

# Government Land Standing Advisory Committee

## Tranche 16 Report

### 419 – 421 Upper Heidelberg Road, Ivanhoe

1 June 2018

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## List of Abbreviations

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DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
GRZ	General Residential Zone
MUZ	Mixed Use Zone
PPRZ	Public Park and Recreation Zone
RGZ	Residential Growth Zone
VPO	Vegetation Protection Overlay
YVW	Yarra Valley Water

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## About this report

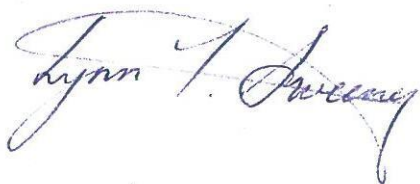
On 29 October 2018, the Minister for Planning referred 419 – 421 Upper Heidelberg Road, Ivanhoe to the Government Land Standing Advisory Committee as Tranche 16.

The Minister for Planning advised in his referral letter that the land at 419 Upper Heidelberg Road, Ivanhoe, has been referred for consideration as it is proposed to form part of a land swap arrangement with Development Victoria's development of 421 Upper Heidelberg Road, Ivanhoe.

This is the report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for 419 – 421 Upper Heidelberg Road, Ivanhoe.



Mandy Elliott, Chair



Lynn Sweeney, Member

1 June 2018

# 1 Summary and recommendation

## 1.1 The site

Figure 1: Site location



The subject site is located at 419 – 421 Upper Heidelberg Road, Ivanhoe and comprises the following:

- 419 Upper Heidelberg Road, Ivanhoe, a local park containing playground equipment and a basketball ring
- 421 Upper Heidelberg Road, Ivanhoe which comprises two lots:
  - Lot 1 PS 349641N which has an area of 7,336 square metres and contains a Yarra Valley Water (YVW) tank that was decommissioned in 2004
  - Lot 3 PS314700 which contains Telstra infrastructure.

The site does not contain any restrictive covenants and has access via three vehicular crossovers along Upper Heidelberg Road and Forster Street. The site is bound by the Bell Banksia Link and Upper Heidelberg Road.

The site is located on the edge of the Heidelberg Activity Centre, with a 14 storey mixed use development under construction on the northern side of the Bell Banksia Link, and the Austin Hospital to the north-east. The site is generally surrounded by residential uses including detached dwellings of one or two storeys.

## 1.2 Issues raised in submissions

The Committee considered all written submissions as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Committee has

been assisted by the information provided to it as well as its observations from inspections of the site.

Submissions included the desire for the site to be retained for open space. Submissions also addressed the need to ensure that the planning controls for the site reflect the level of residential development presented to the community through the consultation processes undertaken by Development Victoria (the site owner). Traffic and parking issues associated with the rezoning were also raised in submissions.

### 1.3 Committee conclusion

The site owner proposes to rezone the subject land from part Public Park and Recreation Zone (PPRZ) and part Public Use Zone – Schedule 1 (Service and Utility) to part Mixed Use and part Public Park and Recreation Zones.

The Committee is not satisfied that the Mixed Use Zone (MUZ) is an appropriate zone if the land is to be sold and recommends that that part of the site be rezoned to the Residential Growth Zone (RGZ).

**Table 1: Existing and proposed controls**

Current planning scheme controls	Proposed planning scheme controls	Advisory Committee Recommendation
Public Park and Recreation Zone	Retain (part)	Retain (part)
Public Use Zone – Schedule 1 (Service and Utility)	Mixed Use Zone (part)	Residential Growth Zone
Parking Overlay	Retain	Retain
	NEW Development Plan Overlay	Agree (as per Committee’s version)
Schedule to Clause 52.01	Amend	Amend (as per Committee’s recommendation)

## **1.4 Recommendation**

The Committee recommends that:

**A planning scheme amendment be prepared and approved for 419 – 421 Upper Heidelberg Road, Ivanhoe to:**

- a) Rezone the site from part Public Park and Recreation Zone and part Public Use Zone – Schedule 1 (Service and Utility) to part Public Park and Recreation Zone and part Residential Growth Zone (as shown in Figure 3 of this report, replacing the Mixed Use Zone (MUZ) with the Residential Growth Zone.**
- b) Apply a Development Plan Overlay in accordance with the Committee preferred version at Appendix D, including changes to the Concept Plan legend.**
- c) Amend the Schedule to Clause 52.01 Public Open Space Contribution and Subdivision to reflect that the amount of contribution for public space as:
  - 5 per cent or as otherwise agreed with Council under the Heads of Agreement for 421 Heidelberg Road, Ivanhoe, dated and signed 17 October 2017.****

## 2 Process issues for this site

### 2.1 Process summary

The following tables set out the details of the process for this matter.

**Table 2: Proposal summary**

Proposal summary	
<b>Tranche and site reference</b>	Tranche 16: site reference FT113
<b>Site address</b>	419 – 421 Upper Heidelberg Road, Ivanhoe
<b>Previous use</b>	Former Yarra Valley Water tank site
<b>Site owner</b>	Development Victoria on behalf of Yarra Valley Water
<b>Council</b>	Banyule City Council
<b>Exhibition</b>	19 February – 30 March 2018
<b>Submissions</b>	6

**Table 3: Proposed planning scheme changes**

Existing controls	Proposed changes
Public Park and Recreation Zone	Retain (part)
Public Use Zone – Schedule 1 (Service and Utility)	Mixed Use Zone (part)
Parking Overlay	Retain
	NEW Development Plan Overlay to the Mixed Use Zone area
Clause 52.01	Amend

**Table 4: Committee process**

Committee process	
<b>Members</b>	Mandy Elliott (Chair) and Lynn Sweeney
<b>Information session</b>	6 March 2018
<b>Hearing</b>	20 April 2018
<b>Site inspections</b>	20 April 2018 (unaccompanied)
<b>Appearances</b>	Development Victoria represented by Ken Munroe and Jackie Kirby of Tract Consultants Banyule City Council represented by Klover Apostola Paul Tramontana

## Committee process

**Date of this Report**                      01 June 2018

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### **2.2      Process issues**

**(i)      Amended Development Plan Overlay tabled at the Hearing by Development Victoria**

As part of their submission, the site owner tabled an amended Development Plan Overlay (DPO). The Committee directed that the revised DPO be circulated to all parties. Parties were given one week (to 2 May 2018) to provide comments on the DPO, to the Committee.

The Committee noted that Council reiterated its position that it did not support the application of a DPO and that Council's preference is for a Design and Development Overlay (DDO) be applied to the site.

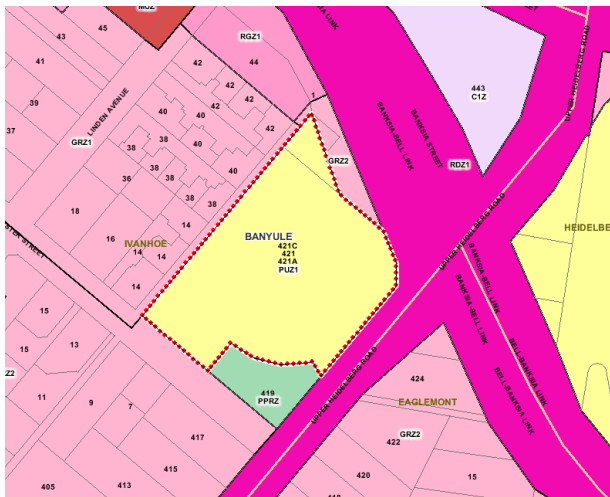


## 3 Site constraints and opportunities

### 3.1 Zoning context

Figures 2 and 3 show the current and proposed zonings.

**Figure 2: Current zoning**



**Figure 3: Proposed zoning**



### 3.2 Physical constraints

#### (i) History of the site

The subject site contains a water tank and infrastructure associated with its former use as a YVW tank site and Council local park.

#### (ii) Asset easements

The site currently contains a small Telstra asset in the northern part of the site. This is proposed to be removed prior to development.

An existing Covenant on the park boundary, in favour of YVW, is proposed to be removed by planning permit.

#### (iii) Current site conditions

The site is dominated by the obsolete concrete water tank constructed in 1959. The water tank ceased operation in 2004. The site also contains an older style playground with poor amenity.

#### (iv) Interface with surrounds

The site is located at the edge of the Heidelberg Activity Centre and is a significant point of transition from the one and two storey residential neighbourhood and the Activity Centre.

The site owner noted the site's immediate surrounds include:

- Bell Banksia link – a five lane road, sunken a minimum of 5 metres, and the Bell Street on-ramp. On the other side of Bell Street are single and double storey residential properties and an apartment site which is currently under construction (Caydon)
- Upper Heidelberg road, and single and double storey residential properties and the Austin Hospital
- Upper Heidelberg Road, and single and double storey residential properties and a local park
- Right of way off Forster Street, and single and double storey residential properties.

**(v) Access**

While the site has four street frontages it has significant access constraints. No vehicular access is available to the north (Bell Banksia Link). The northern end of the Right of Way provides only pedestrian access.

Access to Forster Street at Upper Heidelberg Road is closed limiting vehicle access in and out of Forster Street to the local residential streets.

Current property access via the Right of Way is limited to the Telstra assets, (which are proposed to be removed prior to development).

### **3.3 Strategic context**

**(i) Plan Melbourne**

Plan Melbourne 2017 – 2050: Metropolitan Planning Strategy, 2017, DELWP (Department of Environment, Land, Water and Planning), and commonly known as *Plan Melbourne*, was introduced into the State Planning Policy Framework of all planning schemes on 31 March 2017.

*Plan Melbourne* recognises the potential for surplus government land in contributing to the reactivation of land and proceeds of sale to be redirected by Government. *Plan Melbourne* states:

*Government land is an important resource for delivering services to Victorians, including places to live, work and learn. The government regularly reviews its land assets to ensure that they are being used efficiently. Land that is considered to be underutilised or surplus can then be considered for community or other government purposes or be disposed of. Any proceeds can then be reinvested into other important infrastructure. More efficient use of land owned by government can help facilitate Plan Melbourne outcomes and deliver social, economic and environmental benefits.*

**(ii) Planning Practice Notes**

**Planning Practice Note 23 – Applying the Incorporated Plan and Development Plan Overlays (PPN23)**

PPN23 states that the Incorporated Plan Overlay and Development Plan Overlay are:

- *the preferred tools for supporting plans*
- *flexible tools that can be used to implement a plan to guide the future use and development of the land such as an outline development plan, detailed development plan or master plan.*

The overlays have two purposes:

- *to identify areas that require the planning of future use or development to be shown on a plan before a permit can be granted*
- *to exempt a planning permit application from notice and review if it is generally in accordance with an approved plan.*

**Planning Practice Note 49 – Role of Mandatory Provisions in Planning Schemes (PPN49)**

PPN49 states that:

*The Design and Development Overlay is the most appropriate tool for the expression of mandatory built form requirements. Opportunities may also exist in some other zones and overlays to mandate controls.*

## 4 Issues with the proposed changes

### 4.1 What zone is suitable

#### (i) Submissions

There were no submissions objecting to the proposal to rezone part of the site to PPRZ to facilitate the relocation of the local park to the southwestern portion of the site. Some submissions recommended that the whole site should become public open space.

The site owner submitted that the balance of the site should be rezoned to Mixed Use Zone (MUZ) to:

*... facilitate a multi-storey residential development and allow incorporation of low scale commercial uses in the development.*

The site owner submitted that the MUZ was most appropriate to facilitate a high density residential development. It stated that:

*... the MUZ is one of the available standard residential zones that supports higher density housing and the provision of a broader range of land uses, such as retails, commercial and community facilities.*

*It is the only residential zone that does not include a specific reference to a maximum height control.*

The site owner noted that the RGZ contains a purpose: “to provide for housing at increased densities in buildings up to and including four storey buildings”.

Council submitted that the strategic context of the site’s location within Precinct 6 – Residential Interface, of the Heidelberg Activity Centre supports the application of the RGZ rather than the MUZ. The vision for Precinct 6 is:

*This area will provide a moderate increase in the number of dwellings whilst enabling the preferred neighbourhood character of residential land.*

Council submitted that the application of the RGZ would be consistent with the approach taken by the Social Housing Renewal Standing Advisory Committee which observed that while the RGZ has a default discretionary height of 13.5 metres, this can be amended. Council submitted there are a number of sites within the Banyule municipality where this is the case and supported the use of a schedule to reflect a mandatory 12 storey height limit.

Council submitted that it has sought advice from DELWP on the application of the RGZ and that DELWP advised Council that the interpretation by the site owner that the MUZ should be used where development is greater than four storeys:

*... was an incorrect interpretation of the zone. It was advised that there is no reason why the RGZ could not be used to facilitate development of more than four storeys.*

Further, Council submitted that the justification for pursuing the MUZ to allow for the inclusion of a low scale commercial site is not supported by any social or economic assessment or objectives in a schedule. Council submitted that:

*This could result in the introduction of uses that do not complement the surrounding residential area.*

The site owner submitted the two reasons why the MUZ should be applied were:

- MUZ was the appropriate zone for residential development over four storeys
- MUZ allowed appropriate non-residential uses to establish on the site.

The site owner submitted that the extensive two stage public consultation undertaken in 2016 and 2017 resulted in a level of community acceptance of a substantial redevelopment of the site (up to 12 twelve storeys) and that this level of development would be best facilitated by the MUZ.

Council submitted that the masterplan presented to the community in the consultation can and should be facilitated by the RGZ. Council submitted that the inclusion of commercial uses in the development was included in the masterplan presented to the community and noted that the inclusion of community facilities and complementary commercial uses can be achieved with the RGZ.

## **(ii) Discussion**

Council and other submitters alluded to the importance of the site as both a strategic development site and its importance as a transition point between the low scale residential neighbourhood and the Activity Centre. The site characteristics include its two direct residential and local park interfaces as well as two main road frontages and limited vehicle access points.

It was disappointing that neither the site owner nor Council provided a comprehensive analysis of the particular characteristics of this site or zone comparison to inform the Committee on the most suitable zone. The Committee was instead presented with a variety of precedents for the application of both MUZ and RGZ, none of which was conclusive as to the most appropriate zone for the site.

The Committee notes that there are many examples of the use of RGZ for development over four storeys and does not accept this as a compelling reason to use MUZ. In relation to the potential of MUZ to support commercial uses, the Committee notes that the site owner provided little guidance on what 'appropriate' commercial uses that may be sought beyond community facilities or a café, both of which could be facilitated by the RGZ. Indeed, the few uses that would be prohibited under the RGZ but may be allowed by MUZ, such as Gardening Supplies, are clearly unsuitable for the site.

The Committee notes that no provisions of the DPO or any other objectives that may give guidance on appropriate commercial uses were proposed.

The Committee agrees with Council that the RGZ is a more appropriate zone for the site given the sensitive frontages and limited vehicle access.

The Committee is satisfied that the RGZ will clearly allow the substantial scale of residential development and community or commercial uses presented to the community and the Committee.

**(iii) Conclusion**

The Committee is not convinced that the MUZ is the suitable zone for this site. The Committee concludes that the most appropriate zone for the site is RGZ due to particular characteristics of the site, including the direct frontages to the local park, residential neighbourhood and limited traffic access points.

The Committee concludes that the RGZ will support the significant residential redevelopment of the site and allow the inclusion of appropriate non-residential uses as well as a better fit with the surrounding residential land uses.

## **4.2 What overlays are suitable**

**(i) Evidence and submissions**

The site owner submitted that the application of a DPO would provide sufficient clarity and guidance for development of the site. At the Hearing, the site owner tabled an amended DPO schedule which included an indicative concept plan that was not part of the exhibited amendment.

The site owner supported the application of a DPO for the site on the basis that it provides the broad development parameters for the site as well as the security for the ultimate developer to proceed without the risk of third party objections.

Council submitted that the application of a DDO was a more appropriate tool and Council's preferred practise for redevelopment of similar sites. Council submitted that Planning Practice Note 59 includes guidance that a DDO is the most appropriate overlay to express mandatory built form requirements. Further, Council submitted that both the exhibited and tabled DPO schedules provided scant guidance for the site. Council submitted that the controls, as exhibited, did not provide an appropriate expression of the proposal that was presented to the community through the two phases of consultation.

The site owner supported the application of a DPO rather than DDO as a:

*DDO would remove the need to undertake an overall plan for the land to be developed. The DDO applies requirements on development rather than on the development of a masterplan as the DPO does.*

The site owner submitted that Council's proposed DDO Schedule requirement for a layout plan for subdivision is considered to be contrary to the role and purpose of the DDO. The site owner considered that Council's proposed DDO is unwarranted and inconsistent with the approach taken to other strategic redevelopment sites. It submitted that the approach requires *"an unreasonable level of detail that does not facilitate the timely delivery of development on what is a key strategic site."*

Council submitted that unless further detail was included in the DPO, it would be entirely appropriate for the community to be given a further opportunity to comment on any proposed development, which the DPO would not allow.

Mr Tramontana expressed the view that the height of the development should be lowered and that residents should be afforded a further opportunity to comment on the development when there is a 'real plan' for the site.

### **Vegetation Protection Overlay**

Council submitted that the Vegetation Protection Overlay – Schedule 5 (VPO5) should be applied to the site as it was only excluded due to existing public use zoning of the site. The site owner submitted that the strategic opportunity for significant housing development the site offered might be compromised by the requirements of VPO5 and that the DPO contained adequate tree protection for the site.

#### **(ii) Discussion**

The main issues of contention between the site owner and Council regarding the appropriate overlay to be applied to the site were whether:

- there is a sufficient level of detailed guidance on development parameters
- third party rights should be removed.

While the Committee acknowledges that Council generally prefers to apply DDOs, it does not accept that a DPO cannot provide sufficient guidance for development. The Committee is satisfied that the application of a DPO, provided that it contains a sufficient level of guidance and detail, can provide adequate certainty for Council and neighbouring properties.

The Committee agrees with the site owner that it is desirable for the ultimate developer of the site to undertake further overall master planning and that a DPO is the appropriate tool to facilitate this.

The Committee is satisfied that the objectives and requirements for the appropriate protection of vegetation on the site can be included in the DPO and the application of VPO5 is not supported.

#### **(iii) Conclusion**

The Committee is satisfied that an adequately detailed DPO that represents the development parameters presented to the local community in phase two of the community consultation should be applied to the site. The Committee does not support the application of the VPO5 as the Committee version of the DPO includes adequate requirements for tree protection.

The Committee has included its preferred DPO in Appendix D, further discussed in Chapter 5 of this report.

## **4.3 The form of the Development Plan Overlay**

### **(i) Evidence and submissions**

The site owner tabled additions to the DPO at the Hearing and submitted that this adequately reflected the development parameters presented to the community in the two stage public consultation process. Council submitted that the commitments made by the site owner through the consultation phase have not been reflected in the proposed controls.

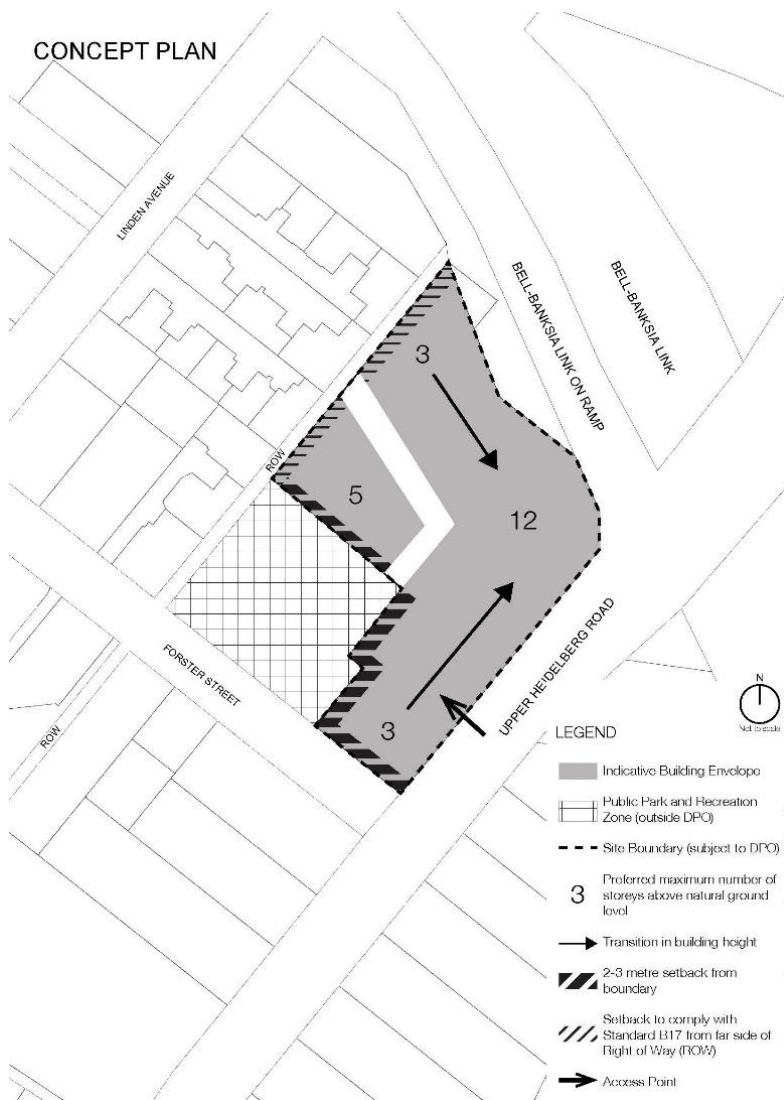
Council did not agree that the DPO provided adequate detail to secure a satisfactory result on setbacks, vegetation, car and pedestrian access.

The site owner’s tabled additions to the DPO included:

- the requirement for a waste management plan
- introduction of a schematic concept plan
- overshadowing requirement to protect the adjacent park
- include a 10 per cent affordable housing component
- further detail on landscaping and the retention of existing trees, where possible, or replacement of canopy trees.

While maintaining the position that a DDO rather than DPO should be applied to the site, Council submitted detailed amendments to the tabled DPO. Council advised that they used the recently approved Banyule DPO6 as the model for their comments. Council submitted that the DPO should reflect the development concept presented to the community as part of the two stage consultation and include the advice from Council’s urban design advisers.

**Figure 4: DPO Concept Plan tabled at the Hearing**





### **Building height and site coverage**

The site owner proposed the inclusion of a concept plan to the DPO (Figure 4) to illustrate the development envelopes for the site. The site owner submitted that the Concept Plan adequately represented the masterplan discussed with the community in the two stage consultation.

Council submitted that the tabled concept plan does not give sufficient clarity on height transition and that sections should be included to demonstrate this. Council submitted that the concept plan should limit building height to three storeys at the interface with Forster Street, the park and the Right of Way. Further, Council submitted that the building height at the north-eastern and eastern edges of the proposed park should be limited to prevent overshadowing of the park.

Council submitted that the DPO should contain built form requirements including that the development plan must describe building heights that do not exceed the height limits, setbacks and site coverage nominated in DPO7. The tabled concept plan nominates the heights as *“preferred maximum number of storeys above natural ground”*.

Council submitted that a limit of 40 per cent site coverage should be included in the DPO to reflect the masterplan.

### **Setbacks**

The tabled concept plan included a setback of two to three metres from Forster Street and the proposed park. The concept plan included a note that buildings should comply with Standard B17 setbacks from the far side of the Right of Way. Council submitted that the concept plan should require a five metre minimum setback to Forster Street, the park and the Right of Way. Council based its submission for increased setbacks on the masterplan from those that the site owner presented to the community as part of the community consultation.

### **Vehicle access**

The tabled concept plan nominated an Access Point on Upper Heidelberg Road. Council submitted that the DPO should nominate that car access is only permitted from Upper Heidelberg Road (no vehicle access from Forster Street) and that parking should be at the basement level.

### **Affordable housing and dwelling diversity**

The site owner proposed that the development plan must describe the development concept, including *“a mix of dwelling sizes including a 10 per cent component of affordable housing”*.

Council submitted that the requirement should be: *a mix of dwelling sizes, with a focus on three bedroom on the ground floor, and a minimum of 10 per cent component of affordable housing.*

### **Landscaping and vegetation retention**

In the tabled DPO, the site owner proposed that the landscape concept for the site should incorporate landscaped buffers and setbacks at residential interfaces, consisting of existing trees to be retained where possible, and/or replacement canopy trees.

Council submitted that the DPO should require a landscape concept that includes native trees, integrates with the adjoining park, retains substantial trees and vegetation and includes landscape buffers to residential interfaces and the Right of Way. Council also proposed that the DPO require a Site Context analysis, Arboricultural Report, Tree Management Plan, Landscape and Open Space Plans as part of the development plan.

### **Non-residential uses**

The site owner proposed that the development plan must include an indicative schedule including the floor area of any proposed non-residential uses and details of the nature of those uses. Council submitted that the objectives of the DPO could include provision for small scale complementary non-residential uses in an appropriate location at ground level and that the development plan must demonstrate that the potential amenity impacts of any non-residential uses can be managed.

#### **(ii) Discussion and conclusion**

The difference in the approach to the content of the DPO between the site owner and Council is the level of certainty and detail proposed by each. Clearly, the site owner wishes to provide the certainty of the process of approving a development concept under a DPO while maintaining flexibility and adaptability.

Alternatively, Council submits that there should be a significant level of detail around the development parameters presented to the community during the consultation phase to justify the loss of third party review facilitated by a DPO.

The Committee is satisfied that a suitably detailed DPO can provide Council and the community the confidence that the site will be developed within the parameters previously presented to the community. The Committee is also satisfied that this will provide the ultimate developer of the land with sufficient direction on the development parameters previously presented to the community while also allowing the flexibility and adaptability sought by the land owner.

The Committee's preferred version of the DPO is included as Appendix D to this report.

## **4.4 Schedule to Clause 52.01 – Public Open Space**

### **4.4.1 Evidence and submissions**

The site owner proposed an amendment to the Schedule to Clause 52.01 to reduce the public open space contribution to 0 per cent on the basis that the proposed land swap to create a new, larger and improved local park, will represent the contribution. Council opposed the amendment to Clause 52.01 as unnecessary but provided the following alternative wording:

*Amount of contribution for public open space: ~~0%~~ 5%, or as otherwise agreed with Council under the Heads of Agreement for 421 Heidelberg Road, Ivanhoe, dated and sign 17 October 2017.*

#### **4.4.2 Discussion and conclusion**

The Committee is not satisfied that the proposal to reduce the open space contribution to 0 per cent is required to secure each party and the community's interests. If, for some reason, the proposed land swap does not occur it could create confusion or conflict. In the interest of clarity, the Committee concludes the amendment should use Council's alternative wording for Clause 52.01. This will provide for a 5 per cent contribution if the land swap does not occur.

## Appendix A: About the Government Land Standing Advisory Committee

The Government Land Planning Service is a 2015 initiative to deliver changes to planning provisions or correct planning scheme anomalies for land owned by the Victorian Government. The Government Land Standing Advisory Committee (the Committee) was appointed under Part 7, section 151 of the *Planning and Environment Act 1987* in July 2015.

The Terms of Reference for the Committee has been revised twice by the Minister for Planning in July 2017 and April 2018 respectively.

The Committee consists of:

- Chair: Lester Townsend
- Deputy Chairs: Trevor McCullough and Mandy Elliott
- Members: Gordon Anderson, Elissa Bell, Alan Chuck, Jenny Fraser, Prue Mansfield, Jane Monk, Rachael O'Neill, John Ostroff, Tania Quick, Cazz Redding and Lynn Sweeney.

The Committee is assisted by Ms Emily To, Project Officer with Planning Panels Victoria.

The Committee's Terms of Reference state that the purpose of the Advisory Committee is to:

- advise the Minister for Planning on the suitability of new changes to planning provisions for land owned, proposed to be acquired or to land required to facilitate the delivery of priority projects by the Victorian Government, and*
- provide a timely, transparent and consultative process to facilitate proposed changes to land owned or proposed to be acquired; or to support delivery of priority projects by the Victorian Government.*

The Advisory Committee must produce a written report for the Minister for Planning providing:

- an assessment of the appropriateness of any changes of planning provisions in the context of the relevant planning scheme and State and Local Planning Policy Frameworks,*
- consideration of whether the proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes,*
- an assessment of whether planning scheme amendments could be prepared and adopted for each proposal, including the recommended planning provisions,*
- an assessment of submissions to the Advisory Committee,*
- any other relevant matters raised during the hearing(s),*
- a list of persons who made submissions considered by the Advisory Committee,*
- a list of persons consulted or heard,*
- endorsement by the Chair or the Deputy Chair.*

## Appendix B: List of Submitters

No.	Submitter
1	Michael Wilson
2	David Rhodes
3	Caydon Property Group
4	Carol & Paul Tramontana
5	Felicity Hood
6	Banyule City Council

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## Appendix C: Document list

Documents Presented to Hearing (No.)	Description	Presented By
1a	Development Victoria submission	Mr Munroe
1b	Development Victoria presentation	Mr Munroe
2	Development Victoria planning submission	Ms Kirby
3	Development Victoria presentation slides	Ms Kirby
4	Banyule Council submission	Ms Apostola
4b	Banyule Council submission appendices	Ms Apostola

## Appendix D: Committee preferred Development Plan Overlay

Committee insertions: blue

~~Committee deletions: red~~

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### SCHEDULE 7 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO7**

#### 421 UPPER HEIDELBERG ROAD, IVANHOE

#### 1.0 Requirement before a permit is granted

A permit may be granted before a development plan has been prepared for:

- / -- / ----
- Bulk excavation, site preparation and retention works, including piling, footings, ground beams and ground slab, and minor buildings and works.
  - Any works required to satisfy environmental clean-up or audit requirements.
  - Subdivision.
  - Creation, variation or removal of easements or restrictions.

#### 2.0 Conditions and requirements for permits

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Except for a permit granted before a development plan has been approved, a permit must contain the following condition:

- A ~~C~~onstruction ~~M~~anagement ~~S~~trategy must be submitted to and approved by the responsible authority which:
  - Details measures to be implemented to minimise adverse impacts during the development on environmental values, including habitat, water quality, sites of biological and cultural significance and vegetation to be retained on site.
  - Details the measures to be implemented to minimise and control the generation of dust and sediment on the site, the transport of sediment onto public roads and into drains and waterways ~~and the generation of dust~~.
  - Shows the designation of tree protection zones for any canopy trees to be retained on the land in accordance with the Arboricultural Assessment Report.
  - Shows the location of site offices, security fencing, cranes, ~~and~~ off-street vehicle parking for construction vehicles and employees and construction vehicle road routes.
  - Details the methods to be used for the collection and disposal of construction waste and the storage of construction materials.
  - Details the hours of construction ~~and demolition~~ on the site.
- All works conducted on the land must be in accordance with the approved construction management strategy.
- A Waste Management Plan must be submitted to and approved by the responsible authority which:
  - Specifies the type of bins to be used, where they will be stored, and how waste and recycling materials are to be managed within the site and collected from the site.
  - Show access routes for waste collection vehicles.

### 3.0 Requirements for development plan

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The Development Plan must be prepared to the satisfaction of the responsible Authority.

#### Development Plan Objectives

The Development Plan must demonstrate how the future use and development of the land responds to and achieves the following objectives:

##### Built Form:

- Have a scale and high quality appearance that will punctuate and not dominate the Heidelberg to Eaglemont Ridgeline's continuous green, dominant treed canopy and natural vegetated appearance, and respond to the surrounding neighbourhood character; particularly the sensitive residential and local park interfaces.
- Provide a backdrop to the adjoining public open space rather than an enclosure and enhance the safety of the open space
- Provide a car free public realm with landscaped, usable communal open space that is distinct from, but compatible with the park
- Provide an environmentally sustainable and efficient use of the site with a mix of dwelling sizes and types, good residential amenity, accessibility and safety
- Provide a clear sense of address to, and all vehicle access from Upper Heidelberg Road

##### Land Use:

- Provide for predominantly residential development with a range of dwelling types to cater for a variety of housing needs.
- Include (if appropriate) small scale complementary non-residential uses in appropriate locations at ground level to activate street frontages. The Development Plan must demonstrate the potential amenity impacts of any non-residential uses on new residents and neighbours.

The development plan ~~may be prepared in stages~~ must include the following requirements: ~~and must describe:~~

Existing conditions, including surrounding land uses and development, adjoining roads and pedestrian links, public transport routes, topography, existing canopy trees, vegetation and social infrastructure.

Staging (if relevant)

The development concept, including:

- Land Use
  - An indicative development schedule including the number, type and density of dwellings and the floor area and details of any proposed non-residential uses.
- Subdivision
  - Any proposed staging of development including staging of infrastructure and open space delivery.
- Built Form
  - Building heights that do not exceed the height limits and setbacks shown on the Concept Plan included in this Schedule.
  - ~~Identifying~~ Identification of any sensitive interface areas.
  - Varying building heights, form and building separations that appropriately transition in height from three storeys at sensitive interfaces to a twelve storey maximum at the northeast corner of the site. This transition and building separations must respond to the features of the site including long range views, amenity of the adjoining park and residential streets and built form character.



- ~~Describing~~ [A description of](#) new building orientation and location, indicative uses for each building, car parking areas, public roads, vehicle access locations, pedestrian and bike paths and areas and locations of private open space.
- Three dimensional building envelope plans, describing indicative building heights and setbacks in accordance with the Concept Plan provided below.
- Building massing transitioning to reduced heights not exceeding 3 storeys immediately adjacent to Forster Street and the north-west site boundary.
- Proposed stormwater and drainage management treatments, including any water sensitive design or integrated water management elements.
- The design philosophy for the site and indicative architectural themes.
- [Buildings that are designed to avoid unreasonable impacts on the visual and acoustic privacy and solar access of nearby dwellings.](#)
- [Appropriate noise attenuation measures to minimise the adverse impacts on future residents from the adjoining arterial roads](#)
- [Overshadowing:](#)
  - Buildings should not significantly overshadow the adjoining public park between 11:00am and 2:00pm on 22 September.
  - ~~Shadow diagrams of proposed building envelope conditions at 10am, 1pm and 3pm at 22 September.~~
  - ~~An indicative development schedule including the number, type and density of dwellings and the floor area of any proposed non-residential uses.~~
- [Affordable Housing and Diversity](#)
  - A mix of dwelling sizes including a 10% component of affordable housing.
  - ~~Where non-residential uses are proposed, details of the nature of the proposed use.~~
- [Traffic circulation and movement](#)
  - The provision of car parking and the management of traffic, including:
    - Identifying vehicle, pedestrian and cyclist access locations, both internal and external to the site.
    - [No vehicle access from Forster Street.](#)
    - Identifying parking locations. Resident and visitor parking should be provided at basement level.
    - Any traffic management measures.
    - Likely traffic generation of the development.
    - Location and linkages to public transport.
    - Car parking rates for all uses, including visitor parking.
    - Provision for bicycle facilities.
- [Landscape, Open Space, Vegetation and Environmental Sustainability](#)
  - The arboricultural condition of any significant vegetation on the land, including in relation to the long term health and retention value of such vegetation.
  - The landscape concept for the site incorporating:
    - Landscaped buffers and setbacks at residential interfaces, consisting of existing trees to be retained where possible, and/or replacement canopy trees. [Communal open space areas that are well designed.](#)
  - The means of achieving environmental sustainability for the site.

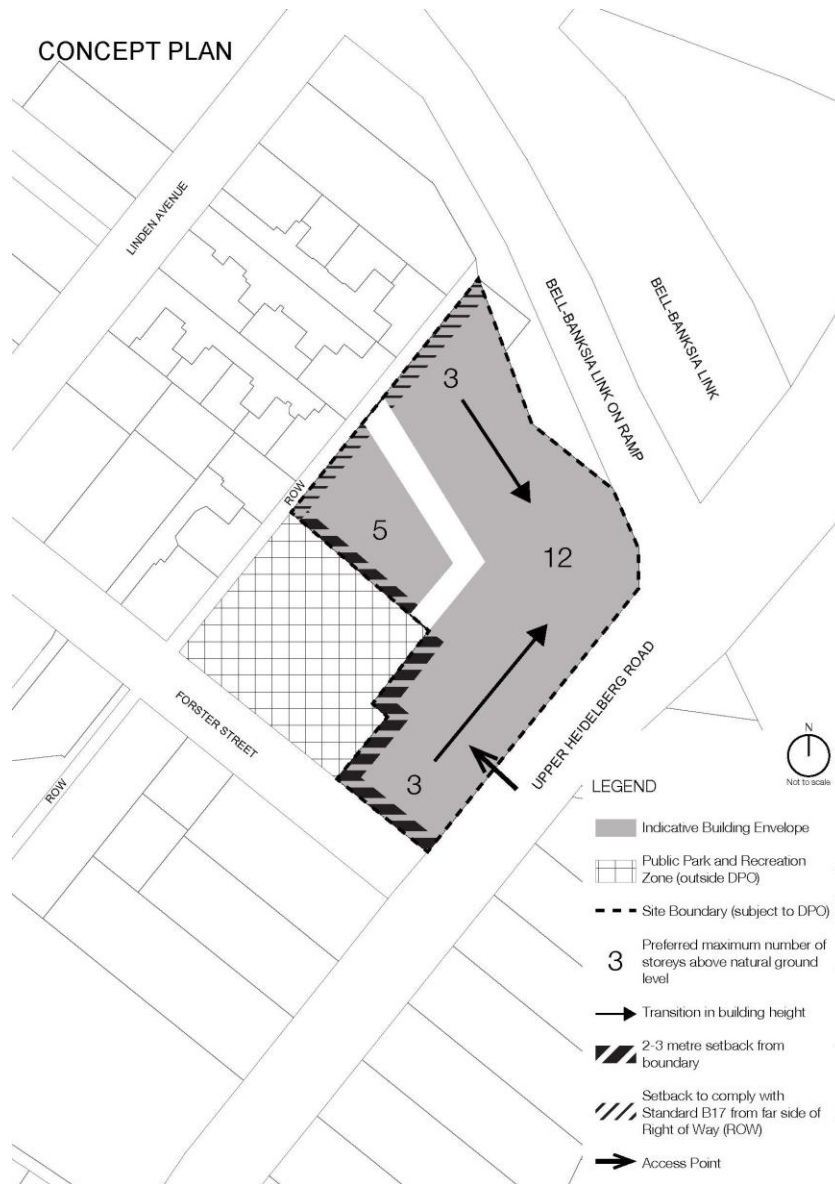
**Required documents, plans and reports**

[The Development Plan must include the following documents, plans and reports, to the satisfaction of the Responsible Authority:](#)

- [A Planning Report that demonstrates how the proposal meets the requirements of this schedule.](#)
- [A Site Context Analysis in accordance with Clause 55.01 and Clause 58.01 including existing conditions, including surrounding land uses and development, adjoining roads and pedestrian links, public transport routes, topography, existing canopy trees, vegetation, important views to be protected, noise sources, vehicle access points, key land use opportunities and constraints and the relationship with the adjoining park and social infrastructure.](#)
- [Preliminary Architectural Plans and Design Report and Staging Plan showing the design response to the Site context Analysis and Clauses 55.01 and 58.01. The Report should include elevations and cross sections and demonstrate how the building setbacks adjacent to side or rear boundaries address the standards of Clause 55.04. The report should show the methods of managing noise from adjacent major roads.](#)
- [An integrated Transport and Traffic Management Plan](#)
- [A Tree Management Plan that identifies the trees to be retained \(informed by the Arboricultural Assessment Report\) and the methodology for protecting those trees.](#)
- [A Landscape and Open Space Plan](#)
- [A Contamination Assessment](#) ~~Contamination Assessment~~ of the entire site needs to be provided that has been prepared by a suitably qualified and experienced person and include recommendations and an implementation strategy to be undertaken in the event that any part of the site is contaminated. The assessment must be submitted to and approved by and to the satisfaction of the Responsible Authority and make reference to the Department of Sustainability and Environment (DSE), General Practice Note – Potentially Contaminated Land, June 2005.
- [An Environmental Site Assessment and Sustainability Plan](#)
- [A Services and Infrastructure Plan.](#)
- [A Community Engagement Report which outlines the consultation which has occurred to inform the preparation of the Development Plan including but not limited to:](#)
  - [Banyule Council](#)
  - [Neighbouring residents](#)
  - [Office of the Victorian Government Architect](#)
  - [Transport for Victoria](#)

#### Concept Plan

The Development Plan must be generally in accordance with the Concept Plan forming part of this schedule to the satisfaction of the Responsible Authority



~~A matter specified above, as being required to be described in the development plan, is not required if it is not relevant to the approval of a particular development plan, or the approval of an amended development plan.~~

\*\*\*The Committee recommends that the Concept Plan be amended to show:

Legend:

Remove the word 'Preferred' from the legend relating to building height

Change the 2-3 metre setback with 5 metres to Forster Street and the Right of Way

Change wording 'from far side of' to eastern side of Right of Way

Insert 'Only vehicle' to Access Point.