Policy (LPPF)</b>   | <b>6</b>  |
| 4.2 What is contained within the LPPF?   | 6         |
| <b>5. Snapshot of Melton</b>   | <b>7</b>  |
| 5.1 The City of Melton in 2016   | 7         |
| <b>6. Planning Scheme review 2012</b>  | <b>7</b>  |
| 6.1 Summary of 2012 review   | 7         |
| <b>7. What has changed since the planning scheme review 2012?</b>                    | <b>9</b>  |
| 7.1 Planning Scheme Amendments   | 9         |
| 7.2 State Government Changes   | 10        |
| 7.3 State Government Strategic Work  | 10        |
| <b>8. Local Strategic Context</b>  | <b>11</b> |
| 8.1 Melton Council Plan incorporating the Municipal Public Health and Wellbeing Plan | 11        |
| 8.2 Adopted Council Strategies   | 13        |
| Settlement   | 13        |
| Environmental and Landscape Values   | 13        |
| Built Environment and Heritage   | 13        |
| Housing  | 14        |
| Economic Development   | 14        |
| Transport  | 14        |
| Infrastructure   | 14        |

|   |           |
|---|-----------|
| 8.3 Council Plans and Documents .....   | 15        |
| <b>9. Review of Panel Reports and Victorian and Administrative Appeals Tribunal (VCAT) Decisions.....</b> | <b>15</b> |
| Panel Reports .....   | 15        |
| VCAT Decisions .....  | 16        |
| <b>10. Engagement .....</b>   | <b>16</b> |
| <b>11. Recommendations and Implementation.....</b>  | <b>17</b> |
| <b>12. Further Strategic Work Program .....</b>   | <b>20</b> |
| <b>13. Appendix.....</b>  | <b>21</b> |
| Appendix 1 – Panel Report and VCAT review.....  | 21        |

# 1. EXECUTIVE SUMMARY

## 1.1 Project Overview

The Municipal Strategic Statement (MSS) establishes the strategic planning framework for the municipality and provides planning directions. The State Planning Policy Framework (SPPF) and MSS provide the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by Council in its role as a planning authority.

The MSS also provides an opportunity for an integrated approach to planning across all areas of a Council's operations and should express links to the Council Plan.

The MSS is dynamic and enables community involvement in its ongoing review. The MSS should be continually refined as a planning authority develops and revises its strategic directions in response to the changing needs of the community.

A review of local planning schemes is a requirement of the Planning and Environment Act 1987. It is an opportunity to ensure the scheme remains contemporary, useful and in alignment with State and local policy.

The Melton Planning Scheme was last reviewed in 2012, with a policy neutral revision of the Scheme subsequently undertaken in 2013. A significant amount of the recommended further strategic work has also been completed since that time.

The purpose of the review is to enhance the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria. It will inform the continuous improvement of the planning scheme by addressing what has been achieved since the last review, where we are now and where to from here.

This project will deliver a revised and up to date MSS that provides links to key strategic documents adopted by Council and will ensure consistent and informed decision-making supported by policy within the Melton Planning Scheme.

## 1.2 Project Objectives

The Melton City Council MSS provides the policy foundation for the Melton Planning Scheme.

The project objectives are:

- To deliver a revised and up to date MSS.
- Ensure the Local Planning Policy Framework (LPPF) is consistent with, and is underpinned by the structure and themes at the State Planning Policy Framework (SPPF) level.
- To align the MSS, municipal profile and vision with the Council Plan incorporating the Municipal Public Health and Wellbeing Plan (MPHWP).
- To identify the current key issues and influences affecting the municipality.
- To provide an updated vision and strategic framework plan for the municipality.
- To identify themes that will assist land use and development planning and decision-making.

## 2. INTRODUCTION

### 2.1 Planning & Environment Act 1987 and review requirements

The Melton Planning Scheme is a legal instrument that guides all Council decisions on planning and development.

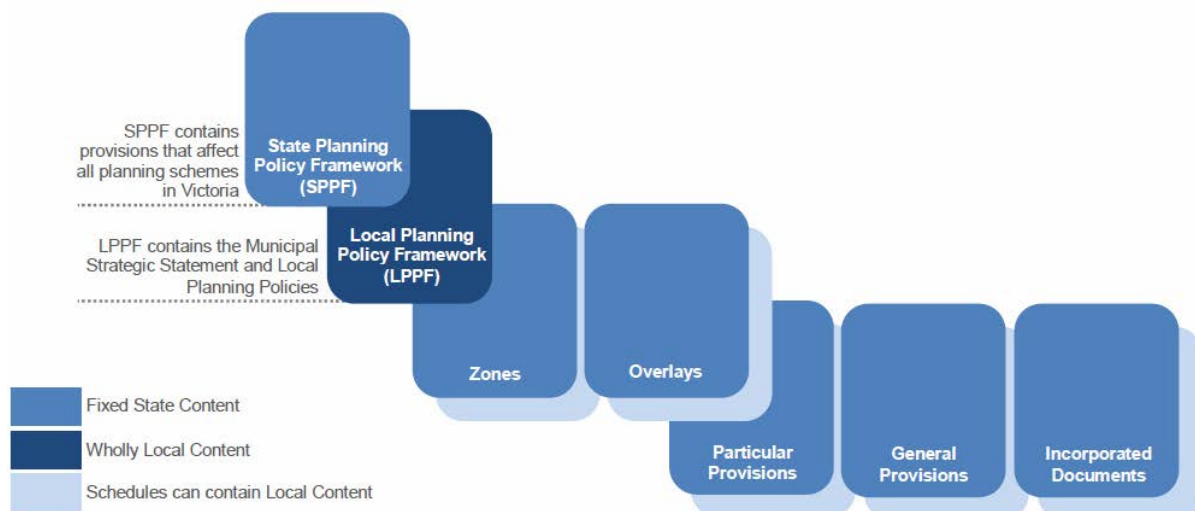
The planning scheme includes a combination of both State and Local planning policies and provisions. The planning scheme is the framework for which Council makes decisions on planning permit applications.

Section 12A (4) of the Act requires the MSS to be consistent with the current Council Plan. Council is required to review its planning scheme within a year of approving its Council Plan.

In 2006, the Shire of Melton had its MSS audited. The audit identified a substantial number of changes required to the MSS including the incorporation of the State Planning Policy Framework (SPPF) document *Melbourne 2030* and a substantial body of strategic work undertaken by Council and others.

The findings of the MSS Audit were used to draft a new MSS, which was adopted by Council in 2008. Shortly after the adoption of the 2008 MSS, the State Government significantly changed the location of the Urban Growth Boundary (UGB) affecting Melton. This rendered the redrafted MSS redundant as it conflicted with the new policy direction of the SPPF. The changes to the UGB were so substantial that a new MSS must be rewritten.

**Figure 1: Components of a Planning Scheme**



## 3. STATE PLANNING POLICY (SPPF)

### 3.2 What is contained within the SPPF?

Every planning scheme includes the State Planning Policy Framework (SPPF) containing general principles for land use and development in Victoria. Planning authorities and responsible authorities must take these general principles and specific policies into account in their integrated decision making process.

The SPPF holds broad planning principles for land use and development in the state of Victoria. They are the same across every local planning scheme in the state. The purpose is

to inform planning authorities and responsible authorities of State planning policy aspects that they are to take into consideration whilst planning and administering their relevant areas.

**The SPPF is divided into nine key clauses as follows:**

| Theme                                 | Includes   |
|---------------------------------------|--|
| 11 Settlement                         | 11.01 Victoria<br>11.02 Urban Growth<br>11.03 Activity Centres<br>11.04 Open space<br>11.05 Planning for distinctive areas and landscape<br>11.06 Metropolitan Melbourne |
| 12 Environmental and Landscape Values | 12.01 Biodiversity<br>12.02 Coastal areas<br>12.03 Alpine areas<br>12.04 Significant environments and landscape  |
| 13 Environmental Risks                | 13.01 Climate change impacts<br>13.02 Floodplains<br>13.04 Noise and air<br>13.05 Bushfire   |
| 14 Natural Resource Management        | 14.01 Agriculture<br>14.02 Water<br>14.03 Resource exploration and extraction  |
| 15 Built Environment and Heritage     | 15.01 Urban environment<br>15.02 Sustainable development<br>15.03 Heritage   |
| 16 Housing                            | 16.01 Residential development<br>16.02 Housing form  |
| 17 Economic Development               | 17.01 Commercial<br>17.02 Industry<br>17.03 Tourism  |
| 18 Transport                          | 18.01 Integrated transport<br>18.02 Movements networks<br>18.03 Ports<br>18.04 Airports<br>18.05 Freight   |

|                   |  |
|-------------------|--|
| 19 Infrastructure | 19.01 Renewable energy<br>19.02 Community infrastructure<br>19.03 Development infrastructure |
|-------------------|--|

## 4. LOCAL PLANNING POLICY (LPPF)

### 4.2 What is contained within the LPPF?

Council must implement and emphasise on the direction of State policies through its respective local clauses within the planning scheme. The purpose of the LPPF is to manifest how broader State planning policies will be achieved or implemented within a local context.

It contains two components;

The Municipal Strategic Statement MSS (Clause 21) – establishes the strategic planning framework for the municipality through key strategic planning, development and land use objectives, and

Local Planning Policies (Clause 22) – provides guidance to Council through policy statements, expectation about certain types of land uses or developments and making decisions on planning permit applications.

**Melton’s current MSS and Local Policies are structured as shown below:**

| Municipal Strategic Statement                      | Local Planning Policies                         |
|--|---|
| 21.00 Municipal Strategic Statement                | 22.00 Local Planning Policies                   |
| 21.01 Snapshot of Melton City in 2014              | 22.01 No content                                |
| 21.02 Key Issues in the City                       | 22.02 A Sustainable Environment Policy          |
| 21.03 Planning Visions and Objectives for Melton   | 22.03 Recreation and Open Space Networks Policy |
| 21.04 Housing Within Established Residential Areas | 22.04 Urban Development Policy                  |
| 21.05 Implementation and Review                    | 22.05 Employment Policy                         |
|  | 22.06 Retailing Policy                          |
|  | 22.07 Transport and movement Policy             |
|  | 22.08 Rural Land Use Policy                     |
|  | 22.09 Eynesbury Station Policy                  |
|  | 22.10 Stores and Outbuildings Policy            |
|  | 22.11 Interim Telecommunications Conduit Policy |
|  | 22.12 Housing Diversity Policy                  |
|  | 22.13 No content                                |
|  | 22.14 Dry Stone Walls                           |

## **5. SNAPSHOT OF MELTON**

### **5.1 The City of Melton in 2016**

City of Melton is experiencing a sustained period of rapid population growth. During the last thirteen years the City has more than doubled in numbers from 52,830 to 140,422 (30 December 2016), an increase of more than 80,000 people. The current annual growth rate is 4.0% (the fifth fastest and largest growth in the state).

The City of Melton has experienced strong population growth over the recent years, and this is likely to accelerate over the next 25 years. The strong population growth presents opportunities and challenges for Council, stakeholders and the community.

By 2041, there is forecast to be more than 374,700 people living within the City. It is estimated that the ultimate build out population will be over 400,000 people (a three fold increase of population from now).

## **6. PLANNING SCHEME REVIEW 2012**

### **6.1 Summary of 2012 review**

In accordance with the requirements of Section 12B of the Planning and Environment Act 1987 (the Act), Council is required to review its planning scheme within a year of approving its Council Plan.

In 2006, the Shire of Melton had its Municipal Strategic Statement (MSS) audited. The audit identified a substantial number of changes required to be made to the MSS including the incorporation of the State Planning Policy Framework (SPPF) document Melbourne 2030 and a substantial body of strategic work undertaken by Council and others.

The findings of the MSS Audit were used to draft a new MSS, which was adopted by Council in 2008. Shortly after the adoption of the 2008 MSS, the State Government significantly changed the location of the Urban Growth Boundary (UGB), which rendered the redrafted MSS redundant as it was in conflict with the new policy direction of the SPPF. The changes to the UGB were so substantial that a new MSS must be rewritten.

Growth Corridor Plans which show the broad land uses within the Corridor Plans, activity centre locations, areas of environmental significance, regional open space, and major transport routes (private and public) were required to be developed by the Growth Areas Authority at the time.

It was considered that the review of the Planning Scheme and the rewrite of the MSS could not occur until the Growth Corridor Plans were finalised as these would need to guide the development of the new MSS to ensure consistency with State Policy and direction for the western growth areas.

In November 2011 the draft Corridor Plans were released for public comment. It was considered that it would be appropriate to begin planning for the rewrite of the MSS at this time as there was enough certainty about the future layout and function of land within the UGB.



A complete Planning Scheme Review was initiated shortly thereafter to review the content and function of the Planning Scheme, and to provide direction on what work would need to be done to rewrite the MSS and other sections in the Planning Scheme.

The review sought to enhance the effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria, and implementing the objectives and strategies of the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF).

Section 12B (5) of the Act requires that, on the completion of the review, Council reports the findings of the review to the Minister for Planning. The review should demonstrate how the planning scheme implements the SPPF, assess the performance of the scheme, and recommend changes to the scheme to improve its performance.

The review found that large sections of the Scheme are out of date and contradict the current State Planning Policy, and is therefore failing to provide adequate guidance for the community, planners and Council on how Council should exercise its discretion when considering a planning permit application.

The Planning Scheme Review 2012 report recommended a comprehensive plan for Council to rewrite its planning scheme. Key recommendations of the report are:

1. To develop the following high-level strategies to inform the rewrite of the MSS:
  - a. Open Space Strategy;
  - b. Recreation and Facility Strategy;
  - c. Retail (Activity Centre) Strategy;
  - d. Integrated Transport Strategy; and
  - e. Green Wedge Management Plan – Western Plains North.
2. Other high-level strategies to be developed in subsequent years in order to compile information necessary to rewrite its MSS, are:
  - a. Urban Design Strategy;
  - b. Community Infrastructure Strategy;
  - c. Economic Development Strategy;
  - d. Housing Character Strategy;
  - e. Biodiversity Strategy; and
  - f. Green Wedge Management Plan – Western Plains South.
3. To authorise the development of a number of discrete strategies / policies in order to initiate a number of planning scheme amendments:
  - a. Electronic Gaming Machine Policy;
  - b. Licensed Premises Policy;
  - c. Interface Policy;
  - d. Outdoor Advertising Policy;
  - e. Significant Landscape Strategy;
  - f. Parking Strategies;

- g. Telecommunication Infrastructure Policy;
  - h. Indigenous Cultural Heritage Study; and
  - i. Post-contact Heritage Study.
4. Council review a number of its planning related plans and strategies, which were created before the UGB change in 2010, and determine whether these should be retained, altered or deleted:
- a. Melton East Strategy Plan, 1997;
  - b. Melton Township Strategy Plan, 2007;
  - c. High Street Town Centre Structure Plan, 2007; and
  - d. Woodgrove Structure Plan, 2006.

## **7. WHAT HAS CHANGED SINCE THE PLANNING SCHEME REVIEW 2012?**

### **7.1 Planning Scheme Amendments**

The Melton Planning Scheme has been incrementally changed since the 2012 review, in particular there has been some significant land use and development changes at the local government level in the form of Planning Scheme Amendments and the development of strategic work. These are outlined below:

- C149 – 19 September 2013 – changes to Schedule 8 of the Special Use Zone to allow the development of a third prison in the prison precinct.
- C134 – 3 October 2013 – Policy Neutral Update of the Melton Planning Scheme.
- C135 – 17 October 2013 – Rezone of land at 683-797 High Street, Melton West to Residential 1 Zone.
- C155 – 17 July 2014 – Land to be used for the Caroline Springs Train Station zoned Schedule 4 of the Public Use Zone.
- C157 – 24 July 2014 – Applies the new residential zones to land in the City of Melton.
- C112 – 5 March 2015 – Rezones land and applies Schedule 17 to the Development Plan Overlay to the Burnside Shopping Centre on the Western Highway.
- C138 – 3 March 2016 – Applies Schedule 9 to the Public Acquisition Overlay to part of land at 1665-1715 Mount Cottrell Road, Mount Cottrell, to allow the development of a recycled water storage facility.
- C100 – 12 May 2016 – Applies the heritage overlay to 125 dry stone walls and introduces a new local policy at Clause 22.14.
- C167 – 20 October 2016 – Rezones land at 292-360 Hjorths Road, Toolern Vale from Public Use Zone 1 to a Rural Conservation Zone.

Since 2012 the following Precinct Structure Plans (PSPs) have been implemented into the Melton Planning Scheme:

- C121 – 27 June 2012 – Diggers Rest PSP
- C120 – 28 June 2012 – Rockbank North PSP
- C122 – 23 October 2014 – Toolern Park PSP
- C161 – 17 March 2016 – Paynes Road PSP (and alterations to the Toolern PSP)
- C145 – 17 November 2016 – Rockbank PSP

The following PSPs have been placed on public exhibition, have been through a planning panel process, and are awaiting gazettal in the Melton Planning Scheme:

- C146 – Plumpton PSP
- C147 – Kororoit PSP
- C162 – Mt Atkinson and Tarneit Plains PSP

## 7.2 State Government Changes

The following changes have been made at the State level to the Victorian Planning Provisions, which has an impact on planning in the City of Melton:

- C128 – 13 September 2012 – Further change to the Urban Growth Boundary, Logical Inclusions.
- VC100 – 15 July 2013 – The business zones were replaced with two new commercial zones, and office floor space caps were removed from industrial zones.
- VC103 – 5 September 2013 – Changes to the rural zones, including amendments to the Green Wedge, Green Wedge A, the Rural Conservation, and Farming Zones.
- VC105 – 20 December 2013 – Reforms to the Native Vegetation and Biodiversity Framework, to reflect the ‘no net loss’ approach rather than the previous ‘net gain’ approach.
- VC106 – 30 May 2014 – Plan Melbourne referenced in the Planning Scheme, and references to Melbourne 2030 removed.
- GC6 – 5 June 2014 - Removes floor space restrictions in the new commercial zones (though retains it for the Urban Growth Zone).
- VC116 – 1 July 2014 – Introduces three new residential zones.
- VC109 – 31 July 2014 – Changes to the Bushfire Management provisions.

## 7.3 State Government Strategic Work

Since the Melton Planning Scheme was adopted there have been a variety of key policies and strategies released by the State Government. The State policies have land use implications and have amended the State Planning Policy Framework (SPPF):

- Plan Melbourne & Plan Melbourne Refresh
- Reformed Zones for Victoria
- Infrastructure Contributions Reform
- Smart Planning Program
- Better Apartments

Further changes are expected to be made to the Victorian Planning Provisions based on the outcomes of the following programmes being undertaken by the State Government:

- Melbourne Airport Environs Strategy Plan review
- Review of Bushfire Management Overlay
- Major Hazards Facilities Advisory Committee

Since 2012 the Growth Areas Authority (GAA) changed to the Metropolitan Planning Authority (MPA), and is now known as the Victorian Planning Authority (VPA). The focus of the VPA has changed from managing growth in Melbourne's growth area councils on the urban fringe, to planning for strategically important precincts in the inner and middle ring Councils in Melbourne, growth areas and regional cities. Work that the VPA is conducting may have an impact on the Victorian Planning Provisions:

- Metropolitan Open Space Network
- Metropolitan Activity Centres
- Streamlining for Growth Program

## **8. LOCAL STRATEGIC CONTEXT**

### **8.1 Melton Council Plan incorporating the Municipal Public Health and Wellbeing Plan**

Melton City Council has prepared a new Council Plan, Municipal Public Health and Wellbeing Plan. These are being developed concurrently with the revised Municipal Strategic Statement to ensure that these documents speak to each other.

For the first time Council has incorporated its Municipal Public Health and Wellbeing Plan into the Council Plan which aims to:

- Recognise that all areas of Council have an impact on the health and wellbeing of the community
- Ensure a whole of Council and community approach to promoting and protecting community wellbeing
- Align strategic planning, objectives and indicators.

By integrating these documents Council reinforces its high-level commitment to promoting, improving and protecting public health and wellbeing in everything we do. The Council and Wellbeing Plan was developed following extensive community consultation, partner agency and Council officer engagement and analysis of relevant data, trends, research and State and Federal Policy direction.

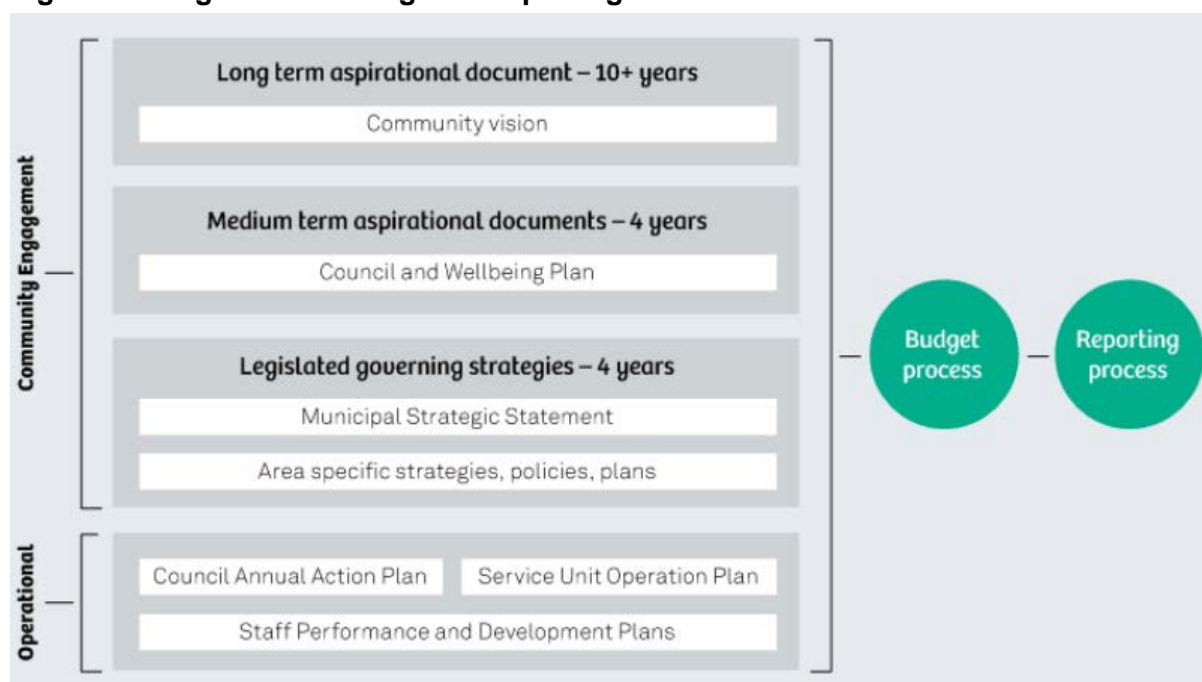
As the City continues to grow and mature, there are many opportunities and challenges that must be considered. These include rapid population growth, social cohesion, access to services, provision of and access to local infrastructure, transport, education and employment and preservation and protection of the natural environment.

To optimise the opportunities and respond to the challenges, Council seeks to provide strategic leadership and work in collaboration to better engage, represent and communicate with its diverse community.

The development of the Council and Wellbeing Plan was deliberately aligned with the development of key strategic documents this cycle including *Melton City 2036 – The City We Imagine* and the *Municipal Strategic Statement*.

The process to develop these documents has been shared and therefore each document reinforces and reflects the other. This shared foundation has established a strong strategic base to develop other key documents including the amalgamated early years, youth, older people and disability strategy, and the Environment Plan over the coming four-year period.

**Figure 2: Integrated Planning and Reporting Framework**



The Council and Wellbeing Plan describes how Council sees the development of the City in years to come, describing its vision for - *A Thriving Community Where Everyone Belongs*.

This vision is underpinned by five themes each theme outlines a number of objectives, strategies and performance indicators. The Council and Wellbeing Plan will be reviewed annually and each year an Annual Action Plan will be developed and progress reported to Council on a quarterly basis.

The plan sets out the following Vision and Mission statements:

**Vision:** *A thriving community where everyone belongs.*

**Mission:** *Support the growth, wellbeing and aspirations of our community through leadership, excellence and inclusion.*

Council is committed to a plan of action designed to address the vision and mission through five strategic themes as follows:

| Theme   | Outcome  |
|---|--|
| 1. <b>A Proud, Inclusive and Safe Community</b> | A City of people leading happy and healthy lives |

|  |  |
|--|--|
| <b>2. A Thriving and Resilient Natural Environment</b>                         | A City that preserves and enhances its natural environment for future generations          |
| <b>3. A Well Planned &amp; Built City</b>                                      | A City with a clear vision to manage growth in a sustainable and accessible way            |
| <b>4. A Strong Local Economy and a Lifelong Learning City</b>                  | A City rich in local employment and education opportunities                                |
| <b>5. A High Performing Organisation Demonstrating Leadership and Advocacy</b> | An organisation operating with innovation, transparency, accountability and sustainability |

## 8.2 Adopted Council Strategies

Below is a list of relevant plans and strategies, which will need to be considered when rewriting content in the Melton Planning Scheme. Some of these plans and strategies were written prior to the change to the Urban Growth Boundary in 2010, and therefore some of these plans and strategies will be revised or rewritten to consider the change in urban form and the resultant projected increase in population:

### Settlement

- The Melton East Strategy Plan, June 1997
- Woodgrove Structure Plan, July 2006
- High Street Town Centre Structure Plan, July 2007
- Toolern Urban Design Framework, (Adopted 23 August 2012)
- The Eynesbury Township Development Plan, February 2013
- Approved Precinct Structure Plans (Toolern, Melton North, Taylors Hill West, Diggers Rest, Rockbank North, Toolern Park, Paynes Road, and Rockbank)
- Precinct Structure Plans that have been to panel (Mt Atkinson and Tarneit Plains, Kororoit, and Plumpton)

### Environmental and Landscape Values

- Kororoit Creek Regional Strategy 2005-2030
- Werribee River Trail Strategy, (Adopted 27 August 2013)
- Western Plains North Green Wedge Management Plan, (Adopted 23 September 2014)
- Melton Landscapes – Significant Landscape Features Strategy, (Adopted 2 May 2016)

### Built Environment and Heritage

- Store and Outbuilding Policy and Guidelines, (Adopted October 2005)
- Melton Heritage Study, (Adopted 28 May 2007)

- Outdoor Advertising Policy and Guidelines, (March 2010)
- Melton Dry Stone Wall Study, (Adopted 10 November 2011)
- Highway Advertising Signage Policy for Residential Subdivisions, (Adopted 21 October 2014)
- Melton Safer City Plan 2015-2017, (Adopted 10 March 2015)
- Melton Industrial Design Guidelines, (Adopted 4 April 2016)

It is noted that the Melton Planning Scheme was updated by C100 on 12 May 2016 to include a new dry stone wall policy at Clause 22.14.

## **Housing**

- House Smart – Housing Diversity Strategy, (Adopted 27 May 2014)
- House Rules – Housing Character Assessment and Design Guidelines, (Adopted 13 October 2015)

It is noted that the Melton Planning Scheme was updated by C157 on 24 July 2014 to incorporate the *Melton Housing Diversity Strategy* in Clause 21.04 of the MSS and a new housing diversity policy at Clause 22.12.

## **Economic Development**

- Melton Economic Development and Tourism Plan 2014-2030, (Adopted 12 November 2013)
- Melton Retail and Activity Centres Strategy, (Adopted 1 April 2014)
- Melton Investment Attraction Strategy 2016-2019, (Adopted 15 December 2015)

Council exhibited Amendment C171 to the Melton Planning Scheme in August 2016 to incorporate the *Melton Retail and Activity Centres Strategy* into the Melton Planning Scheme. This amendment proposes to make reference to the Strategy in Clause 21.05 and 21.06 of the MSS and replace the existing retailing policy at Clause 22.06.

## **Transport**

- Moving Melton – Integrated Transport Strategy, (Adopted 15 December 2015)

## **Infrastructure**

- Melton Shire Tennis Strategy, (Adopted July 2012)
- Melton City Aquatic Plan 2014-2034, (Adopted 23 September 2014)
- Community Facility Provision Policy, (Adopted 10 March 2015)
- Melton Open Space Plan 2016-2026, (Adopted 4 April 2016)
- Community Gardens Policy, (Adopted 22 August 2016)
- Community Infrastructure Plan 2017 to 2036 (Adopted June 2017)

### **8.3 Council Plans and Documents**

Melton City Council is currently working on the following strategies, plans and policies that will further inform content in the Melton Planning Scheme into the future:

- Western Plains South Green Wedge Management Plan
- Melton South Structure Plan
- Rural Residential Land Supply and Analysis Review
- Melton Gaming Local Planning Policy
- Communications Infrastructure Policy
- Toolern Employment Area Urban Design Framework & Review of Toolern Town Centre UDF
- Advertising Signage Guidelines Review
- Industrial Design Guidelines Local Policy
- Rockbank Urban Design Framework
- Public Realm Design Guidelines

In the Planning Scheme Review in 2012, Council identified that other work that may be undertaken to inform the content of the Melton Planning Scheme could include:

- Recreation and Facility Strategy
- Urban Design Strategy
- Biodiversity Strategy
- Licensed Premises Local Planning Policy
- Interface Local Planning Policy
- Environmentally Sustainable Design / Water Sensitive Urban Design Local Planning Policy

## **9. REVIEW OF PANEL REPORTS AND VICTORIAN AND ADMINISTRATIVE APPEALS TRIBUNAL (VCAT) DECISIONS**

A detailed review of relevant Panel reports and VCAT decisions making recommendations on lack of policy or strategic direction in the MSS is located at Appendix 1.

Panel reports and VCAT decisions over the past seven years with specific lack of strategic direction or lack of policy support can be summarised as follows:

### **Panel Reports**

Over the past seven years, most of the Panel reports received have been in relation to growth area amendments, implementing structure plans including land rezoning and application of overlays.



Panel reports have generally been in support of Council's position, and have provided guidance on controls to achieve a more robust planning framework. Council has generally adopted and implemented those recommendations accordingly.

Most recently the Melton Retail Activity Centres Strategy has been considered before a planning Panel twice over the past two years by Amendments C119 and C171. Both Panel decisions affirmed the sound background and analysis work undertaken to develop the strategy and provided support for the strategy and its proposed implementation into the Melton Planning Scheme by amendment C171.

## **VCAT Decisions**

Over the past seven years, the majority of VCAT decisions received have generally been in support of Council's position. Further discussion on specific elements is discussed below:

### **Neighbourhood character**

Several decisions which related to developments of more than one dwelling on a lot have commented on the lack of immediate relevance to housing within the MSS with no identification of areas where residential growth is encouraged or discouraged. In that sense, the MSS failed to provide much specific direction on its preferred areas for more intense development.

The Tribunal in the past has relied on State policy settings of urban consolidation and of encouraging the densest development in those areas best located to accommodate it, and commented that State level of support is not complemented by a strong level of local policy support within the Melton Planning Scheme.

With the adoption of the *Housing Diversity Strategy 2014* and the *Housing Character Assessment and Design Guidelines 2015*, the gap is closing in relation to policy direction to guide decision making where neighbourhood character is being considered within the established areas of the City of Melton. This will be further embedded with the implementation of the Character Assessment and Guidelines into the Melton Planning Scheme and updating the schedules to the residential zones.

### **Municipal Profile**

The Tribunal has referenced the outdated population statistics and outdated MSS largely reflecting the way it was written when the new format planning schemes were introduced in Victoria.

### **Non-residential uses in residential zones**

The tribunal has commented that no specific policy or direction relating to specific uses such as animal breeding, keeping and training of dogs is provided for in the planning scheme.

## **10. ENGAGEMENT**

As part of a coordinated approach Melton City Council consulted with the community on the development of its Council and Wellbeing Plan, the Community Vision, and the Municipal Strategic Statement.

The engagement process in the development of the strategic documents was designed by Council to facilitate the development of a shared 20 year community vision and ensure that

input is sought for the development of the Council Plan 2017-21 and the Municipal Strategic Statement.

**Figure 3: Phases of Engagement**

| Phase   | Objectives  | Outcomes   |
|---|---|--|
| <b>Phase 1</b><br><b>Sharing ideas</b><br>April – September 2016<br>(Complete)                                      | Identify the community's values and aspirations<br>Identify aspects of the community to be improved and aspects to be protected   | To use the outcome of the engagement process to: <ul style="list-style-type: none"> <li>- formulate themes for the community vision</li> <li>- provide input to be explored in phase 2 of the engagement</li> </ul>                              |
| <b>Phase 2</b><br><b>Creating the community vision and identifying priorities</b><br>September 2016 – February 2017 | Explore the community's input provided in phase 1.<br>Identify opportunities.<br>Provide the community the opportunity to: <ul style="list-style-type: none"> <li>- develop a shared 20 year vision</li> <li>- identify priorities for the next four years</li> </ul> | To use the outcome of the engagement process to: <ul style="list-style-type: none"> <li>- finalise the community vision</li> <li>- provide input to the development of the Council Plan 2017-21 and the Municipal Strategic Statement</li> </ul> |
| <b>Phase 3</b><br><b>Public comments on the draft community vision</b><br>February – March 2017                     | Provide opportunity for the community to provide feedback on the final draft of the community vision<br>Validation of the draft vision  | To use the outcomes of the engagement process to: <ul style="list-style-type: none"> <li>- finalise the community vision</li> </ul>  |
| <b>Phase 4</b><br><b>Public exhibition of key strategic documents</b><br>April – June 2017                          | Provide opportunities for the community to comment on the draft Council Plan.   | To use the outcomes of the engagement process to: <ul style="list-style-type: none"> <li>- finalise the Council Plan 2017-21</li> <li>- finalise the Municipal Strategic Statement</li> </ul>  |

Proposed Amendment C200 will be prepared and exhibited once Council resolves to prepare and exhibit the amendment and authorisation is given by the Minister for Planning. Specific requirements for notifying the community and key stakeholders are prescribed in the *Planning and Environment Act 1987*, including the process for review of submissions by an independent Planning Panel.

## 11. RECOMMENDATIONS AND IMPLEMENTATION

It is recommended that the MSS be rewritten to incorporate the content of the strategies, plans and policies that have been adopted by Council, and to ensure the MSS continues to be relevant and consistent with the SPPF.

Council should continue to monitor policy changes from the State Government to determine whether existing plans and strategies should be reviewed, or whether new plans and

strategies may be required to be developed to assist Council in exercising its discretion when assessing applications for land use and development in the City of Melton.

Council should consider whether any of the existing adopted strategies or plans require the development of local policies to assist Council in exercising its discretion when assessing applications for land use and development in the City of Melton, such as a heritage local planning policy.

It is recommended that Council adopt the structure of the SPPF to ensure we are consistent with our MSS and themes into the future.

**Recommended MSS structure:**

| <b>Proposed Clause</b>   | <b>Old Clause</b>  | <b>Key Changes</b>  |
|--|--|---|
| <b>Clause 21.01 Municipal Profile, Council Vision and Strategic Directions</b> | Clause 21.00 Municipal Strategic Statement<br>Clause 21.01 Snapshot of Melton City in 2014<br>Clause 21.02 Key Issues in the City<br>Clause 21.03 Planning Visions and Objectives for Melton | Updates the strategic directions of the municipality, key land use issues and includes relevant sections of the <i>Melton Council and Wellbeing Plan 2017-2021</i> .  |
| <b>Clause 21.02 Settlement</b>   | Clause 21.01 Snapshot of Melton City in 2014<br>Clause 21.03 Planning Visions and Objectives for Melton<br>Clause 21.04 Housing within the Established Residential areas                     | Incorporates sections of the existing clauses that are still relevant and inserts issues and objectives from recently adopted Council strategies that inform the current direction for Settlement within the municipality.  |
| <b>Clause 21.03 Environment and Landscape Values</b>                           | Clause 21.01 Snapshot of Melton City in 2014<br>Clause 21.03 Planning Visions and Objectives for Melton  | Expands upon the existing Clause 21.01-11 Environment and Landscape Character. It Includes the relevant land use initiatives from the recently adopted <i>Melton Council Environment Plan – Natural Environment</i> and the <i>Significant Landscape Features Strategy May 2016</i> . |
| <b>Clause 21.04 Environmental Risk</b>   | Clause 21.01 Snapshot of Melton City in 2014   | Expands on issues relating to planning for flood and fire events and introduces objectives relating to planning for and mitigating climate change.  |
| <b>Clause 21.05 Activity</b>   | Clause 21.05 Activity  | Reformats and rewords the   |

|  |   |  |
|--|---|--|
| <b>Centre and Retail Provision</b>                   | Centres and Retail Provision                              | recently adopted Clause that implements the <i>City of Melton Retail and Activity Centres Strategy, March 2014</i> to accord with the format specified in the Practice Note on form and content and advice from the Department of Environment Land Water and Planning.   |
| <b>Clause 21.06 Built Environment and Heritage</b>   | None  | Introduces strategies from the recently adopted <i>Melton Housing Character Assessment Guidelines: Character Statements and Guidelines, September 2015</i> as well as other built form, principles and initiatives, in particular the Environmentally Sustainable Design Principles promoted by <i>the Melton Environment Plan – Built Environment</i> .<br><br>Objectives and Strategies relating to Heritage are also introduced for the first time. |
| <b>Clause 21.07 Liveable Communities and Housing</b> | Clause 21.04 Housing within Established Residential Areas | Updates the directions introduced by Council's <i>Housing Diversity Strategy in 2014</i> and introduces well-being initiatives relating to harm minimisation and liveability.  |
| <b>Clause 21.08 Economic Development</b>             | Clause 21.01 Snapshot of Melton City in 2014              | Updates and expands upon Clause 2.01-6 (Melton's Economic Base) and introduces objectives and strategies relating to Council's <i>Economic Development and Tourism Plan 2014-2030</i> and other economic initiatives.  |
| <b>Clause 21.09 Transport</b>                        | Clause 21.01 Snapshot of Melton City in 2014              | Introduces Council's integrated Transport Strategy – <i>Moving Melton - Melton Integrated Transport Strategy, November 2015</i>  |
| <b>Clause 21.10 Infrastructure</b>                   | Clause 21.01 Snapshot of Melton City in 2014              | Introduces priorities for the delivery of specific infrastructure in accordance with advocacy priorities for the City of Melton.   |
| <b>Clause 21.11 Local Areas</b>                      | Clause 22.09 Eynesbury Station Policy                     | Deletes the local policy for Eynesbury and updates and   |

|   |   |  |
|---|---|--|
|   |   | includes the planning policy for Eynesbury in the Local Areas Clause, consistent with the current MSS format.  |
| <b>Clause 21.12<br/>Monitoring and Review</b> | Clause 21.05<br>Implementation and review | Streamlines the review process and links the review to the review of the <i>Council and Wellbeing Plan 2017-2020</i> and other corporate strategies. |

## 12. FURTHER STRATEGIC WORK PROGRAM

It is recommended that Council continue work on the following strategies, plans and policies and where appropriate initiate planning scheme amendments to incorporate them into the Melton Planning Scheme when they are adopted by Council:

- Western Plains South Green Wedge Management Plan
- Melton South Structure Plan
- High Street Structure Plan
- Community Infrastructure Plan
- Rural Residential Land Supply and Analysis Review
- Melton Gaming Local Planning Policy
- Communications Infrastructure Policy
- Toolern Employment Area Urban Design Framework & Town Centre UDF Review
- Advertising Signage Guidelines Review
- Industrial Design Guidelines Policy

It is recommended that Council in coming years undertake the following work to further inform the updating of content in the Melton Planning Scheme:

- Recreation and Facility Strategy
- Urban Design Strategy
- Biodiversity Strategy
- Licensed Premises Local Planning Policy
- Interface Areas Local Planning Policy
- Environmentally Sustainable Design / Water Sensitive Urban Design Local Planning Policy

Additional work may be identified through the development of the MSS and subsequent exhibition & planning panel process.

## **13. APPENDIX**

### **Appendix 1 – Panel Report and VCAT review**

## Appendix 1 – Review of Panel Reports and VCAT Decisions

### Review of Victorian Civil & Administrative Tribunal (VCAT) Decisions since 2010

| Appeal No. & Address details  | Proposal  | Key recommendations/commentary around lack of policy or direction in MSS  | Councils Decision upheld/overturned   |
|---|---|---|---|
| <b>VCAT REFERENCE NO.</b><br><b>P2720/2009</b><br><b>PERMIT NO.PA 2003/212</b><br>5 Lydeamore Place Kurunjang                             | The permit allows the construction of two single storey dwellings and is subject to 7 conditions.   | The Conditions provided on the Permit were unclear in exactly what was required.                                  | Overturned, the application is allowed.   |
| <b>VCAT REFERENCE NO.</b><br><b>P2541/2009</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2009/2108</b><br>14 Maree Court, Kurunjang        | The proposal is to develop the land for three single storey detached dwellings. All dwellings are set off boundaries. Each dwelling provides two bedrooms and a single garage. Vehicular access is from one common driveway. The design is traditional to the area: a combination of face brickwork and rendered finish for walls, and hipped tiled roof. | The Scheme does not have a specific neighbourhood character policy for the Shire nor has a study been undertaken. | Overturned, the decision of the Responsible Authority is set aside. A permit is granted and to be issued.   |
| <b>VCAT REFERENCE NO.</b><br><b>P2868/2009</b><br><b>PERMIT APPLICATION NO. PA</b><br><b>2009/2322</b><br>1 Glencoe Street, Kurunjang     | Construction of four dwellings and the removal of a restrictive covenant restricting development to one dwelling.   | Council incorrect in applying Section 60 in relation to the removal of a restrictive covenant.                    | Overturned, the application for review is granted, the determination of the Responsible Authority to refuse to grant a permit is set aside and a permit is granted. |
| <b>VCAT REFERENCE NO.</b><br><b>P2461/2009</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2009/2146</b><br>615 Mt Aitken Road, Diggers Rest | Application to delete Condition 2 of the existing planning permit No. PA2009/2461 dated 20 July 2009, pursuant to Section 80 of the <i>Planning and Environment Act 1987</i> .  | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.   | Upheld, application for review refused.   |
| <b>VCAT REFERENCE NO.</b><br><b>P2500/2009</b><br><b>PERMIT APPLICATION NO. PA</b><br><b>2007/1336</b><br>627-703 Plumpton Road, Plumpton | Residential hotel and restaurant. Application for review against Councils decision to refuse the permit.  | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.   | Application for review of a decision of the responsible authority granted.  |
| <b>VCAT REFERENCE NO.</b><br><b>P2461/2009</b>  | Application to delete Condition 2 of the existing planning permit No. PA2009/2146 dated 20 July 2009, pursuant to Section 80 of the <i>Planning and Environment Act 1987</i> .  | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.   | Upheld, application to delete Condition 2 of the existing planning permit denied.   |

| Appeal No. & Address details  | Proposal  | Key recommendations/commentary around lack of policy or direction in MSS  | Councils Decision upheld/overturned   |
|---|---|---|---|
| <b>PERMIT APPLICATION NO.</b><br><b>PA2009/2146</b><br>615 Mt Aitken Road, Diggers Rest   |   |   |   |
| <b>VCAT REFERENCE NO.</b><br><b>P83/2010</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2009/2152/1</b><br>11 Borrowdale Road, Melton West          | Development of site with two single storey dwellings and one two storey dwelling.   | The neighbourhood character of the street and the area is in part dictated to by the covenant.                  | Overturned, the decision of the responsible authority is set aside, a permit is granted.  |
| <b>VCAT REFERENCE NO.</b><br><b>P182/2010</b><br><b>PERMIT APPLICATION NO.PA</b><br><b>2009/2344/1</b><br>627-703 Plumpton Road, Plumpton         | Green Wedge Zone and subject, as to parts of the land, to a Melbourne Airport Environs Overlay (Schedule 2) and to a Public Acquisition Overlay under the Melton Planning Scheme. | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found. | Application for review of Conditions granted, removed, remained or altered.   |
| <b>VCAT REFERENCE NO.</b><br><b>P2500/2009</b><br><b>PERMIT APPLICATION NO. PA</b><br><b>2007/1336</b><br>627-703 Plumpton Road, Plumpton         | Green Wedge Zone and subject, as to parts of the land, to a Melbourne Airport Environs Overlay (Schedule 2) and to a Public Acquisition Overlay under the Melton Planning Scheme. | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found. | Application for review of Conditions granted, removed, remained or altered.   |
| <b>VCAT REFERENCE NO.</b><br><b>P2361/2010 PERMIT</b><br><b>APPLICATION NO.</b><br><b>PA2009/2124/1</b><br>No. 165-197 Hjorths Road, Toolern Vale | Two-lot boundary realignment. Appeal against Councils refusal.  | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found. | Applicant or representative of applicant didn't attend therefore decision of the Responsible Authority upheld.                        |
| <b>VCAT REFERENCE NO.</b><br><b>P2572/2010</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2010/2643</b><br>Eastern part of 215-219 Coburns Road.    | Ten single storey residential units.  | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found. | Given imposition of conditions addressing the objector's and council's concerns, the decision of the responsible authority is varied. |
| <b>VCAT REFERENCE NO.</b><br><b>P2503/2010</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2010/2671</b>   | Construction of two single storey dwellings.  | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found. | Overturned, the decision of the responsible authority is set aside, and a permit is granted.  |



| Appeal No. & Address details   | Proposal   | Key recommendations/commentary around lack of policy or direction in MSS   | Councils Decision upheld/overturned   |
|--|--|--|---|
| 24 Sovereign Boulevard, Melton West  |  |  |   |
| <b>VCAT REFERENCE NO. P2500/2009</b><br><b>PERMIT APPLICATION NO. PA 2007/1336</b><br>627-703 Plumpton Road, Plumpton  | Residential hotel and restaurant.  | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.                  | Upheld, the application for review is refused, the decision of the responsible authority to refuse to grant a permit is affirmed.                                       |
| <b>VCAT REFERENCE NO. P466/2011</b><br><b>PERMIT APPLICATION NO. PA2010/2727</b><br>93-97 Arbour Boulevard, Burnside   | Construction of twenty (20) dwellings, comprising four single-storey dwellings and 16 two-storey dwellings.  | The Scheme does not have a specific neighbourhood character policy for the Shire nor has a study been undertaken.                | Application for review against the refusal of the responsible authority to grant a permit.  |
| <b>VCAT REFERENCE NO. P3452/2010</b><br><b>DP 2009/005</b><br>Eynesbury Township, Eynesbury Road, Eynesbury, Melbourne | To approve an amended Development Plan and Master Plan for the Eynesbury Township, that increases the overall lot yield of the town from 2,900 to 4,500. This increases the population from approximately 7,500 to 12,700 people. The amended Eynesbury Township Development Plan proposes the following changes compared to the currently approved 2005 Development Plan. | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.                  | The application is allowed. The decision of the responsible authority is set aside.   |
| <b>VCAT REFERENCE NO. P466/2011</b><br><b>PERMIT APPLICATION NO. PA2010/2727</b><br>93-97 Arbour Boulevard, Burnside   | Construction of twenty (20) dwellings, comprising four single-storey dwellings and 16 two-storey dwellings.  | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.                  | Upheld, a permit isn't granted and the decision of the responsible authority is affirmed.   |
| <b>VCAT REFERENCE NO. P3109/2010</b><br><b>PERMIT APPLICATION NO. PA/2010/2712/1</b><br>No. 10 Yuille Street, Melton   | Subdivision of the land into 42 lots ranging in size from 308 to 609 square metres. Part of the unmade government road would be constructed. A new internal road would be provided connecting Yuille Street with the unmade road.  | There are no Overlays that restrict the development outcome on this land for design, vegetation or other reasons.                | Upheld, leave is granted to amend the permit application. The decision of the responsible authority is affirmed, a permit is not granted and no permit is to be issued. |
| <b>VCAT REFERENCE NO. P762/2011</b>  | Five single storey dwellings   | There is little else of immediate relevance in the MSS with no identification of areas where residential growth is encouraged or | Upheld, the decision of the responsible authority is affirmed. It is direct that no permit is issued.   |

| Appeal No. & Address details   | Proposal  | Key recommendations/commentary around lack of policy or direction in MSS  | Councils Decision upheld/overturned   |
|--|---|---|---|
| <p><b>PERMIT APPLICATION NO. PA2010/2955</b><br/>62 James Cook Drive, Melton West</p>  |   | <p>discouraged. In that sense, the MSS fails to provide much specific direction on its preferred areas for more intense development.</p> <p>Without much by way of local direction, The Chair had to default to the State policy settings of urban consolidation and of encouraging the densest development in those areas best located to accommodate it. Overall it was accepted that the site has State policy support for some level of medium density housing. However, that State level of support is not complemented by a strong level of local policy support.</p> |   |
| <p><b>VCAT REFERENCE NO. P2842/2010</b><br/><b>PERMIT APPLICATION NO. PA2010/2764/1</b><br/>6 Liberty Court, Brookfield</p>  | <p>The proposal is to construct three single storey dwellings each containing three bedrooms. A driveway on the east side of the site will provide access to Unit 1 setback 4 metres from the frontage. A shared driveway is proposed on the west side of the site providing vehicle access to the two units proposed at the rear of the lot. Elevations show pitched tile roofs, face brick work and porch features over front entries to each unit.</p> | <p>No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.</p>  | <p>Upheld, leave is given to applicant, the decision of the responsible authority is affirmed.<br/>No permit is issued.</p> |
| <p><b>VCAT REFERENCE NO. P1345/2011</b><br/><b>PERMIT APPLICATION NO. PA/2010/2881/1</b><br/>6 The Embankment, Kurunjang</p> | <p>The construction of four double storey dwellings on the site. Each dwelling is to be double storey, and contain three bedrooms. Car parking is in the form of a single garage with tandem space for each dwelling.</p>   | <p>The Scheme does not have a specific neighbourhood character policy for the Shire nor has a study been undertaken.</p>  | <p>Overturned, the decision of the responsible authority is set aside and a permit is granted.</p>                          |
| <p><b>VCAT REFERENCE NO. P1426/2011</b><br/><b>PERMIT APPLICATION NO. PA2010/2948</b><br/>24 Springbank Way, Brookfield</p>  | <p>Two lot subdivision. Lot 1 containing the existing dwelling will be reduced from 4021sqm. to 3004.25sqm.<br/>Lot 2 will face the side street Maplewood Close with a frontage of 24.5 metres, a depth 41.5 metres, and an area of 1016.75</p>   | <p>There was a covenant requiring single dwellings which had expired. There has been no replacement mechanism in the Scheme to continue these restrictions, such as a Design and Development Overlay or a Neighbourhood Character Overlay.</p>  | <p>Overturned, the decision of the responsible authority is set aside, and a permit is granted.</p>                         |

| Appeal No. & Address details  | Proposal  | Key recommendations/commentary around lack of policy or direction in MSS   | Councils Decision upheld/overturned   |
|---|---|--|---|
|   | sq m. It is currently part of the backyard of the house.  | The proposed subdivision had to be assessed in the current Planning framework and the context of the site, and not a covenant that no longer exists.   |   |
| <b>VCAT REFERENCE NO.</b><br><b>P1009/2011</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA/2010/3003/1</b><br>410-432 Gisborne Melton Road,<br>Toolern Vale | Use and development of land for a single dwelling and a "shed". The dwelling will be set back some 42 metres from the eastern boundary, 39 metres from the western boundary and approximately 150 metres from the northern boundary.  | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.  | The decision of the responsible authority is varied.<br>A permit is granted and to be issued.   |
| <b>VCAT REFERENCE NO.</b><br><b>P1642/2011</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2010/2892/1</b><br>15 Crestmont Drive, Melton South               | Construction of eight dwellings, of which three would be double storey and five would be single storey.   | The Scheme does not have a specific neighbourhood character policy for the Shire nor has a study been undertaken.  | Overturned, the decision of the responsible authority is set aside.<br>A permit is granted.   |
| <b>VCAT REFERENCE NO.</b><br><b>P3447/2011</b><br><b>PERMIT APPLICATION NO. PA</b><br><b>2011/3221</b><br>7 Liberty Court Brookfield                      | Construction of two double storey dwellings. Each dwelling comprises of three bedrooms and provides two car spaces. Each dwelling is provided with a north facing private open space.   | The Scheme does not have a specific neighbourhood character policy for the Shire nor has a study been undertaken.  | Overturned, the decision of the responsible authority is set aside, and a permit is granted.  |
| <b>VCAT REFERENCE NO.</b><br><b>P2316/2011</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2011/3174</b><br><b>1 Daniel Drive, Melton South</b>              | Construction of 14 dwellings. 13 of the dwellings will contain two bedrooms, and one dwelling (dwelling six) to contain three bedrooms. A single garage or carport has been provided for each dwelling, with most being setback a sufficient distance to allow a tandem visitor space. Two communal visitor spaces have been provided. The dwellings will be constructed from face brickwork with pitched colourbond roofs. | Outdated population figures in the Municipal Strategic Statement.<br>The Melton Planning scheme contains no policies which outline a preferred neighbourhood character, and as such the chair needed to consider the existing character of the area. | Overturned, the decision of the responsible authority is set aside, and a permit is granted.  |
| <b>VCAT REFERENCE NO.</b><br><b>P1364/2012</b><br><b>PERMIT APPLICATION NO.</b><br><b>P15983</b><br>9 Wales Court, Hillside.                              | The decision involves the interpretation of the phrase "no motor vehicle may be serviced or repaired for gain" in clause 52.11 of the planning scheme which it sets out the requirements for "home occupation".   | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.  | Overturned, the decision of the responsible authority in relation to the permit application is set aside. The application for permit is remitted to the responsible authority for further |

| Appeal No. & Address details  | Proposal   | Key recommendations/commentary around lack of policy or direction in MSS   | Councils Decision upheld/overturned   |
|---|--|--|---|
|   | <p>The Tribunal held that the alteration of motor vehicle suspensions is not servicing or repair so as to attract the prohibition. This activity is more accurately described as a modification or alteration to a motor vehicle.</p>  |  | <p>consideration and determination on its planning merits.</p>  |
| <p><b>VCAT REFERENCE NO.</b><br/><b>P1042/2012</b><br/><b>PERMIT APPLICATION NO.</b><br/><b>PA2011/3438</b><br/>29 Scott Street, Melton</p>   | <p>The reduction in car parking requirements associated with the use of an existing building for a restaurant. An 18 seat Indian restaurant is proposed with a double car garage at the rear. Parking will be provided for staff only with patrons to be accommodated in the on street parking to the front of the site</p> <p>The use of the site will be mostly for takeaway food, with the tables provided for those who are waiting and those who wish to dine in. It is envisaged that dining in will not incorporate a substantial portion of the business, in comparison to the takeaway food provision. Hours of operation are proposed from 5.30pm to 10.30 pm.</p> | <p>No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.</p> | <p>Overturned, the decision of the responsible authority in relation to the permit application is set aside. A permit is granted.</p> |
| <p><b>VCAT REFERENCE NO.</b><br/><b>P704/2012</b><br/><b>PERMIT APPLICATION NO.</b><br/><b>PA2010/2907/1</b><br/>285 Nerowie Road, Parwan</p> | <p>Excision of 11 lots, each just over 4 hectares in size, from a 243 Ha rural land holding and provision for building envelopes to allow use of a dwelling on each of the 11 new lots. Five of the lots would extend, south from the north west corner of the site where Nerowie Road meets Bucklers Road forming five lots abutting the western boundary. The remaining six new rural living lots would then sit east of a new north / south aligned road that would be constructed with access to Nerowie Road. The remaining 197ha of land is to be retained as a balance farming lot with the existing heritage listed homestead.</p>                                   | <p>No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.</p> | <p>Upheld, the decision of the responsible authority in relation to the permit application is affirmed, no permit is granted.</p>     |

| Appeal No. & Address details  | Proposal   | Key recommendations/commentary around lack of policy or direction in MSS   | Councils Decision upheld/overturned  |
|---|--|--|--|
| <p><b>VCAT REFERENCE NO. P940/2012</b><br/> <b>PERMIT APPLICATION NO. PA2011/3430</b><br/> 6 Liberty Court Brookfield</p>               | <p>Construction of three single storey dwellings.</p>  | <p>No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.</p>   | <p>Overtured, the decision of the responsible authority in relation to the permit application is set aside. A permit is granted.</p>                                 |
| <p><b>VCAT REFERENCE NO. P3949/2011</b><br/> <b>PERMIT APPLICATION NO. PA2011/3075</b><br/> 15 Priscilla Court, Melton West</p>         | <p>To demolish part of the dwelling closest to Centenary Avenue and construct a single storey milk bar including an outdoor area for tables and chairs adjacent to Priscilla Court, creating a total area of activity estimated by Mr Robertson to be 75sqm. A loading and waste collection area will be located between the milk bar and the east side boundary accessed off Centenary Avenue. Car parking is proposed in the road reserve of Priscilla Court (5 angled spaces) and Centenary Avenue (2 parallel spaces).</p> | <p>No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.</p>   | <p>Overtured, the decision of the responsible authority is set aside. A permit is to be granted.</p>   |
| <p><b>VCAT REFERENCE NO. P1506/2012</b><br/> <b>PERMIT APPLICATION NO. PA2011/337</b><br/> 93-97 Arbour Boulevard, Burnside Heights</p> | <p>The development of nineteen dwellings.</p>  | <p>The Scheme does not have a specific neighbourhood character policy for the Shire nor has a study been undertaken.</p> | <p>Overtured, The Application for Review of the failure of the Responsible Authority to make a decision in the statutory period is granted. A permit is granted.</p> |
| <p><b>VCAT REFERENCE NO. P526/2012</b><br/> <b>PERMIT APPLICATION NO. PA2011/3321</b><br/> 1 Yuille Street, Melton</p>                  | <p>Construction of six dwellings, of which five would be double storey and one would be single storey.</p>   | <p>No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.</p>   | <p>Overtured, the decision of the responsible authority in relation to the permit application is set aside. A permit is granted.</p>                                 |
| <p><b>VCAT REFERENCE NO. P8/2013</b><br/> <b>PERMIT APPLICATION NO. PA 2011/3423/1</b><br/> 678-742 Boundary Road, Truganina</p>        | <p>An Agreement pursuant to <u>s173</u> of the <i>Planning and Environment Act 1987</i>. Regarding arrangements for infrastructure works in respect of the development for industrial and warehouses of a precinct including the review site.</p>  | <p>No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.</p>   | <p>Overtured, the decision of the responsible authority in relation to the permit application is set aside. A permit is granted.</p>                                 |

| Appeal No. & Address details  | Proposal  | Key recommendations/commentary around lack of policy or direction in MSS  | Councils Decision upheld/overturned   |
|---|---|---|---|
| <p><b>VCAT REFERENCE NO. P8/2013</b><br/> <b>PERMIT APPLICATION NO. PA 2011/3423/1</b><br/> 678-742 Boundary Road,<br/> Truganina</p>         | <p>Buildings and works for two distribution centres with floor areas of 63,994 square metres and 11,003 square metres and reduction in associated car parking.</p>  | <p>No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.</p>        | <p>Overtaken, the decision of the responsible authority and referral authority in relation to approval of an agreement pursuant to section 173 is set aside. The responsible authority, referral authority and owner of the land are directed to sign and seal the section 173 agreement.</p> |
| <p><b>VCAT REFERENCE NO. P8/2013</b><br/> <b>PERMIT APPLICATION NO. PA 2011/3423/1</b><br/> 678-742 Boundary Road,<br/> Truganina</p>         | <p>To approve a Development Plan to guide development of land for industrial and warehouse purposes.</p>  | <p>No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.</p>        | <p>Overtaken, the decision of the responsible authority in relation to the Development Plan is set aside. The responsible authority is directed to approve a pursuant to the Development Plan.</p>  |
| <p><b>VCAT REFERENCE NO. P1508/2012</b><br/> <b>PERMIT APPLICATION NO. PA2012/3495</b><br/> 12 Runnymede Lane, Brookfield</p>                 | <p>This is an application for the development of land for 6 dwellings comprising of 2 double-storey dwellings located at the front of the site and 4 single-storey dwellings running across the length of the site</p>  | <p>No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.</p>        | <p>Upheld, the decision of the responsible authority in relation to the permit application is affirmed, no permit is granted.</p>   |
| <p><b>VCAT REFERENCE NO. P3025/2012</b><br/> <b>PERMIT APPLICATION NO. PA2012/3520</b><br/> Lot 2, LP133709 319-391 Leakes Road, Plumpton</p> | <p>Use and develop the front part of Lot 2 for a market (farmers' market) that would operate from 7am to 4pm every Saturday and Sunday. It includes 9 large sheds (8 x 11 metres) each with four stalls; 11 small sheds (4 x 5 metres) each with 2 stalls; 22 car boot sales sites; 121 public car spaces; 105 stall holder car spaces; 20 bicycle spaces; and amenities such as toilets. The Leakes Road access would be remodelled and sealed pedestrian paths would be installed. Christmas tree sales would continue. No signage is proposed.</p> | <p>No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.</p>        | <p>Overtaken, Council's decision is set aside and no permit is issued.</p>  |
| <p><b>VCAT REFERENCE NO. P3406/2012</b><br/> <b>PERMIT APPLICATION NO. PA2012/3589</b></p>  | <p>Use and development of land for a Place of Assembly known as Heaven's Gate Healing Sanctuary incorporating the 'The Light House-The House of Light' Church.</p>  | <p>Since Melton Planning Scheme has no policy on non-residential uses in the residential zone, the parties maintained the</p> | <p>Upheld, the decision of the responsible authority in relation to the permit application is affirmed and no permit is granted.</p>  |

| Appeal No. & Address details   | Proposal  | Key recommendations/commentary around lack of policy or direction in MSS  | Councils Decision upheld/overturned  |
|--|---|---|--|
| 3 Buckle Road, Kurunjang   |   | planning scheme was policy neutral on the proposal.   |  |
| <b>VCAT REFERENCE NO.</b><br><b>P2795/2012</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2011/3095/1</b><br>13 Yuille Street, Melton                          | Seven double storey dwellings, all providing three bedrooms with one providing four bedrooms. Car parking is by means of a single garage for each dwelling and a tandem car space. There will be two crossovers and driveways, one to serve Dwelling 1 which has direct frontage to Yuille Street, the other for all the other dwellings.<br><br>Each dwelling is provided with a single width garage and a tandem car space. One visitor space is also provided. | The township of Melton is a settlement outside the metropolitan area of Melbourne. The Melton Planning Scheme does not contain a neighbourhood character policy. There is no identified desired future character for the area. An assessment of the proposal would thus be based on the existing character and the context of the site. | Upheld, the decision of the responsible authority is affirmed, no permit is granted.                                       |
| <b>VCAT REFERENCE NO.</b><br><b>P293/2013</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2012/3601</b><br>49 Richard Road, Melton South                        | It is proposed to construct three, double storey attached dwellings on the subject site: Unit 1 addresses Richard Road and Units 2 and 3 address Morris Street. Units 1 and 2 will provide three bedrooms and Unit 3 will provide two bedrooms. Vehicular access is off Morris Street: Units 1 and 2 will be provided with two on-site car spaces in tandem and Unit 3 will be provided with one on-site car space.   | The Scheme does not have a specific neighbourhood character policy for the Shire nor has a study been undertaken.   | Overturned, the decision of the responsible authority is set aside. A permit is granted.                                   |
| <b>VCAT REFERENCE NO.</b><br><b>P2258/2259/2013</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2012/3755 &amp; DP2012/005</b><br>13 Speargrass Drive, Hillside | Construct two double-storey dwellings at the rear of the existing dwelling.   | The Scheme does not have a specific neighbourhood character policy for the Shire nor has a study been undertaken.   | Upheld, the decision of the responsible authority in relation to the permit application is affirmed, no permit is granted. |
| <b>VCAT REFERENCE NO.</b><br><b>P63/2014 &amp; P820/2014</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2013/4098</b><br>1 Grevillea Close, Hillside           | P63/2014 (as amended) – a variation of the existing restrictive covenant affecting the subject land, a seven lot subdivision and the construction of six double storey dwellings<br><br>P820/2014 – the approval of a Development Plan for the subject land   | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.   | Upheld Councils notice of refusal, the decision of the responsible authority is affirmed, no permit is issued.             |

| Appeal No. & Address details   | Proposal  | Key recommendations/commentary around lack of policy or direction in MSS  | Councils Decision upheld/overturned   |
|--|---|---|---|
| <b>VCAT REFERENCE NO.</b><br><b>P737/2014</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2013/4107</b><br>27 Exford Road, Melton South                                       | To develop three single storey dwellings. Two of the dwellings would comprise two bedrooms and the third would have one bedroom. Each dwelling would be provided with one car parking space accessed via a common driveway on the south boundary. Each dwelling would have at least 37.8 square metres of private open space. | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.   | Overturned Councils refusal, the decision of the responsible authority is set aside. A permit is granted. |
| <b>VCAT REFERENCE NO.</b><br><b>P889/2014</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2013/4189</b><br>2 Glencapel Court, Hillside  | To seek to vary a restrictive covenant on the land to allow the construction of a second dwelling of floor area less than 170m2 on the land.  | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.   | Overturned, the decision of the responsible authority is set aside, a permit is granted.                  |
| <b>VCAT REFERENCE NO.</b><br>P1466/2014<br><b>PERMIT APPLICATION NO.</b> PA2012/3458/1<br>171-197 Harkness Road, Melton West   | Place of worship  | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.   | Overturned, the decision of the responsible authority is set aside, permit is amended.                    |
| <b>VCAT REFERENCE NOS.</b><br><b>P1775/2014 &amp; P221/2015</b><br><b>PERMIT APPLICATION NOS.</b><br><b>PA2014/4444/1 &amp; DP2014/11/1</b><br>2 Glencapel Court, Hillside | To allow a development plan on the land to allow a second dwelling to be constructed and approval for the second dwelling of floor area less than 170sqm on the land.   | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.   | Overturned, the decision of the responsible authority is set aside. A permit is granted.                  |
| <b>VCAT REFERENCE NO.</b><br><b>P1628/2014</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2014/4310</b>  | Use and development of the land for racing dog keeping and racing dog training.   | There are no policies specifically directed at the proposed use. There are no specific policies relating to the keeping, breeding and training of dogs. | Overturned, the decision of the responsible authority is set aside, a permit is granted.                  |
| <b>VCAT REFERENCE NO.</b><br><b>P88/2015</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2014/4439</b><br>18 Creebank Place, Caroline Springs                                 | To develop a two storey dwelling to the side of an existing two storey dwelling on a corner lot. The proposed dwelling would have two bedrooms, a single car parking space and secluded open space of 38.1 square metres.<br><br>Materials would comprise face brickwork at the ground floor, weatherboard cladding on        | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.   | Upheld, the decision of the responsible authority is affirmed, no permit is granted.                      |



| Appeal No. & Address details  | Proposal  | Key recommendations/commentary around lack of policy or direction in MSS  | Councils Decision upheld/overturned  |
|---|---|---|--|
|   | the first floor and concrete roof tiles. The front fence would be a 1.2 metre high timber picket fence. A single car parking space would be provided within a carport partly under the dwelling.  |   |  |
| <b>VCAT REFERENCE NO.</b><br>P164/2015 & P165/2015<br><b>APPLICATION NO.</b> PA/2014/4494 & DP2014110<br>13 Speargrass Drive, Hillside  | The proposal is to construct two, three-bedroom, single storey dwelling to the rear of the existing dwelling.   | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found. | Overturned, the decision of the responsible authority is set aside. A permit is granted. |
| <b>VCAT REFERENCE NO.</b><br><b>P2231/2014</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2014/4520/1</b><br>1/1-19 Sherwin Court, Melton | The display of a pole mounted, double sided, floodlit major promotion sign. The sign will have a total height of 12.25 metres. The signage panel is proposed to be 3.35 metres by 12.66 metres in length with an area of 42.4 square metres. The two panels will have a combined advertisement area of 84.8 metres. The sign will be erected on an eight metre high pole. A 'skirt' of 0.9 metres will be constructed between the pole and the advertising panel, which will contain the iOM nameplate and three flood lights | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found. | Upheld, the decision of the responsible authority is affirmed, no permit is granted.     |
| <b>VCAT REFERENCE NO.</b><br><b>P617/2015</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2014/4545</b><br>13 Jardine Drive, Plumpton      | Construction of three attached dwellings is proposed on a corner lot to be created under a subdivision which is nearing completion.   | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found. | Upheld, the decision of the responsible authority is affirmed, no permit is granted.     |
| <b>VCAT REFERENCE NO.</b><br><b>P1094/2015</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2014/4429</b><br>14 Maree Court, Kurunjang      | The development of three single storey dwellings in a tandem arrangement with a common driveway.  | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found. | Overturned, the decision of the responsible authority is set aside, a permit is granted. |
| <b>VCAT REFERENCE NO.</b><br><b>P1557/2015</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2014/4649/1</b>                                 | Two double storey dwellings attached at ground level and fronting Wordon Court with a shared new crossover; and one single storey dwelling fronting Christina Crescent.   | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found. | Upheld, the decision of the responsible authority is affirmed, no permit is granted.     |

| Appeal No. & Address details  | Proposal  | Key recommendations/commentary around lack of policy or direction in MSS   | Councils Decision upheld/overturned  |
|---|---|--|--|
| 13 Wordon Court   | Each double storey dwelling contains three bedrooms, a single garage and a tandem car space in front. The single storey dwelling contains two bedrooms and a single carport.  |  |  |
| <b>VCAT REFERENCE NO.</b><br><b>P1948/2015</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2015/4746</b><br>942-996 Beattys Road   | It is proposed to subdivide the subject land into two lots. Proposed Lot 1 is in the south-west corner of the subject land with frontage to Beattys Road. This lot has an area of 2 hectares and would contain an existing dwelling with outbuildings. Proposed Lot 2 comprises the balance of the land with an area of 10.38 hectares. Proposed Lot 2 is vacant.   | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.  | Upheld, the decision of the responsible authority is affirmed, no permit is granted.     |
| <b>VCAT REFERENCE NO.</b><br><b>P2115/2015</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2015/4785</b><br>19 Westcott Parade, Rockbank                                 | Construction of a new double storey dwelling to the rear of an existing single storey dwelling.   | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.  | Upheld, the decision of the responsible authority is affirmed, no permit is granted.     |
| <b>VCAT REFERENCE NO.</b><br><b>P1940/2015</b><br><b>PERMIT APPLICATION NO.</b><br><b>PA2015/4666</b><br>142 Hume Drive, Taylors Hill                                 | A 17 metre high monopole with 3 panel antennas to an overall height of 18.34 ms, an equipment cabin and associated tracks and fencing set within a mix of perimeter and central tree planting.  | No key recommendation/commentary around lack of policy or direction in the Municipal Strategic Statement found.  | Overturned, the decision of the responsible authority is set aside, a permit is granted. |
| <b>VCAT REFERENCE NO.</b><br><b>P336/2016</b><br><b>PERMIT APPLICATION NO.</b> <b>PA</b><br><b>2015/4978</b><br>1-95 Burns Lane, 188-222 Blackhill Road, Toolern Vale | Re-subdivision of land at 1-95 Burns Land and 188-222 Blackhill Road, Toolern Vale (total area of 86.47ha) from three (3) lots into four (4) lots comprising: <ul style="list-style-type: none"> <li>- Lot 1 with 2ha fronting Blackhill Road at the south-east corner of the site and vacant.</li> <li>- Lot 2 with 2ha fronting Blackhill Road at the south-east corner of the site and vacant.</li> <li>- Lot 3 with 4.20ha fronting Burns Lane at the north-west corner of the site and containing an existing dwelling.</li> </ul> | Under Clause 22.08 – <i>Rural Land Use Policy</i> , there is no recognition of the value of Melton’s rural areas and the retention of its rural character whilst providing for the establishment of non-urban activities and limited residential development in a planned and co-ordinated manner. | Upheld, the decision of the responsible authority is affirmed, no permit is granted.     |

| Appeal No. & Address details   | Proposal   | Key recommendations/commentary around lack of policy or direction in MSS  | Councils Decision upheld/overturned  |
|--|--|---|--|
|  | <ul style="list-style-type: none"> <li>- Lot 4 with 78.32ha comprising the remainder primary lot that has access to both Burns Lane and Blackhill Road and containing an existing dwelling and horse stud</li> </ul>   |   |  |
| <p><b>VCAT REFERENCE NO.</b><br/><b>P1273/2016</b></p> <p><b>PERMIT APPLICATION NO. CDZ</b><br/><b>2008/45/4</b></p> <p>5 Lorimer Street, Caroline Springs</p> | <p>Construction of three double-storey townhouses.</p> <p>Application under section 149(1)(a) of the <i>Planning and Environment Act 1987</i> to review the refusal to approve an amendment to a precinct plan and to refuse to approve layout plans as being to the satisfaction of the responsible authority</p> | <p><b>Declarations</b></p> <p>In accordance with section 124 of the <i>Victorian Civil and Administrative Tribunal Act 1998</i>, and in respect of the three proposed double-storey dwellings in the amended application, I declare that:</p> <ul style="list-style-type: none"> <li>(a) No amendment to the approved precinct plan is required under clause 3.0 of schedule 1 to clause 37.02 of the <i>Melton Planning Scheme</i>.</li> <li>(b) No layout plans are required to be prepared to the satisfaction of the responsible authority under clause 1.0 of schedule 1 to clause 37.02 of the <i>Melton Planning Scheme</i>.</li> <li>(c) No permit is required under clause 1.0 of schedule 1 to clause 37.02 of the <i>Melton Planning Scheme</i> to use the subject land.</li> <li>(d) No permit is required under clause 7.0 of schedule 1 to clause 37.02 of the <i>Melton Planning Scheme</i> to construct two or more dwellings on a lot.</li> <li>(e) No permit is required under clause 8.0 of schedule 1 to clause 37.02 of the <i>Melton Planning Scheme</i> to construct buildings and works.</li> </ul> | <p><b>Application dismissed</b></p> <p>In accordance with section 75 of the <i>Victorian Civil and Administrative Tribunal Act 1998</i>, the application is Application dismissed on the grounds it is misconceived.</p> <p>No permit is required.</p> <p><b>The member's findings are that:</b></p> <p>If it is the Council's intention that an amendment to the precinct plan is required for all proposals for two or more dwellings on a lot in a 'residential use' area identified in the precinct plan and that layout plans must be endorsed or approved as being to the Council's satisfaction, the CDZ1 and the precinct plan do not realise that intention.</p> <p>The Council should consider preparing amendments to CDZ1 and/or the precinct plan to give effect to that intention should this be its objective. (37.02 Schedule 1)</p> |
| <p><b>VCAT REFERENCE NO.</b><br/><b>P1730/2016</b></p> <p><b>PERMIT APPLICATION NO.PA</b><br/><b>2003/504</b></p> <p>570 Parwan-Exford Road, Parwan</p>        | <p>An application to delete three conditions (to connect to reticulated water, the need for a Section 173 Agreement and the need for a direct link to the equine industry) from permit PA2003/504 which allows a 7 lot subdivision of the subject land.</p>  | <p>Summary of Key findings by Tribunal:</p> <p>"The purposes and reasons for including condition 3(b) arose from an application of the planning controls and policy that traded off clearly enunciated state planning policy to limit small lot subdivisions in rural areas by requiring amongst other things the</p>   | <p>Decision of responsible authority upheld no amended permit to issue.</p>  |

| Appeal No. & Address details | Proposal  | Key recommendations/commentary around lack of policy or direction in MSS  | Councils Decision upheld/overturned |
|------------------------------|---|---|-------------------------------------|
|                              | <p>On review of the responsible authority's decision to refuse to amend this permit the applicants now seek only one condition to be removed; condition 3(b). This condition requires that before a Statement of Compliance is issued under the <i>Subdivision Act 1988</i>, each secondary lot created under the subdivision must be connected to a reticulated water supply at the cost of the owner/applicant.</p> | <p>provision of reticulated water to the smaller, secondary lots.</p> <p>The smaller, secondary lots are clearly anticipated under the scheme to be used for rural living rather than substantive agricultural purposes.</p> <p>The scheme has consistently required the application of the policy and subdivision requirements since Amendment L56 was adopted and no changes in circumstances or planning reasons have been put forward by the applicants that justifies an exception to these requirements.</p> <p>Given these findings and those I have made about other matters raised by the applicants, I conclude that the permit should not be amended to remove condition 3(b).</p> <p>Responsible Authority's decision is affirmed and no amendment to permit PA2003/504".</p> |                                     |

## Review of Panel Reports relevant to MSS review since 2010

| Amendment No. & Amendment Details   | Background   | Key recommendations/commentary around lack of policy or direction in MSS   |
|---|--|--|
| <p><b>Amendment C065</b><br/> Rezone 557 Robinsons Road, Truganina, 678-742 Boundary Road Truganina, 489-555 Robinsons Road, Truganina and 638-676 Boundary Road, Truganina from Farming to Industrial 1 and apply a Development Plan Overlay 14 to the land</p>  | <p>Amendment C65 to the Melton Planning Scheme, as exhibited, proposes to rezone an area of land comprising 203 hectares generally bound by Middle Road, Christies Road, Boundary Road and Robinsons Road, Truganina, other than a lot in the south-east corner of this precinct which is already in an Industrial 1 Zone, from Farming Zone to Industrial 1 Zone. In addition, the amendment introduces Schedule 14 to the Development Plan Overlay to the planning scheme and applies the Development Plan Overlay and this schedule to the subject land.</p>  | <p>The evidence of Dr Wolinski was that the MSS is out of date. The Panel agrees and it appears that the MSS has not been reviewed since the planning scheme was introduced in 1999. There are a number of indicators that the MSS is out of date.</p> <p>To further demonstrate that the MSS is out of date the Panel was advised by Council that it is in the process of reviewing its MSS and it is expected that an updated version would be put to Council in late 2008</p> |
| <p><b>Amendment C071</b><br/> Applies the permanent heritage controls to properties in the Shire of Melton, introduces the 'Shire of Melton Heritage Study Stage 2: Volume 6 - Statements of Significance' as an Incorporated Document and introduces three Incorporated Plans to the Heritage Overlay.</p> | <p>Implement the recommendations of the Shire of Melton Heritage Study 2007 (the Melton Heritage Study) by including 113 individual places in the Schedule to the Heritage Overlay (HO), amending planning scheme maps and introducing new maps as required and introducing an incorporated plan to HO69, Melton Cemetery; and Alter the planning scheme maps and the Schedule to the HO so that sites included on the Victorian Heritage Register are mapped accurately and the schedule provisions are correct</p>   | <p>There is no heritage policy in Clause 22 – Local Policies.</p>  |
| <p><b>Amendment C080</b><br/> Rezone land at Hume Drive, Taylors Hill described as lot 1 on PS599895T from Public Use Zone to Residential 1 Zone and issue a permit for a two lot subdivision and removal of reserve at the end of Hardware Lane vested in Council.</p>                                     | <p>The subject site is a 5.6 hectare parcel of land bordered by the rear fences of residential lots fronting Taylors Hill Boulevard to the south, Timele Drive to the north, Hawthorn Grove to the west and by the side fences of dwellings at the western end of Southbank Walk and Hardware Lane to the east. A portion of the north-eastern boundary of the site is bordered by a number of residential lots located in Serrata Court and Silvana Way, Hillside. These lots are located within the City of Brimbank. The site is regular in shape and contains a Melbourne Water tank with a capacity of approximately 46,500,000 litres.</p> | <p>No specific recommendations relating to the MSS.</p>  |

| Amendment No. & Amendment Details   | Background  | Key recommendations/commentary around lack of policy or direction in MSS   |
|---|---|--|
| <p><b>Amendment C081</b><br/>Applies a Public Acquisition Overlay to land for the purpose of the Palmers Road Corridor and amends the Schedules to Clauses 52.03 and 81.01 to insert the Incorporated Document titled "Palmers Road Corridor (Sayers Road, Laverton North to Western Freeway, Truganina) Incorporated Document, January 2012".</p>  | <p>Amendments C116 to the Brimbank Planning Scheme, C81 to the Melton Planning Scheme and C121 to the Wyndham Planning Scheme, as exhibited, propose to apply Public Acquisition Overlays to land required for the proposed widening of Palmers Road and Robinsons Road between Sayers Road and the Western Freeway, Truganina. The planning authority for the Amendments is VicRoads.</p>  | <p>VicRoads submitted that the Project is well supported by each of the three Councils' local planning policies, supporting population and employment growth. Each Council supports the proposed Amendments.</p> |
| <p><b>Amendment C082</b><br/>Provides for the development of a new residential neighbourhood for approximately 7,000 people with a local convenience centre, service infrastructure and community facilities in Plumpton by incorporating the Taylors Hill West Precinct Structure Plan, the Taylors Hill West Native Vegetation Precinct Plan and the Taylors Hill West Development Contributions Plan. These documents are implemented through changes to the Schedules to Clause 34.01, 35.06, 37.07, 45.06, 52.01, 52.16, 61.03 and 81.01</p> | <p>Amendment C82 to the Melton Planning Scheme, as exhibited, proposes to:</p> <ul style="list-style-type: none"> <li>• Incorporate the Taylors Hill West Precinct Structure Plan, the Taylors Hill West Native Vegetation Precinct Plan and the Taylors Hill West Development Contributions Plan into the planning scheme</li> <li>• Rezone all of the land to Urban Growth Zone 1</li> <li>• Apply the Development Contributions Plan Overlay to all of the land</li> <li>• Introduce the Development Contributions Plan Overlay (Clause 45.06) to the planning scheme with a new Schedule 1</li> <li>• Introduce Schedule 1 to the Urban Growth Zone (Clause 37.07); and</li> <li>• Change Clauses 21.03-2 and 21.04-2 and the schedules to Clauses 34.01, 52.01, 52.16, 61.03 and 81.01 to implement three incorporated plans.</li> </ul> | <p>There were no submissions that seriously disputed that the Amendment substantially complied with these local strategies and policies.</p>   |
| <p><b>Amendment C083</b><br/>Implements the Melton North PSP and Melton North DCP by rezoning land at 413- 439 Minns Road, Kurunjang, from Residential 1 Zone to Urban Growth Zone Schedule 2, apply Schedule 2 to the Urban Growth Zone (UGZ2) to land in the Melton North PSP area, introduce Clause 45.06 (DCPO) into the scheme, apply Schedule 2 to the DCPO to the Melton North PSP area and makes changes to</p>   | <p>The MNPSP was prepared by the GAA with the input of Melton Shire Council, government agencies, service authorities and all stakeholders within the precinct. Like all other PSP's, the MNPSP is a long-term strategic framework document that describes how this part of Melton will be developed over about a 15 year period. The PSP includes very detailed infrastructure and service provisions in its DCP.</p>  | <p>There were no submissions that seriously disputed that the Amendment substantially complied with these local strategies and policies.</p>   |

| Amendment No. & Amendment Details  | Background   | Key recommendations/commentary around lack of policy or direction in MSS  |
|--|--|---|
| Schedules to Clause 34.01, 52.01, 52.17, 61.03 and 81.01.  |  |   |
| <p><b>Amendment C084 Part 2 – Split Amendment</b><br/>Amendment requested by the GAA to finalise the urban structure for the Toolern Precinct Structure Plan by rezoning 31.15 ha south of Abey Road, west of Ferris Road and north of the Melbourne-Ballarat railway line, Toolern from part Industrial 1 and part Urban Growth Zone to Urban Growth Zone 3 and updating relevant provisions to the Melton Planning Scheme.</p> | <p>Amendment C84 was adopted by the Growth Areas Authority (GAA) following public exhibition in November – December 2009 and a Panel Hearing held in March 2010. Amendment C84 introduced the Toolern Precinct Structure Plan (PSP) and Toolern Development Contributions Plan into the Melton Planning Scheme, and rezoned approximately 2400 hectares of land to UGZ3. It also approved residential subdivision at 301-353 Exford Road, Melton South. Following adoption, an application under Section 39 of the Planning and Environment Act 1987 was lodged at VCAT by the landowner at 41-53 Abey Road (Technochem Pty Ltd), claiming defects in the procedure for the exhibition of Amendment C84. To enable the issues raised by Technochem Australia Pty Ltd to be considered, the Minister for Planning split Amendment C84 into two parts.</p> <p>Amendment C84 Part 1, approved on 30 October 2010, introduced the Toolern PSP and DCP into the Melton Planning Scheme and rezoned approximately 2370 hectares of land to UGZ3. Amendment C84 Part 2 applies to the Technochem Australia site and surrounding affected properties (totalling approximately 31.15 hectares in area) and is required to complete the urban structure of the Toolern PSP. Amendment C84 Part 2 area is generally located south of Abey Road, west of Ferris Road and north of the Melbourne-Ballarat railway line (with a small area south of the railway land).</p> | <p>No specific recommendations relating to the MSS.</p>   |
| <p><b>Amendment C91 – Caroline Springs</b><br/>Increase the "as of right" shop floor space within the retail core of the Caroline Springs Town Centre to 40,000 square metres, update the Retailing Policy at Clause 22.06 to identify the retail core and reference the Urban Design Framework for the</p>  | <p>This panel report concerned Amendments C91 and C112 to the Melton Planning Scheme which were heard by the same panel at the one time.</p>   | <p>The Panel made various comments in relation to the existing Melton MSS. Including in relation to the relocation of the Urban Growth Boundary has meant that extensive new urban areas have been and will be added to Melton.</p> |

| Amendment No. & Amendment Details  | Background  | Key recommendations/commentary around lack of policy or direction in MSS   |
|--|---|--|
| <p>retail core within the policy and amend the schedule to the Comprehensive Development Zone Clause 37.02.</p> <p><b>Amendment C112 – Burnside</b><br/> The proposed amendment rezones the Mixed Use Zone area to the south of the existing shopping centre to the Business 1 Zone, and updates the schedule of the Business 1 Zone by permitting the expansion of the shop floor area to 36,000 sqm (of which 5,000 sqm is to be used for restricted retail), and permitting an office floor area of 50,000 square metres.</p> | <p>The Amendments proposed changes to zone controls which would allow commercial floor space expansions at two activity centres in Melton Shire at the developing metropolitan fringe.</p> <p>Other supporting planning scheme changes were also proposed.</p>  | <p>The Panel also commented “that that relocation of the boundary will transform the area originally conceived in the Melton MSS to be two residential communities and a series of small villages ... surrounded and supported by non-rural land - into one new largely contiguous urban form, albeit with significant open space provision. The MSS has not kept pace with growth”.</p> |
| <p><b>Amendment C100</b><br/> Amends the schedule to Heritage Overlay to include dry stone walls and introduces an incorporated document titled City of Melton Dry Stone Wall Study Volume 3 Statements of Significance</p>  | <p>Amendment C71 to the Melton Planning Scheme, approved in August 2010, implemented a number of recommendations of the Melton Heritage Study 2007 and added a number of individual places to the schedule to the HO.</p> <p>The Melton Heritage Study identified a large number of heritage places in Melton, including some dry stone walls. Council decided to commission a separate study of dry stone walls. As a result, only a small number of walls (generally associated with other historic places such as homesteads or important farm sites) were included in Amendment C71</p> | <p>Panel support the amendment, no specific recommendations relating to the MSS.</p>   |
| <p><b>Amendment C109</b><br/> Introduces a Public Acquisition Overlay (PAO) to part of 60-72 Bridge Road Melton South, to provide for the construction of a new Bridge Road crossing of the Toolern Creek.</p>   | <p>The site of the Amendment C109 proposal for the Melton Planning Scheme is adjacent to the Bridge Road crossing of Toolern Creek about 3.4 km due south of the Melton business centre, and 2.2 km south of the Western Highway. The Melton South/Toolern area generally is on the expansive Western Basalt Plains that extend from Melbourne’s inner west to Ballarat and to Geelong. The Plains contain occasional variations and sunken incisions that are mainly valleys of creeks, rivers, and other water bodies – in this case that of Toolern Creek.</p>                           | <p>No specific recommendations relating to the MSS.</p>  |



| Amendment No. & Amendment Details  | Background  | Key recommendations/commentary around lack of policy or direction in MSS   |
|--|---|--|
| <p><b>Amendment C110</b><br/>Amends Taylors Hill West Development Contribution Plan and Development Contributions Plan Overlay Schedule 1 to include land acquisition and construction cost required to widen Beattys Road between 30-68 Beattys Road, Hillside.</p> | <p>Amendment C110 to the Melton Planning Scheme, as exhibited, proposes to apply a new Schedule to the Public Acquisition Overlay (PAO7) in order to reserve land for the upgrade of Beattys Road, Hillside.</p> <p>The Amendment also proposes to amend the Taylors Hill West Development Contributions Plan to include the cost of acquisition of the land and update Schedule 1 to the Development Contributions Overlay (DCP01) to reflect the revised costs. The planning authority is Melton Shire Council.</p> | <p>No specific recommendations relating to the MSS.</p>  |
| <p><b>Amendment C119</b><br/>The amendment rezones land at 195-295 Brooklyn Road, Brookfield from General Residential Zone to Commercial 1 Zone and applies the Development Plan Overlay – Schedule 18.</p>  | <p>The Botanica Springs – Melton South: Local Structure Plan (LSP) was approved by Council in January 2003 and updated on 11 September 2006. The LSP identified that there would be an area of land abutting Brooklyn Road comprising community facilities alongside 3 ha of commercial land at the north-eastern corner of Zone C with frontages to Clarkes Road and Brooklyn Road.</p> <p>The LSP included the following text in respect of the ‘commercial area’</p>   | <p>The Panel noted: “The Strategy as a whole has not been tested, and is not yet part of the Planning Scheme. However, I accept that the Strategy was prepared with rigour, went through a process of consultation and is in the preparatory stages of being the subject of a Planning Scheme Amendment.</p> <p>The Panel was satisfied that there is no effective strategic choice on the distribution of neighbourhood centres in this area given the geography and the development to date.</p> <p>Proceeding with the Amendment will not close off what might have been a better outcome for the community. On the contrary, I agree with Council that not proceeding might close off the option of a well-designed neighbourhood centre of an appropriate size for the area. I conclude that the Amendment is not premature”.</p> |
| <p><b>Amendment C135</b><br/>761-797 and 683-687 High Street , Melton West</p>   | <p>Rezones 761-797 and 683-687 High Street, Melton West from Farming Zone to Residential 1 Zone; rezones Parcels No. 14 and 31 on SP18899B from Farming Zone to Road Zone, Category 1; and rezones Parcels No. 32 and 33 on SP18899B from Industrial 3 Zone to Road Zone, Category 1.</p> <p>The purpose of the Amendment is to remove redundant zoning to enable the efficient use of land within an established urban area, as well as</p>  | <p>Panel supported the amendment and recommended rezoning of the amendment as requested through Amendment C135.</p> <p>No specific recommendations relating to the MSS.</p>  |

| Amendment No. & Amendment Details                                     | Background  | Key recommendations/commentary around lack of policy or direction in MSS  |
|---|---|---|
|   | <p>acknowledge the purpose of the land planned for a diamond interchange connecting to the Western Freeway.</p>   |   |
| <p><b>Amendment C145 – Rockbank Precinct Structure Plan (PSP)</b></p> | <p>The amendment inserts two new incorporated documents titled “Rockbank Precinct Structure Plan, August 2015” and “Rockbank Development Contributions Plan, August 2015” into the Melton Planning Scheme and implements the PSP and DCP. The land within the amendment area is generally rezoned to Urban Growth Zone Schedule 7 to facilitate urban development in accordance with the PSP and DCP</p>  | <p>Panel supported the amendment subject to a series of changes.<br/>No specific recommendations relating to the MSS.</p> |
| <p><b>Amendment C162 – MT Atkinson &amp; Tarneit Plains</b></p>       | <p>The Amendment implements the development of the land within the Precinct in accordance with the Mt Atkinson &amp; Tarneit Plains Precinct Structure Plan, June 2017 (Mt Atkinson &amp; Tarneit Plains PSP) by introducing Schedule 9 to the Urban Growth Zone (UGZ9) and rezoning the majority of land within the Precinct area to UGZ9.</p> <p>The UGZ9 will enable residential and employment generating uses in areas identified in the future urban structure and in accordance with the vision for urban growth outlined in the Mt Atkinson &amp; Tarneit Plains PSP and State planning policy.</p> | <p>Panel supported the amendment subject to a series of changes.<br/>No specific recommendations relating to the MSS.</p> |
| <p><b>Amendment C171 – Retail Amendment (Municipality Wide)</b></p>   | <p>Implements the recommendations of the City of Melton Retail and Activity Centres Strategy, March 2014 by amending the Municipal Strategic Statement and Local Policy Planning Framework</p>  | <p>Panel supported the amendment.<br/>No specific recommendations relating to the MSS.</p>                                |