

Government Land Standing Advisory Committee Tranche 4 – Combined Report

17 March 2017

Comprising:

- **an Interim Report regarding Part of 48 Rona Street, Reservoir and 1 Hopetoun Avenue, Brunswick West**
- **a final Report regarding 14 Studley Road, Heidelberg (Austin Hospital)**
- **a final Report regarding 181–183 Jetty Road, 14 Cook Avenue, 318 Bayview Road and Herman Street Reserve, Rosebud**
- **a final Report regarding part of 95 Williamsons Road, South Morang.**

**Government Land Standing Advisory Committee
Tranche 4 – Interim Report
Part 48 Rona Street, Reservoir
1 Hopetoun Avenue, Brunswick West**

17 March 2017

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About this report

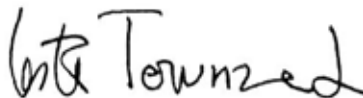
On 21 August 2016, the Minister for Planning referred the following sites to the Government Land Standing Advisory Committee as part of Tranche 4 – Interim Report:

- 145 Studley Road, Heidelberg (Austin Hospital)
- Part 48 Rona Street, Reservoir
- 1 Hopetoun Avenue, Brunswick West
- Part 95 Williamsons Road, South Morang.

On 27 September 2016, the Minister for Planning referred the following additional site to the Committee:

- 181-183 Jetty Road, 14 Cook Avenue, 318 Bayview Road and Herman Street Reserve, Rosebud.

This is an interim report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for **Part 48 Rona Street, Reservoir and 1 Hopetoun Avenue, Brunswick West**.



Lester Townsend, Chair

17 March 2017

The Government Land Standing Advisory Committee

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

The purpose of the Committee is:

... to advise the Minister for Planning on the suitability of changes to planning provisions for land owned by the Victorian Government.

The Committee consists of:

- Chair: Lester Townsend
- Deputy Chairs: Brett Davis and Cathie McRobert
- Members: Gordon Anderson, Alan Chuck, John Collins, Mandy Elliott, Jenny Fraser, John Ostroff, Cazz Redding and Lynn Sweeney.

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

The Committee's Terms of Reference state:

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

- *An assessment of the appropriateness of any changes to planning provisions, in light of the relevant planning scheme and State and Local Planning Policy Frameworks.*
- *An assessment of whether planning scheme amendments could be prepared and adopted in relation to each of the proposals.*
- *An assessment of submissions to the Standing Advisory Committee.*
- *Any other relevant matters raised in the course of the Standing Advisory Committee Hearing.*
- *A list of persons who made submissions considered by the Standing Advisory Committee.*
- *A list of persons consulted or heard.*

1 Deferred process

On 17 January 2017, Melbourne Water wrote to the Committee to request an adjournment to the Hearing for 1 Hopetoun Avenue, Brunswick West and (Part) 48 Rona Street, Reservoir, to enable negotiations about the sale of the two sites with Moreland City Council and Darebin City Council.

The Committee subsequently wrote to the submitters who were scheduled to present at the Hearings and directed that:

- The Hearings for 1 Hopetoun Avenue, Brunswick West and (Part) 48 Rona Street, Reservoir are each adjourned to a date to be fixed.
- Melbourne Water must report to the Committee on the progress of any negotiations for sale.
- In the event that the Committee is advised that a sale will not be concluded, the Committee will write to parties to reconvene a Hearing.

The Committee agreed that the adjournments are warranted for the following reasons as set out in its letter on 17 January 2017 to affected submitters:

Melbourne Water has been approached independently by Moreland City Council and Darebin City Council with requests to purchase 1 Hopetoun Avenue, Brunswick West, and (Part) 48 Rona Street, Reservoir, respectively.

These properties are currently listed for Hearings in February 2017.

Melbourne Water has begun negotiations to attempt to agree on terms of sale to the respective councils. Joint instructions have been prepared for the Valuer-General Victoria for valuations of the properties according to their proposed zoning and restricted title for permanent community use.

Given the valuations of these properties may take some time, as well as the negotiations with each council, Melbourne Water requested an adjournment of the Hearings. The Committee agrees that adjournments are warranted for these sites because joint instructions for valuations have been prepared and the request for adjournment has come from the land owner. If the sale of either site to council proceeds, all submitters will be advised that a Hearing is no longer required.

Government Land Standing Advisory Committee

Tranche 4 Report

145 Studley Road, Heidelberg (Austin Hospital)

17 March 2017

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List of Abbreviations

FTGL Service	Fast Track Government Land Service
HO	Heritage Overlay
HO62	Schedule 62 to the Heritage Overlay
HO63	Schedule 63 to the Heritage Overlay
PUZ	Public Use Zone
VPO	Vegetation Protection Overlay
VPP	Victoria Planning Provisions

About this report

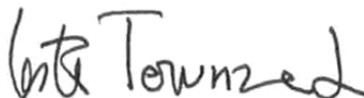
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This is a report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for **145 Studley Road, Heidelberg (Austin Hospital)**.



Lester Townsend, Chair



Cathie McRobert, Deputy Chair

17 March 2017



John Ostroff

The Government Land Standing Advisory Committee

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Details of the site and process

Figure 1: Amendment summary

Amendment summary	
Tranche and site reference	Tranche 4: Site reference FT78
Previous and current use	Austin Hospital
Site owner	Department of Health and Human Services
Council	Banyule City Council
Exhibition	31 October to 9 December 2016
Submissions	<p>Four submissions were received in relation to this site:</p> <ul style="list-style-type: none"> - Friends of Banyule - Banyule City Council - Heidelberg Historical Society - Coral Tudball. <p>It was noted before the Hearing that an EPA submission had incorrectly been attributed to this matter.</p>

Figure 2: Proposed planning scheme changes

Current planning scheme controls	Proposed planning scheme controls
Public Use Zone – Schedule 3	Retain
Heritage Overlay – Schedule 62	Reduce extent
Heritage Overlay – Schedule 63	Reduce extent

Figure 3: Committee process

Committee process	
Members	Cathie McRobert and John Ostroff
Information session	14 November 2016 at the John Lindell Theatre, Austin Hospital
Hearing	16 February 2017 at Planning Panels Victoria
Site inspections	20 February 2017 (unaccompanied)
Appearances	<p>Department of Health and Human Services and Austin Health represented by Maria Marshall of Maddocks Lawyers</p> <p>Coral Tudball</p> <p>Friends of Banyule represented by Dennis O’Connell</p>

1 Summary and recommendations

1.1 The site

The site is located in Heidelberg, about 10 kilometres north of the Melbourne CBD. The site has street frontages to Studley Road, Burgundy Street and the Banksia–Bell Link. The information sheet published by the Fast Track Government Land Service (FTGL Service) describes the site as follows:

The site is approximately 9.94 hectares and is generally flat. It contains a large number of buildings, varying in height and age. There is continual development within the site as buildings are replaced and upgraded to meet the health needs of the community. There are scattered mature trees throughout the site.

The Austin Hospital is located in a mixed-use area. Residential properties surround the hospital with the Heidelberg Central Shopping Centre to the east. Heidelberg Railway Station is located across Studley Road to the southeast.

Figure 4: Site location



1.2 Summary

The Site owner proposes to reduce the coverage of the existing Heritage Overlays (HO62 and HO63). The proposed HO62 and HO63 would continue to apply to four buildings, their immediate surrounds and the avenue of oaks, which heritage assessments have consistently identified as significant.

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 site.

Figure 5: Existing and proposed controls

Current planning scheme controls	Proposed planning scheme controls	Recommendation
145 Studley Road, Heidelberg (Austin Hospital)		
Public Use Zone – Education	Retain	Retain
Heritage Overlay – Schedule 62	Reduce extent	Reduce extent
Heritage Overlay – Schedule 63	Reduce extent	Reduce extent
Environmental Significance Overlay - Schedule 4	Retain	Retain

1.3 Recommendations

The Committee recommends for 145 Studley Road, Heidelberg (Austin Hospital):

1. **A planning scheme amendment be prepared to:**
 - a) **Reduce the extent of the Schedules 62 and 63 to the Heritage Overlays as exhibited**
 - b) **Amend the relevant entries in Schedules 62 and 63 to the Heritage Overlays to:**
 - **update the description to identify the places of significance more accurately**
 - **delete the external paint control.**
2. **The Amendment only be approved after a full archival record of the Davies and Bowen Buildings is prepared by an appropriately qualified person. The record should consist of, but not be limited to:**
 - **a full photographic survey of the complete interior and exterior, and of significant features and views and vistas**
 - **measured drawings, plans and elevations**
 - **identification of elements of the building fabric and artefacts capable of being salvaged for display or reuse in the redevelopment of the site.**

The archival record should be publicly available at the State Library of Victoria or another approved location.

2 Process issues for this site

(i) Notice

At the Hearing submitters queried the extent of notice of the proposed change to the Heritage Overlay (HO) and why surrounding residents were not notified.

The Committee was advised that, in view of the 'island' nature of the Site and the absence of residential properties in close proximity to it, the FTGL Service and Council agreed that letters to individual owners and occupiers were not warranted. Notice was given to prescribed Ministers, Council (together with a specific briefing), relevant servicing agencies, and interest groups identified by Council as being likely to have an interest in the proposed changes.

The Committee considers the approach adopted was reasonable in view of the particular characteristics of the site.

(ii) The Master Plan for the site

The most recent heritage assessment of the site by Lovell Chen (March 2015) referred to the preferred option in a Draft 2012 Master Plan for the Site as a matter that informed recommendations relating to the extent of the HO. Submissions expressed concern that the Draft Master Plan identification of areas for redevelopment is relevant to the proposed removal of the HO from parts of the site but the plan is not publicly available.

The Site owner provided a copy of the blocking plan in the current government endorsed Master Plan to the Committee on a confidential basis and requested that it not be provided to anyone other than the Committee members or reproduced in the Committee's report. The blocking plan is not reproduced in this report but is provided separately to the Minister for Planning as an accompanying document.

The Committee notes that the blocking plan is consistent with:

- the Lovell Chen 2015 assessment references to the 2012 Draft Master Plan
- the preferred option to provide for the development of teaching, training and research buildings involves the demolition of the Kronheimer, Davies and Bowen Buildings in the longer term.
- submissions from the Site owner relating to long term plans for significant redevelopment of the southern portion of the site and retention of heritage buildings to which the proposed HO would apply.

(iii) Explanatory Report error

Before the Hearing, an error was identified in the exhibited Explanatory Report relating to the description of the proposed reduction in the extent of the HO that applies to the Austin Hospital. The Explanatory Report text incorrectly indicated that it was proposed that the HO would continue to apply to the Bowen Building.

The Committee noted that:

- the error was not made in the exhibited information sheet text and in all exhibited documents the map of the proposed HO did not include the Bowen Building
- submissions received on the proposed changes have been on the basis that the revised HO would not apply to the Bowen Building
- submissions seeking retention of the HO mean that the merits of retaining the overlay for that part of the site will be addressed.

To ensure that submissions to the Hearing were made on the correct basis, all parties were advised before the Hearing that the proposed changes to the HO would not apply the overlay to the Bowen Building.

3 Site constraints and opportunities

3.1 Planning context

(i) Planning provisions

The following existing Planning Scheme provisions that apply to the site are not proposed to change:

- Public Use Zone 3 (Health and Community)
- Environmental Significance Overlay Schedule 4 (Significant trees and Areas of Vegetation) (ESO4) which identifies the following species as significant trees: Deodara Cedar (*Cedrus deodara*), English Oak (*Quercus robur*), Washington Pine (*Washingtonia robusta*). ESO4 does not require a permit to construct a building or carry out works outside the critical root zone, that is beyond five metres from the drip line of any significant tree.

(ii) The Heritage Overlay

HO62 and HO63 currently apply to the entire subject site. The purposes of the HO are to:

- *conserve and enhance heritage places of natural or cultural significance*
- *conserve and enhance those elements which contribute to the significance of heritage places*
- *ensure that development does not adversely affect the significance of heritage places*
- *conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

Figure 6: Current overlay



Figure 7: Proposed overlay changes for the site



HO62 and HO63 include the following site specific controls:

- HO62 – external paint controls and tree controls (in addition to ESO4)
- HO63 – external paint controls.

The most recent expert assessment by Lovell Chen of the heritage values of the site (March 2015) included the following statement of significance in its draft Incorporated Document:

Statement of Significance

Historically, as the first hospital established in what is now the City of Banyule. It is rare within the metropolitan area to have retained much of its 19th century building stock. The Davies Centre and the Gate Lodge all retain recognisably 19th century building forms and building fabric. While the Davies Centre was altered by the addition of wide balconies in 1912, this change is part of the building's significant early history within the hospital complex.

The buildings are significant for their association with early hospital benefactors. All of the contributory buildings were constructed with donations from private benefactors, and often named after them or their loved ones. The former Gate Lodge is the only surviving building in the hospital complex to have been funded by Elizabeth Austin, the founding benefactor of the hospital.

Zeltner Hall is of social significance for its role as the social, recreational and religious centre for the hospital.

Architecturally, the Marian Drummond Nurses' Home is an interesting and intact example of a late Federation transitional bungalow style applied to an institutional building. The combination of geometric pattern iron balustrading panels at the lower level and shingles to the upper level of the verandah is also unusual. The Edward Wilson Nurses' Home is a highly intact example of a Georgian Revival building designed by Melbourne architects Blackett and Forster.

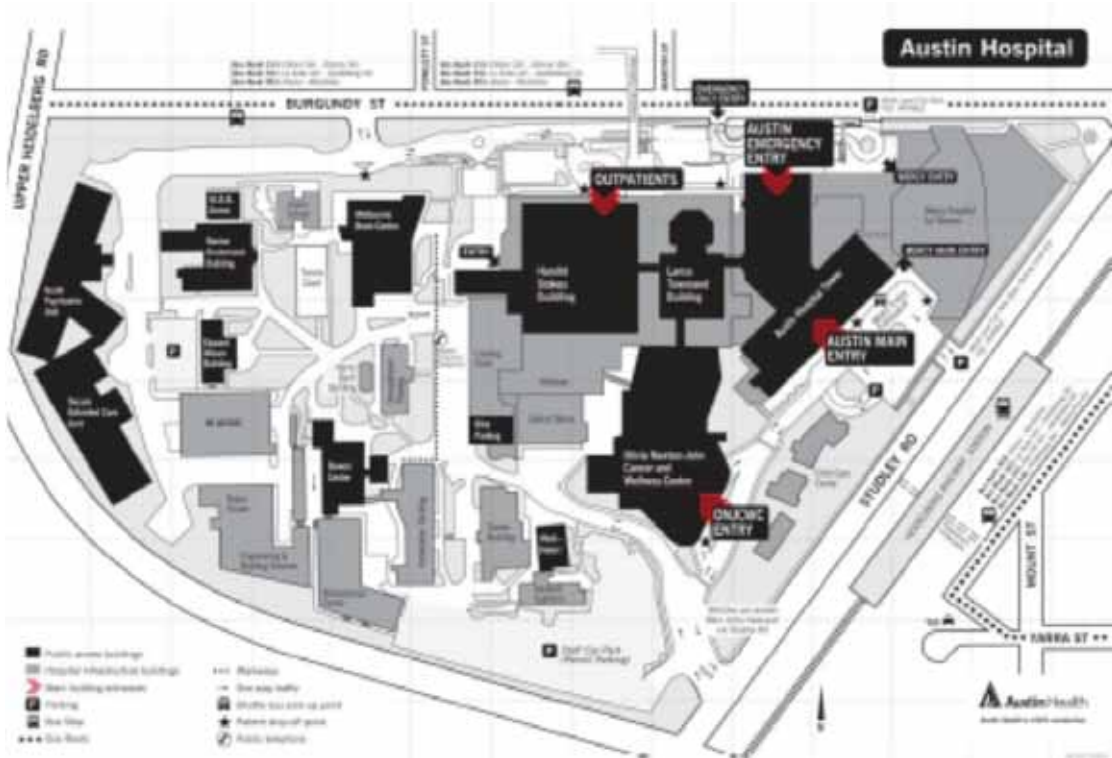
The Marian Drummond and Edward Wilson Nurses' Homes are of historic significance as a unique group of the earliest surviving purpose-built nurses' homes in the City of Banyule and possibly in Metropolitan Melbourne.

Aesthetically and historically, the contributing buildings and mature trees create an attractive complex which is tangible evidence of the human scale of 19th and early 20th century hospital complexes.

3.2 Physical constraints

The site comprises a large number of buildings of varying height and age as a result of progressive replacement and upgrading of buildings to meet the health needs of the community. The Austin Hospital is major regional health facility and there is benefit to the community from ongoing development within the site to improve the facilities and services provided.

Figure 8: Existing site plan



4 Issues with the proposed changes

4.1 What are the issues?

The Committee's evaluation issues raised by submissions, are limited to the effect of the proposed reduction in the extent of the HO.

Aspects of the proposed changes to the HO that were not contentious are noted but are not discussed further in this report.

There was consensus in submissions that the current extent of HO62 and HO63 is inappropriate because much of the Site has no heritage significance.

As Council noted, Government practice note guidance when the HO was applied was to apply the overlay across entire sites. Government guidance now supports tailored HO maps for larger sites.

The maintenance of the HO to recognise the following buildings, which heritage assessments since 1997 have consistently identified significant, was endorsed: the Gate Lodge, Zeltner Hall (with a reduced footprint), the Edward Wilson Building, the Marion Drummond Building.

Submissions advocated the highest protection of the landscaping setting of heritage buildings and the extension of HO62 to incorporate the full extent of the oak avenue (to the east of the Bowen Building) which acts as a spine through the upper half of the Site. It was clarified at the Hearing that, while the 2015 Lovell Chen Report did not recommend inclusion of the less intact southern part of the avenue of oaks, the proposed HO62 adopts the delineation of the HO recommended in the 2009 Lovell Chen assessment (see Figure 9). The proposed HO62 maintains tree controls and extends to:

- the landscaped setting at the front of the Edward Wilson and Marion Drummond Buildings
- the whole of the avenue of oaks which extends to the southern leg of the avenue (to the east of the Bowen Building).

Figure 9: Revised proposed HO Areas (Lovell Chen 2009)



4.2 Submissions

The Site owner referred to the heritage experts' assessments dating back to 1997, which are summarised in Figure 10. It submitted that, while health services are its core business and must be its priority, Austin Health's actions demonstrate that it recognises its role in preserving history. The Site owner acknowledged that it would be possible to restore and re-purpose "heritage" buildings on the site. However, it submitted that a balance has been struck that takes account of:

- objectives to protect significant heritage values by retaining and reusing buildings identified as being of heritage significance to show how hospitals used to be.
- community health priorities, operational needs of the hospital to maximise workability and functionality of health facilities on the Site to meet current day requirements.
- the effect of significant costs of restoration to the health budget and the capacity to improve health facilities and services.

Council submitted that the changes have strategic merit, appropriately balance the site's heritage values with the future needs of the hospital and would achieve greater clarity and efficiencies for both Austin Health and Council by focusing on parts of the site with known heritage significance.

Council advised that while it gives in-principle support to the proposal to reduce the Heritage Overlay, it urged consideration of opportunities to retain the facade of the Davies Building and any historical features in any future redevelopment of the Site.

The Davies Building

The exclusion of the Davies Building from the HO was the most contentious aspect of the proposed changes.

The Site owner submitted, based on a feasibility assessment by the Design Inc, that the Davies Building is beyond restoration and, in any event, the practicality and functionality of reusing the building is limited by its location on the site in a 'precinct' with important 'service' functions. Further, the retention of the Davies Building would severely compromise the potential for a substantial consolidated redevelopment area in the south of the Site which would provide associated design, function and cost efficiencies.

While Council expressed broad support for the proposed changes, the day before the Hearing, it requested consideration of opportunities to retain the Davies Building facade and any historic features.¹

The Friends of Banyule, Heidelberg Historical Society Inc and Coral Tudball advocated continued protection and restoration of the Davies Building heritage values. They highlighted that independent specialist heritage advice sought by Austin Health determined that the Davies Building is of historical significance as part of *"one of the most intact late 19th/early 20th Century hospital complexes surviving in Melbourne"*. While it was acknowledged that the integrity of the building is compromised and repair and adaptation works would be costly, submissions expressed *"dismay at the damage inflicted on the Davies Building over time"* and considered *"the beauty of the underlying structure has been discounted too cheaply"*. At the Hearing, Coral Tudball and the Friends of Banyule supported the retention of the building – minus later unsympathetic or dilapidated additions - and its restoration along the lines of the Zeltner Building.

If retention of the building is not a viable option and, as envisaged in the Master Plan, the building is demolished to allow for new clinical buildings, submitters advocated:

- a full archival recording of the site
- retention and public display of decorative features, in some way, for example, incorporating:
 - memorial stones and stained glass windows which mark the importance of nineteenth century individual philanthropy in the development of the hospital
 - the Bowen block chimney as a sculpture in the garden.

Coral Tudball suggested that retention of the HO over the Davies Building would ensure that the demolition would be with care, endeavouring to uncover, salvage and preserve existing structures and artefacts.

¹ By email to Planning Panels Victoria dated 15 February 2017.

Implications for other heritage values

Submissions from the Friends of Banyule, Heidelberg Historical Society Inc and Coral Tudball:

- urged the inclusion of the Bowen Building (and the adjacent section of the avenue of oaks) in the HO62 to maintain *“the unique group of the earliest surviving purpose-built nurses’ homes in metropolitan Melbourne”*² – it was noted that assessment of the significance of the Bowen Building has varied over time and it is proposed to remove the building from the HO without a detailed architectural consideration of the potential to conserve this building
- argued there appear to be good reasons to retain and renovate the Kronheimer Building (Coral Tudball)
- expressed concern that it is proposed to replace the slate roof of the Gate House Lodge, which is of varying colours and interesting shapes, due to maintenance difficulties. Coral Tudball suggested an architect experienced in heritage renovation may be able to advise on the best ways to restore the roof.

More generally, the Heidelberg Historical Society Inc and Coral Tudball submitted that the existing HOs have not constrained the hodgepodge development and have not avoided neglect and cheap additions to parts of the Site that are of heritage significance, especially the Kronheimer and Davies Buildings, to a point where the decline of the buildings is presented as justification for demolition. They argued that a HO ‘with teeth’ is need to ensure the restoration and continued maintenance of the places within the contracted overlay.

4.3 Expert reports

The report prepared for the Site owner by Lovell Chen, Architects and Heritage Consultants (March 2015) referred to the findings of three earlier assessments of the significance of the heritage places on the site (provided in Appendix B). The table below summarises the findings of these assessments for the Davies, Bowen and Kronheimer Buildings, which are excluded from the proposed HO.

² As identified in the National Trust citation on the Victorian Heritage Database.

Figure 10: Summary of heritage assessments since 1997 (Source: derived from Lovell Chen 2015 report)

Building	1997 Allom Lovell ³	2008 Context	2009 Lovell Chen	2015 Lovell Chen
Individually significant but potential demolition addressed (2015):				
Davies	Local historical significance	Individually significant. Retain in HO (with Zeltner Hall)	Individually significant. Retain in HO. Relationship to Zeltner Hall incidental. Surrounding landscape not significant.	Individually significant (despite external alterations). Preferred 2012 Master Plan option proposes demolition of the building. Retain in HO with Incorporated Plan providing for demolition in accordance with a Government endorsed Master Plan and permit exemptions under Clause 43.01. Demolition should not occur ahead of the need to redevelop the Site.
Heritage value limited to interest or minimal:				
Bowen	Minor significance/ retention not necessary	More intact than previously assessed. Retain in reduced HO.	Inspection confirms little remaining heritage fabric. Only historical interest. Remove from HO.	Some historical interest but little architectural interest. Remove from HO.
Kronheimer	Limited interest	Not significant - Remove from HO		

Davies Building

The four assessments of the heritage significance since 1997 have identified the Davies Building as locally significant, despite the external alterations to the building and poor building condition. However, the 2009 Lovell Chen assessment noted that, while retention may be seen as desirable from a heritage perspective, this would be difficult to achieve within the broader expectations for the site to deliver improved health services.

The Lovell Chen 2015 report referred to the statement in the Austin Health Master Plan Report (June 2012) that:

³ The preliminary heritage appraisal in 1997 identified areas for further investigation, commenting on eight buildings and the landscape of the site.

The building is rated architecturally poor and ‘given the difficulty and cost of rebuilding this building into a new architectural function, it is recommended that in the longer term this building is demolished in order to create a development zone for a further clinical building function.

The Lovell Chen 2015 report refers to the recommended draft Incorporated Plan prepared as part of the 2009 Heritage Assessment, which would exempt demolition of the building from permit requirements under the HO. It continued:

For the demolition of the Davies Building, where it can be demonstrated that such demolition is required under a government endorsed Hospital Master Plan and only when such works are contracted to commence to enable the construction of a new building or works, (excluding provision of on-grade car parking), on the subject site. Such demolition is not to commence until the building has been recorded to the satisfaction of the responsible authority.

The Lovell Chen 2015 report recommended that demolition should not occur ahead of redevelopment of this part of the site and, in the meantime, the building should be retained in a secure and weatherproof state.

At the Hearing, the Site owner tabled a further report by P. Barrett, Architectural Conservation Consultant, which stated that the Davies Building’s original domestic character is now lost and in its current condition it has little heritage value. The assessment anticipated that a significant amount of original fabric would need to be removed to upgrade the building, and depending on the extent of the original fabric to be removed, this will have impacts on the integrity and heritage value of the building. The report concluded that the building (together with the Kronheimer and Bowen Buildings) is not of immense importance in the interpretation of the Austin Hospital site.

Design Inc., Architects and Urban Designers (Design Inc.) were commissioned to assess the feasibility of either reusing the Davies Building or demolishing it. The Design Inc report (July 2016) noted that poor maintenance has led to considerable dilapidation of the building fabric, with an overall result that the original architectural quality of the building has been largely lost. It set out three costing scenarios, in addition to the securing of the building, which has been completed, (Scenario A):

- Scenario B: \$6.92m for the removal of hazardous materials and base building works
- Scenario C: \$7.9m to \$15.2m for alternative fit outs related to various internal uses
- Scenario D: \$1.22m for the removal of hazardous materials and full building demolition.

This study found that the investment required to restore and adapt the building for reuse would be substantial given the current poor condition, the functional space and service outcomes would be compromised, and the significant outlay of funds to restore the building to current standards would detract from the hospital’s capacity to undertake more strategic works in line with the Master Plan. The report concluded that *“the demolition should occur when funding becomes available and when the historical report has been prepared”*.

4.4 Discussion

The Committee notes that submissions advocated a well-considered heritage and environmental plan. Submitters endorsed the recent Olivia Newton John Centre of integrating open space, greenery and the Zeltner Hall as a successful approach that should be extended across the site to achieve the combined benefits of a setting that respects heritage values and also aids patient recovery. Although the Site owner noted the positive outcome, it highlighted that this had been achieved at a significant cost and with some compromises in the utilisation of the site for health purposes.

The Davies, Bowen and Kronheimer Buildings – Should the Heritage Overlay be maintained?

The Committee accepts the two most recent expert heritage assessments that the Bowen Building does not meet the threshold of significance necessary to justify its inclusion in the HO. None of the expert heritage assessments found that the Kronheimer Building satisfies that threshold. The Committee endorses the exclusion of these buildings from HO62.

As the Davies Building has been identified as individually significant, the usual view adopted would be that the HO should apply to ensure heritage values are taken into account in future planning decisions. Unless there is a very strong case for demolition and the community wide costs of including the place in a HO are unreasonable, consideration of the implications of the condition of a building and demolition are normally addressed at the permit stage when more detailed information is available. In *Dustday Investments Pty Ltd v Minister for Planning [2015] VSC 101* (20 March 2015), Justice Garde said:

... the position of the panel (Melbourne C207) that there should be serious justification and persuasive evidence before a building with heritage significance is permitted to be demolished at the amendment stage is an opinion that is entirely open to the panel to adopt, ...

As set out in the Lovell Chen Report 2015 the longer term development of teaching, training and research buildings, involve the demolition of the Kronheimer, Davies and Bowen Buildings. The removal of the HO and the eventual demolition of these buildings is proposed without details regarding the layout or design of the replacement buildings, or the timing of any future development. Rather, the confidential Hospital Master Plan underpins the justification for the removal of the Davies (and other) heritage buildings from HO62. The block plan extract provided to the Committee after the Hearing, illustrates long term planning for redevelopment of a consolidated area to the south of the site.

Planning invariably involves balancing multiple objectives to reconcile competing policy objectives to achieve a net community benefit. Clause 10.04 states:

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

In this case, competing planning policy includes:

- Planning for efficient, equitable, accessible and timely provision of health (and other) infrastructure to meet community needs⁴. Policy⁵ recognises that the projected population profile in Banyule is likely to increase demand for medical services and that the Austin Hospital forms part of an unusually large and diverse health sector within the municipality.
- To ensure the conservation of and enhancement of places of heritage by, amongst other things, retaining those elements that contribute to the importance of the heritage place, ensuring an appropriate setting for heritage places is maintained or enhanced, and supporting adaptive reuse of heritage buildings where the use has become redundant⁶.

The Site owner referred to the VCAT decision *University of Melbourne v Minister for Planning*⁷ in which, the Tribunal:

- recognised that cities “*must be capable of growth and adaptation to meet new needs*” *Over time the buildings of one era will invariably require replacement or adaptation to meet those needs.*”
- formed the view that, considering competing planning objectives, the grant of a permit to demolish a C graded heritage building and develop a replacement building (to be occupied by the Peter Doherty Institute for Infection and Immunity) would result in a significant net community benefit to present and future generations.

The Committee is conscious that the present proposal can be distinguished from the VCAT consideration of development applications with detailed development proposals. In this case, it is proposed to sanction the demolition of the Davies Building when the Hospital Master Plan has remained confidential and plans illustrating the timing, siting and design of replacement buildings are not available.

Nevertheless, consultant heritage and development feasibility reports indicate that the condition of the disused Davies Building is very poor, which was confirmed by the Committee’s inspection. Reports undertaken show that re-use for hospital purposes would cost a significant sum of money and may result in a compromised functional outcome. According to the report by Design Inc., the cheapest solution would be the removal of hazardous materials and full building demolition.

It is clear that improved health facilities provide a substantial community benefit by responding to an established and growing need. The Committee recognises that demolition of the Davies, Bowen and Kronheimer Buildings to provide a large consolidated area for redevelopment, as envisaged by the Master Plan, would optimise how the existing asset is utilised by providing efficient redevelopment options with functional ‘*zoning*’ and linkages of related health services within the site.

⁴ For example see Clauses 19 and 21.07.

⁵ For example see Local Planning Policy Framework Clause 21.01.

⁶ In particular Clauses 15.03-1, 21.02 and 22.06.

⁷ *University of Melbourne v Minister for Planning, (2011), VCAT 469.*

The Committee considers a reasonable balance has been struck between supporting the retention of the heritage places and the need to provide future health and hospital facilities for a growing population. The Committee accepts that improved health facilities provide a clear community benefit, while the retention of the most significant heritage places – the Zeltner, Marion Drummond and Edward Wilson Buildings in garden settings – supports objectives to protect places of heritage significance.

The combination of the very poor condition of the Davies Building and the benefit derived from a consolidated area for redevelopment in this location, justify a departure from the normal practice of deferring a decision relating to demolition to the redevelopment permit process.

Provided appropriate recording of heritage values and salvaging of elements with potential for incorporation in future redevelopment occurs (to the satisfaction of the Responsible Authority), the Committee questions the benefit derived from maintaining the building until redevelopment is imminent. Rather than including an Incorporated Plan into the Planning Scheme as recommended by Lovell Chen, the Committee considers it would be simpler to remove the Davies and Bowen Buildings from HO62 after recording and salvage processes through a Section 20(4) Amendment.

Other issues

The Committee notes submitter concerns that the HO has not ensured that heritage values on the site are protected, let alone enhanced. However, the overlay has limitations; with a focus on controlling certain actions and there is limited capacity to require heritage places to be maintained or for heritage values to be enhanced.

The Committee inspection confirmed that the roof of the Gatehouse Building is of interest. As the HO will continue to apply to the Gatehouse Building, a permit would be required to:

Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.

The appropriateness of works to the Gatehouse roof would be assessed through the planning permit process.

During the Hearing the Committee queried why paint controls apply to the Site as the treatment of painted surfaces does not appear to have specific heritage values. Council advised that it was the practice to apply the control at the time the overlay was applied.

The HO establishes the following generic permit requirements without specific designation of paint controls to:

- externally alter a building by structural work, rendering, sandblasting or in any other way
- externally paint an unpainted surface.

The Committee considers the generic HO permit requirements are appropriate for the site. The nomination of paint controls in the schedule to the HO, which controls painting of

surfaces that are already painted, are not justified in this case as there is no particular heritage significance relating to the paint finishes or colour scheme.

The Committee notes that the entries in HO62 and HO63 only refer to two of the significant places on the site, the Marion Drummond Building and Gate Lodge. It should be updated to also refer to, Zeltner Hall and the Edward Wilson Building.

4.5 Conclusion

The Committee concludes that:

- The Committee accepts advice from the Site owner that the Master Plan for the site is endorsed by the State Government and notes that the proposed reduction of the HOs is consistent with the extracts of that Master Plan that were provided (on a confidential basis).
- The proposed reduction in the extent of the HO maintains protection of the most significant heritage places on the site, including the setting for the Edward Wilson and Marion Drummond Buildings and the avenue of oaks in this part of the Site.
- Proposed changes to the HO balance objectives to protect significant heritage places and the need to provide future health and hospital facilities for a growing population to achieve a net benefit to the community.
- Although detailed plans for redevelopment are not in place, after appropriate recording and salvage of artefacts, it is acceptable to remove the Davies, Bowen and Kronheimer Buildings from HO62.

Appendix A: Document list

Documents Presented to Hearing (No.)	Description	Presented By
1	Department of Health and Human Services and Austin Hospital submission	Maria Marshall, Maddocks
2	Detailed Site plan of Austin Hospital.	“
3	Banyule Heritage Places Study of the Former Lodge and Marian Drummond Nurses Home	“
4	Banyule Heritage Places Study. Summary of Listings. Former Lodge and Marian Drummond Building.	“
5	Report by Peter Barrett, Architectural Conservation Consultant	“
6	Submission including information regarding Austin Hospital from the National Trust, the benefactors and photographs.	Coral Tudball
7	Submission by the Friends of Banyule	Dennis O’Connell

Appendix B: Review of the Austin Hospital Heritage Assessment, Prepared for the Department of Health by Lovell Chen, March 2015

Element	1997 Allom Lovell & Associates	2008 Context	2009 Lovell Chen	2014-15 Lovell Chen review
Former Gate Lodge (1892) (now Creche) Currently located in the Banyule Planning Scheme HO area HO62.	Individually significant. A rare example of a Victorian residence surviving in Heidelberg and one of the few buildings of the early hospital surviving from the nineteenth century. Retention essential.	Individually significant and as part the hospital complex although not strongly linked to other heritage buildings.	Individually significant. This building is physically remote from the other identified heritage buildings on the site and is not readily identifiable as part of the complex.	Individually significant as evidence of the evolution of the Austin Hospital complex. The building is one of the few surviving nineteenth century buildings on the site and marks the original main entrance to the hospital site from Studley Road. 2009 recommendation that the extent of HO62 be reduced to include the building with a limited curtilage is confirmed. To be retained in the preferred option in the 2012 Final Draft Masterplan
Zelmer Hall (1917) Currently located in the Banyule Planning Scheme HO area HO62.	Individually significant. Historically significant for its role as the social and religious centre of the hospital, but of limited architectural significance. Retention essential.	Individually significant and as part the hospital complex. Proposed to be included in reduced HO area with the Davies Building	Individually significant. While currently viewed in relationship to the Davies Building and with open views to/from the east, south and west, its context is soon to be altered as a result of the construction of the Olivia Newton-John Centre. The relationship to the Davies Building is incidental rather than designed and it was not a building designed with particular aspect and prospect considerations in mind. Its heritage value is primarily building specific.	Individually significant despite the large-scale new development immediately east of the building. Although altered, the original form and features of the building, including the arched windows, are still discernible and the building is of significance for its role as the social, recreational and religious centre for the hospital. 2009 recommendation that the extent of HO62 be reduced to include the building with a limited curtilage (refer Figure 3) is recommended to be varied to reduce the curtilage to reflect the construction of the new ONJ Centre. Given the integration of Zelmer Hall with the ONJ Centre it is recommended that the extent of the overlay be limited to the original building footprint and a nominal curtilage of 3.0 metres around that footprint to enable consideration of the heritage impacts of any works in close proximity to the building. To be retained in the preferred option in the 2012 Final Draft Masterplan
Davies Building Currently located in the Banyule Planning Scheme HO area HO62.	Locally significant. Though altered it is of historical significance as the earliest building surviving on the site. Retention desirable.	Individually significant and as part the hospital complex. Proposed to be included in reduced HO area with Zelmer Hall	Individually significant. The Davies Building remains a building of individual significance albeit extensively altered. As noted its relationship with Zelmer Hall is incidental rather than planned. The key setting consideration is the view to the east. The surrounding landscape is of little or no significance.	Individually significant despite the external alterations. The building remains as evidence of the earliest development of the hospital site. 2009 recommendation that the extent of HO62 be reduced to include the building with a limited curtilage is confirmed. This building is identified for demolition in the preferred option in the 2012 Final Draft Masterplan. Such demolition should not occur ahead of the need to redevelop the site and the building should be retained in a secure and

Element	1997 Allon Lovell & Associates	2008 Context	2009 Lovell Chen	2014-15 Lovell Chen review
				weatherproof state. The draft HO62 & HO63 Incorporated Plan recommended that the demolition of this building, in accordance with a government endorsed Hospital Master Plan, should be permit exempt works under Clause 43.01 of the Banyule Planning Scheme. This recommendation is confirmed.
Austin Research Institute (former Krostweiner Wing). Currently located in the Banyule Planning Scheme HO area HO62.	Of limited interest. Extensively altered and of limited historical interest. Retention not necessary, could be demolished if required.	Not of significance due to extent of alteration	Of no significance. Demolish or reuse as required.	Of no significance. 2009 recommendation that the building should be removed from the extent of the Heritage Overlay is confirmed. This building is identified for demolition in the preferred option in the 2012 Final Draft Masterplan.
Bowen Building Currently located in the Banyule Planning Scheme HO area HO62.	Of minor significance. Dramatically altered both internally and externally. Retention not necessary, could be demolished if required.	Of a higher level of intactness than previously assessed. Proposed to be included in HO area with the Wilson Building and Marion Drummond Building.	Further inspection of this building confirms that it has been substantially altered and added to, both internally and externally. While the works are in part reversible they are so extensive that this is unlikely. It remains a building of historical interest but which physically evidences little about its original or later use.	Of some historical interest, but limited architectural interest. 2009 recommendation that the building should be removed from the extent of the Heritage Overlay is confirmed. This building is identified for demolition in the preferred option in the 2012 Final Draft Masterplan.
Edward Wilson Building Currently located in the Banyule Planning Scheme HO area HO62.	Locally significant. Retention desirable.	Individually significant and as part of the hospital complex. Proposed to be included in HO area with the Bowen Building and Marion Drummond Building.	Individually significant. The Edward Wilson Building remains a building of interest as part of the complex and as placed in a landscaped setting.	Individually significant. The building is of historical significance as an early nurses' home within the hospital site and notwithstanding the alterations to the rear of the building, the external form and presentation of the building, including the roof form and principal elevation, is largely intact. In the process of this review the landscape setting for this building has been re-examined. The conclusion is that while the paved elements reflect the early layout of the grounds, the vegetation, with the exception of the oak avenue, is largely of recent origins. As such the sensitivity of the landscape relates to the maintenance of an appropriate context/setting, particularly to front of the building to maintain views, while not necessarily requiring the retention of specific garden features. As a consequence of this review the 2009 recommendation is varied. It is recommended

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Element	1997 Allon Lovell & Associates	2008 Context	2009 Lovell Chen	2014-15 Lovell Chen review
				that the extent of HO62 be reduced to include the building and the landscape setting to the east of the building. Any associated citation should recognise that the landscape area is of significance as a context/setting consideration and not related to specific features. This building and the setting are to be retained in the preferred option in the 2012 Final Draft Masterplan.
Marion Drummond Building Currently located in the Banyule Planning Scheme HO area HO62.	Individually significant. Architecturally significant as an interesting example of a late Federation transitional bungalow style applied to an institutional building. Of some historical significance as possibly the earliest surviving purpose built nurses' home in Metropolitan Melbourne. Retention essential.	Individually significant and as part of the hospital complex. Proposed to be included in HO area with the Bowen Building and Edward Wilson Building.	Individually significant. The Marion Drummond Building remains a building of interest as part of the complex and as placed in a landscaped setting.	Individually significant. The Marion Drummond Building is of historical significance as one of, if not the earliest, surviving purpose-built nurses' home in metropolitan Melbourne. It is also of architectural interest as an example of a late Federation transitional bungalow style applied to an institutional building. The foreground landscape contributes to the context/setting of the building. As a consequence of this review the 2009 recommendation is varied. It is recommended that the extent of HO62 be reduced to include the building and the landscape setting to the east of the building. Any associated citation should recognise that the landscape area is of significance as a context/setting consideration and, with the exception of the oak avenue, is not related to specific features. This building and the setting are to be retained in the preferred option in the 2012 Final Draft Masterplan.
Landscaping	The gardens and planting to the east and south-east of the Marion Drummond Building were identified as being of potential significance. The gardens and planting to the east and south-east of Zeltner Hall, the Davies Building and the former Gate Lodge were identified as being of potential significance.	The mature trees identified with the landscapes associated with the significant buildings are of significance. Proposed to be included tree protection in HO areas.	The mature trees which have been identified are of significance.	The avenue of mature trees south-east of the Marion Drummond and Edward Wilson buildings (Figure 9) comprises English oaks (Quercus robur) on both sides of the path extending south-east from these buildings to the path on the eastern side of the tennis court. Beyond this point the avenue breaks down into individual trees which extend in the same alignment to the front of the Bowen Building (Figure 10 & Figure 11). The upper section of avenue planting is visible in early aerial images of the site, while the lower planting is less clear. The upper section avenue is of particular significance in contributing to the setting of the Marion Drummond and Edward Wilson buildings.

LOVELL CHEN

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Element	1997 Allan Lovell & Associates	2008 Conrad	2009 Lovell Chen	2014-15 Lovell Chen review
				<p>The lower section planting is less critical from a heritage perspective, albeit comprising a number of mature trees.</p> <p>Following this review it is recommended that the 2009 proposed extent of HO62 be reduced to exclude the path and landscape extending below the path on the east side of the tennis court.</p> <p>The landscaping to the east of the Davies Building and Zetser Hall has been impacted by development within the site. There is no recommendation to include any landscaping in this location in the extent of the Heritage Overlay.</p> <p>This upper section avenue planting is proposed to be retained in the preferred option in the 2012 Final Draft Masterplan. The lower path and individual trees are impacted by a new building footprint.</p>

Government Land Standing Advisory Committee

Tranche 4 Report

181-183 Jetty Road, 14 Cook Avenue, 318 Bayview
Road and Herman Street Reserve, Rosebud

17 March 2017

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List of Abbreviations

BMO	Bushfire Management Overlay
CHMP	Cultural Heritage Management Plan
DDO	Design and Development Overlay
DPO	Development Plan Overlay
EAO	Environmental Audit Overlay
EHP	Ecology and Heritage Partners
EVC	Ecological Vegetation Classes
FTGL Service	Fast Track Government Land Service
GRZ	General Residential Zone
NRZ	Neighbourhood Residential Zone
PUZ	Public Use Zone
VPO	Vegetation Protection Overlay
VPP	Victoria Planning Provisions

About this report

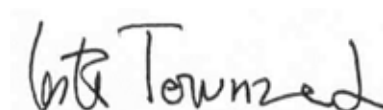
On 21 August 2016, the Minister for Planning referred the following sites to the Government Land Standing Advisory Committee as part of Tranche 4 Report:

- 145 Studley Road, Heidelberg (Austin Hospital)
- Part 48 Rona Street, Reservoir
- 1 Hopetoun Avenue, Brunswick West
- Part 95 Williamsons Road, South Morang.

On 27 September 2016, the Minister for Planning referred the following additional site to the Committee:

- 181-183 Jetty Road, 14 Cook Avenue, 318 Bayview Road and Herman Street Reserve, Rosebud.

This is a report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for **181-183 Jetty Road, 14 Cook Avenue, 318 Bayview Road and Herman Street Reserve, Rosebud.**



Lester Townsend, Chair



Mandy Elliott

17 March 2017



Alan Chuck

The Government Land Standing Advisory Committee

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

The purpose of the Committee is:

... to advise the Minister for Planning on the suitability of changes to planning provisions for land owned by the Victorian Government.

The Committee consists of:

- Chair: Lester Townsend
- Deputy Chairs: Brett Davis and Cathie McRobert
- Members: Gordon Anderson, Alan Chuck, John Collins, Mandy Elliott, Jenny Fraser, John Ostroff, Cazz Redding and Lynn Sweeney.

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

The Committee's Terms of Reference state:

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

- *An assessment of the appropriateness of any changes to planning provisions, in light of the relevant planning scheme and State and Local Planning Policy Frameworks.*
- *An assessment of whether planning scheme amendments could be prepared and adopted in relation to each of the proposals.*
- *An assessment of submissions to the Standing Advisory Committee.*
- *Any other relevant matters raised in the course of the Standing Advisory Committee Hearing.*
- *A list of persons who made submissions considered by the Standing Advisory Committee.*
- *A list of persons consulted or heard.*

Details of the site and process

Figure 1: Amendment summary

Amendment summary	
Tranche and site reference	Tranche 4: Site reference FT91
Previous use	Jetty Road, Cook Avenue and Bayview Road sites – Vacant Herman Street Reserve – Pumping Station
Site owner	Melbourne Water
Council	Mornington Peninsula Shire Council
Exhibition	31 October to 9 December 2016
Submissions	<ul style="list-style-type: none"> - Angie Hudd - Michael Graham Botten - Cindy Sandars - Australian Wildlife Protection Council - Dean Anderson - Rosebud Park and Recreation Committee of Management Incorporated - Melbourne Congregation of Jehovah’s Witnesses Trust - Sustainable Population Australia Vic/Tas Branch - Mr and Mrs Peacock - Paul and Jillian Finley - Peter Victor Jones - Southern Peninsula Indigenous Flora and Fauna Association Inc. - Robert White - Mornington Peninsula Shire Council - Rupert Steiner - Karen and Markus Goray

Figure 2: Proposed planning scheme changes

Existing controls	Proposed changes
Public Use Zone – Schedule 1	General Residential Zone – Schedule 1
Bushfire Management Overlay	Retain
Design and Development Overlay – Schedule 1	Retain
Environmental Significance Overlay – Schedule 17	Retain
Vegetation Protection Overlay – Schedule 1	Retain

Figure 3: Committee process

Committee process	
Members	Mandy Elliott (Chair) and Alan Chuck
Information session	16 November 2016 at the Dromana Community Hall
Hearing	10 February 2017 partly at the Dromana Community Hall (9 to 10am) with majority of Hearing at Mornington Peninsula Shire Offices, Mornington
Site inspections	8 February 2017 (unaccompanied)
Appearances	<p>Melbourne Water, represented by Peter O'Farrell of Counsel instructed by Alexandra Guild of Norton Rose Fulbright who called the following expert witness:</p> <ul style="list-style-type: none"> - John Glossop in planning <p>Mornington Peninsula Shire represented by David Bergin, Executive Manager Planning Services</p> <p>Melbourne Congregation of Jehovah's Witnesses Trust represented by Grant Kennedy</p> <p>Rosebud Park and Recreation Committee of Management Incorporated represented by Neil Hallam and Elaine Bertotto</p> <p>Australian Wildlife Protection Council represented by Craig Thomson</p> <p>Mornington Peninsula Ratepayers and Residents Association Inc. represented by Doris Campbell</p> <p>Peter Jones</p>
Date of this Report	17 March 2017

1 Summary and recommendations

1.1 The site

The subject site is located in Rosebud, approximately 1.8 kilometres from the Rosebud Activity Centre within Mornington Peninsula Shire and approximately 90 kilometres south of Melbourne. The subject land is comprised of four parcels of land:

- 181-183 Jetty Road
- 14 Cook Avenue
- 318 Bayview Road
- Herman Street Reserve.

The information sheet published by the FTGL Service describes the site as follows:

The site is located in the centre of the Rosebud township, a major centre of the Mornington Peninsula Shire Council. The township is predominantly low-density residential, consisting of single and two storey housing stock.

The site has an area of approximately 5.6 hectares inclusive of the easement and is located in an existing residential area with road access.

Figure 4: Site location



1.2 Summary

The Site owner proposes to change the current Public Use Zone – Schedule 1 to the General Residential Zone – Schedule 1 (GRZ1) whilst retaining all existing overlays.

The Site owner submitted at the Hearing that it proposes to retain a 60 metre wide reserve that will be bisected by Murray Anderson Creek.

Irrespective of the zoning applied, the Committee understands that there will be limited opportunity for much housing development to occur on the subject land due to:

- the existing pipeline easement (approximately 40 metres width) running through the middle of the subject land
- the PUZ1 is to be retained along the creek and pump station
- the planning controls covering the land.

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 site.

Figure 5: Existing and proposed controls

Current planning scheme controls	Proposed planning scheme controls	Recommendation
181-183 Jetty Road, 14 Cook Avenue, 318 Bayview Road and Herman Street Reserve, Rosebud		
Public Use Zone 1– Service and Utility	General Residential Zone – Schedule 1	General Residential Zone – Schedule 1 except for land to be retained by Melbourne Water as reserves
Bushfire Management Overlay	Retain	Retain
Design and Development Overlay – Schedule	Retain	Retain
Environmental Significance Overlay – Schedule 17	Retain	Retain
Vegetation Protection Overlay Schedule 1	Retain	Retain

1.3 Recommendations

The Committee recommends for 181-183 Jetty Road, 14 Cook Avenue, 318 Bayview Road and Herman Street Reserve, Rosebud:

A planning scheme amendment be prepared and approved to rezone the subject site to the General Residential Zone Schedule 1 excluding the land to be retained as reserves as shown in Figure 8.

2 Process issues for this site

(i) Title

There are a number of existing titles over the four sites. At the Hearing, the Site owner tabled a proposed Plan of Subdivision, prepared by a licensed surveyor, showing easements over the subject land in favour of Melbourne Water. The main easement, over the existing south eastern effluent outfall, would be approximately 40 metres wide, and, in some cases, would leave very little unencumbered land on either side.

(ii) Open space use

Residents in written submissions sought to include more public open space, such as quality parks, in development of the site particularly associated with the Murray Anderson Creek environs. The Committee notes Council did not express an interest in buying the site from the Site owner for public open space or other uses and accepts the development must satisfy the planning scheme provisions. As outlined in its Terms of Reference, the Committee cannot recommend that the land become public open space.

The Site owner submitted during the Hearing that it would be retaining land associated with the Murray Anderson Creek and Pumping Station as Public Use Zone 1 (PUZ1) and did not seek to rezone these parcels. This is shown in Figure 8.

(iii) Interrupted Hearing

The Hearing was scheduled for Friday 10 February 2017, commencing at 9.00 am at the Dromana Community Hall (359 Point Nepean Road, Dromana). The Hearing commenced as scheduled, however unbeknown to the Committee, the Dromana Community Hall was double booked by Council. A disability services group and its clients who had used the hall for the past two years for Friday activities arrived during the first session. The Chair, in consultation with those present, determined that it was appropriate to move to an alternative venue to enable the group to continue with their activities.

Consequently, representatives from the Council arranged for the Hearing to reconvene at Council Chambers, Mornington Peninsula Shire Council (2 Queen Street, Mornington). The Hearing recommenced at 11 am with no change to the timetable.

Planning Panels Victoria emailed all submitters who had requested to be heard and followed up with phone calls to those presenting that day. All parties who requested to be heard were heard at the Hearing.

(iv) Additional material

Following the Hearing, the Advisory Committee directed the following:

- The Site owner provide a revised rezoning map that presents the intended rezoning of the land as submitted at the Hearing (document 1 paragraph 15) and reflected in John Glossop's expert witness statement report (page 19) to assist the Committee in its understanding of the Site owner's intention as submitted that "*Murray*

Anderson Creek and the adjoining pumping station in Parcel 4 will be retained by Melbourne Water and will not be rezoned.”

3 Site constraints and opportunities

3.1 Zoning context

Figure 6: Current zoning

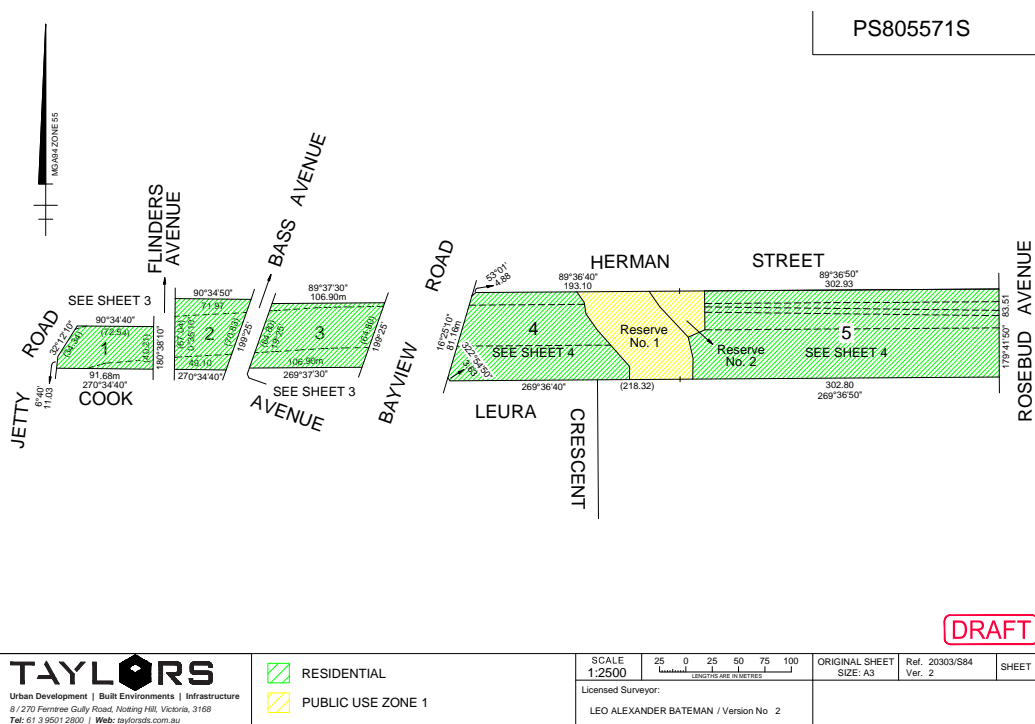


Figure 7: Proposed zoning



The Site owner submitted that it would be retaining land associated with the Murray Anderson Creek and Pumping Station as Public Use Zone 1 (PUZ1) and did not seek to rezone these parcels. This is shown in Figure 8.

Figure 8: Proposed zoning – Post Hearing



3.2 Physical constraints

(i) History of the site

The site was acquired by the Site owners' predecessor body, the Melbourne and Metropolitan Board of Works, in the early 1970s. This was to enable the construction of the 65 kilometre South Eastern Effluent Outfall, from the new South Eastern Purification Plant at Bangholme to the ocean outfall at Boags Rocks. The land acquired was necessarily wider than the actual pipeline, and some parcels had already been subdivided into residential allotments. The Site owner now proposes to consolidate those small allotments into super lots prior to re-zoning and sale.

(ii) Asset easements

A 2.5 metre diameter subterranean pipeline adjoins the northern boundary. The pipeline forms part of the 56 kilometre long 'South Eastern Outfall' that collects treated effluent from the Eastern Treatment Plant and the Mt Martha and Boneo sewerage treatment plants and discharges it to the ocean outfall at Boags Rocks.

The pipeline originally carried secondary treated effluent, and has been upgraded over the years to tertiary treated Class A wastewater, some of which is extracted for garden and golf course watering purposes. The current average daily flow is 330ML/d, and the continued safe operation of the pipeline is essential for the functioning of the south eastern suburbs of Melbourne.

The Committee understands that following future sale of the site, the Site owner will retain an easement (of approximately 40 metres in width) over the northern section of the land to protect future access to the pipeline.

(iii) Current site conditions

Mr Glossop, in his expert witness statement, describes each parcel as follows:

- Parcel 1 – 181-183 Jetty Road, which is the most westerly parcel of land. The land abuts a splay of Jetty Road / Mornington Peninsula Freeway to the west, Cook Avenue to the south (a cul-de-sac to Jetty Road), Flinders Avenue to the east (an unmade road reserve that is heavily vegetated) and 177 Jetty Road to the north (a vegetated triangular allotment). The land contains some vegetation.
- Parcel 2 – 14 Cook Avenue, which abuts Flinders Avenue to the west (an unmade road reserve that is heavily vegetated), Cook Avenue to the south, Bass Avenue to the east and 14 Bass Avenue to the north (an irregular allotment developed with a Jehovah's Witnesses facility). There appears to be informal vehicle access from Bass Avenue, through the site, to a fenced off carport structure at the rear (western end) of 14 Bass Avenue. The land is otherwise densely vegetated.
- Parcel 3 – 318 Bayview Road, which abuts Bass Avenue to the west, Bayview Road to the east (including a wide strip of land on the western side of Bayview Road that is vegetated), 25 Bass Avenue and 314 Bayview Road to the north, and 37 Bass Avenue, 2 Cook Avenue and 326 Bayview Road to the south. Each of these properties is developed with a dwelling except for 326 Bayview Road which is vacant

(vegetated). The land appears to be used for informal pedestrian access and contains scattered vegetation.

- *Parcel 4 – The largest and most easterly parcel of land within the site is locally referred to as ‘Herman Street Reserve’. It is also known as 341-349 Bayview Road, 15, 41, 53-59 Herman Street, and 1-11 Leura Crescent. The land abuts Bayview Road to the west, Rosebud Avenue to the east (which has vegetation adjoining the site), and Herman Street to the north (which is a no-through road for a short section opposite 41 Herman Street with vegetation that extends the length of the site). The western portion of the land (1-11 Leura Crescent to the south (unsealed road) and the eastern portion of the land abuts residential development to the south. Each lot is developed with a dwelling. 15 Leura Crescent and 32 Rosebud Avenue have a side abuttal to the site and all other adjoining properties have a rear abuttal. The land contains a shed, pumping station and scattered vegetation and Murray Anderson Creek. It appears to be used for informal vehicle access from Rosebud Avenue and informal pedestrian access across the site.*

The Committee asked if there were any significance to the use of the term ‘Herman Street Reserve’. All parties present agreed that it was simply a local convention, and that the land had never been gazetted as a reserve for public purposes. Council confirmed to the Committee that the Herman Street Reserve is not reflected in any of Council’s open space strategies.

(iv) Interface with surrounds

The site is in an existing residential area and is accessible from various roads. The Murray Anderson Creek runs through parcel 4 (Herman Street Reserve) of the site. The Rosebud Golf Course is located to the east of Herman Street Reserve, and its Committee of Management (Rosebud Park and Recreation Committee of Management) has an arrangement with South East Water to extract Class A wastewater from the effluent outfall in the Herman Street Reserve, and pump it to the golf course and other public facilities. The Site owner submitted at the Hearing that it did not intend to change this arrangement.

At the Hearing, the Committee of Management pointed out that the rising main does not follow the alignment of proposed easement E3 shown on Melbourne Water’s proposed plan of subdivision, but a more diagonal alignment towards the existing gate in Rosebud Avenue. If this is correct, the land encumbered by easements could be more than first thought.

The Site owner has been requested to clarify this point, but, at time of writing, no clarification has been received.

(v) Access

The Site owner submitted that the subject site enjoys good exposure to roads and the surrounding pedestrian network. While it is true, as the Council pointed out, that there is limited access to public transport, the access is no worse than that enjoyed by residents of existing allotments on either side of the subject site.

(vi) Jehovah's Witnesses Trust right of way

Mr Kennedy, on behalf of the Melbourne Congregation of Jehovah's Witnesses Trust, noted that the residence behind the Kingdom Hall enjoys right of way over parcel two of the site, under a licence with the current owner. The Committee notes that this is a civil matter, not a planning issue, and suggests that Jehovah's Witnesses negotiate a new licence with the new owner(s) at the appropriate time.

(vii) Environmental**Murray Anderson Creek**

An ESO17 is located within parcel 4 over the Murray Anderson Creek. The ESO17 relates to 'Streamlines' and includes the following statement of environmental significance:

The streamlines of the Mornington Peninsula are an integral element of the environmental systems that support biodiversity, and directly impact on the coastal and marine environments. Streamlines also often provide relatively undisturbed habitat corridors between larger areas of remnant vegetation. The catchment areas of streams and watercourses on the Peninsula are relatively small, increasing sensitivity to inappropriate development.

The Biodiversity assessment (undertaken by Abzeco) recommended that the creek and its environs be protected with a 30 metre minimum buffer consistent with Clause 22.13-3 (Township Environment) which requires that where reasonable and practicable, the subdivision of land reserve a 30 metre minimum width on both sides of a streamline to protect its environmental and open space values. The Site owner submitted at the Hearing that it proposes to retain a 60 metre wide reserve that will be bisected by Murray Anderson Creek.

Native Vegetation

As stated in Mr Glossop's report, the Arboriculture assessment (Tree map) and the Biodiversity Assessment concluded that the site contains some remnant vegetation, which is largely restricted to the Murray Anderson Creek and property boundaries.

In the Abzeco biodiversity assessment, native vegetation has been attributed to four main habitat zones consisting of Gully Woodland (EVC) and Damp Sands Herb-rich Woodland (EVC). Much of the vegetation has been highly modified with many patches characterised by canopy trees only.

The Arboriculture assessment, which assesses the health of trees rather than their ecological value, did not identify any trees of 'high' retention value and 33 trees of 'moderate' retention value. The remainder of trees on site were assessed as 'low' or 'no' retention value and the majority were exempt and recommended for removal.

The Biodiversity Assessment states that the study area is:

... dominated by large areas of regularly slashed primarily exotic grass species with patches of modified remnant vegetation dominated by Coast Tea-tree ... and Coast Wattle Acacia The primary species of indigenous canopy tree is

Coast Manna-gum ... , which is predominately restricted to the perimeter of the study area ...

Remnant vegetation is mostly associated with Murray Anderson Creek which runs through the study area in a north–south direction. Several small patches defined primarily by canopy trees occur around the study area boundaries and Site two also contains a high number of orchid species growing beneath Coast Tea-tree.

The site (four parcels) is either wholly or in part, affected by the VPO1 and the ESO17, which, in addition to clause 52.17 (Native Vegetation), require a permit for the removal of native vegetation.

Contamination

A site investigation was undertaken by Environmental Earth Sciences which did not identify any contamination other than a small amount of building demolition rubble located beneath the former pony club building that has asbestos containing material. This will require appropriate disposal.

Aboriginal Cultural Heritage

The Preliminary Cultural Heritage Study undertaken by Ecology and Heritage Partners (EHP) states that the entire subject land contains areas of cultural heritage sensitivity as defined under the *Aboriginal Heritage Act 2006*. EHP recommended that a Cultural Heritage Management Plan (CHMP) be prepared for any high impact activities prior to issue of a planning permit.

4 Issues with the proposed changes

4.1 What zone is suitable

Submissions

The Site owner submitted that the General Residential Zone – Schedule 1 (GRZ1) is appropriate, because it is consistent with the surrounding land and the statutory architecture of the Mornington Peninsula Planning Scheme. Mr Glossop, stated that the amendment will ‘*provide a logical and meaningful contribution to infill development and urban consolidation*’ and that ‘*the site displays qualities which could make it a candidate for either the GRZ or the NRZ*’. Mr Glossop considers that overall the GRZ is more appropriate for the following reasons:

The surrounding land, including all immediate abuttals, is zoned GRZ1 ...

The site comprises four non-contiguous parcels of land, some of which have already been subdivided into lots which are of a size, shape and layout consistent with the neighbourhood character. This demonstrates the site’s development potential.

The Murray Anderson Creek can be easily incorporated into any future subdivision layout to protect the site’s landscape features and maintain the north-south wildlife corridors and linear reserves. Remnant vegetation is largely restricted to the Murray Anderson Creek and the property boundaries.

The existing DDO1 applies a set of detailed design objectives and height controls. Similarly, ESO17 protects Murray Anderson Creek, VPO1 manages native vegetation and the BMO ensures appropriate bushfire protection measures.

The Residential Zones Standing Advisory Committee Report dated 20 June 2014 did not support the proposed application of the NRZ and it still has not been applied to any land within the Shire.

Mr Glossop did not agree with the Council:

... the Council submit that the NRZ is the most appropriate zone on the basis that it is about to commence work on a housing strategy that would see the site and surrounds rezoned NRZ. I do not support this approach. To my knowledge, the housing strategy has not been prepared, nor has the strategic work to implement it. In this respect, it is not a seriously entertained proposal and I can give it no weight. It would be appropriate to rezone the land GRZ1 now and not prejudice the outcomes of a housing strategy that is yet to commence.

Council submitted that the subject land should be rezoned to the Neighbourhood Residential Zone (NRZ), with the application of a Development Plan Overlay (DPO) Schedule on the basis that the land is:

- *In an area outside of townships and areas designated for growth.*
- *In an area of consistent established residential character of predominantly single dwelling density and consistent lot sizes.*
- *Identified to have significant environmental constraints that should be protected and enhanced thereby limiting development opportunities.*
- *Physically constrained with restricted accessibility.*

Council also added that the breadth and width of the existing easements across the site was another reason that the NRZ is more appropriate.

Council stated in its submission that the NRZ is likely to be used in areas where single dwellings prevail and change is not identified, such as areas of recognised neighbourhood character, heritage, environmental or landscape significance and noted that Rosebud has approximately 85 per cent of lots that have detached dwellings.

The Mornington Peninsula Ratepayers and Residents Association Inc. submitted that the subject land *'should not be rezoned but rather identified as areas of Public Park and Recreation Zone'*. A number of submitters suggested that the subject land be open space.

Some submitters were concerned about the impacts to native vegetation and fauna that may use the site if habitats were removed due to the rezoning to a residential use.

The Site owner, submitted that it would be inappropriate to apply the NRZ to this land because it is not a zone that is used anywhere else in this municipality. It is a zone that was considered by the Residential Zone Standing Advisory Committee which did not support the use of the zone. The Site owner submitted that a further reason as to the inappropriateness of the NRZ is that the Council is yet to undertake a housing strategy.

Council provided the Committee with a number of State and Local Planning Policies that provided direction that residential growth in the Shire is to be around major activity centres such as Rosebud, Mornington and Hastings and that the Shire's natural attributes also be protected. The Rosebud Activity Centre is approximately 1.8 kilometres from the subject land. Council submitted:

... townships and villages on the Peninsula other than the defined areas in major townships are not designated as appropriate for accommodating significant housing and population growth.

In this context, Criterion 11 of the Guidelines (which considers whether any areas have been identified for growth and change) needs to be given adequate weight in favour of applying the NRZ to residential areas outside of identified townships and villages. Furthermore, it should be noted that in this instance, the Rosebud Activity Centre Structure Plan has been adopted by Council and an amendment has recently been authorised by the Minister for Planning to implement the recommendations of the Structure Plan. The subject land is importantly not within the Structure Plan area and is beyond residential areas that are identified as providing for the municipality's growth, adding further to the justification that this site be rezoned to the NRZ, beyond its environmental

limitations that further restrict its justification as a site for growth and increased densities.

Discussion and conclusion

The Committee considers that the site could be rezoned for either GRZ or NRZ based on the existing surrounding zoning and that the Council's Housing Strategy is yet to be prepared (although underway), the Committee sees merit in the rezoning to GRZ in line with the surrounding area.

Irrespective of the zoning applied, the Committee understands that there will be limited opportunity for much housing development to occur on the subject land due to:

- the existing pipeline easement (approximately 40 metres wide) running through the middle of the subject land
- the PUZ1 is to be retained along the creek and pump station
- the planning controls covering the land.

The most significant native vegetation is associated with the Murray Anderson Creek environs, which the Site owner submitted would have a 30 metre wide buffer on either side of the Creek. This would occur through retention of the PUZ1, which would remain in Melbourne Water's ownership to manage. The Committee is satisfied that this will provide some level of protection for flora and fauna values associated with the creek corridor.

4.2 What overlays are suitable

Submissions

The proposal is to retain all existing overlays which are the Bushfire Management Overlay (BMO), Design and Development Overlay – Schedule 1 (DDO1), Environmental Significance Overlay – Schedule 17 (ESO17) and Vegetation Protection Overlay – Schedule 1 (VPO1).

Council submitted that a Development Plan Overlay Schedule be implemented for the site to protect its significant environmental values and thereby limit development opportunities. Council submitted that although there is an existing suite of planning controls that apply to the site to protect environmental values such as the creek and native vegetation, there is a need for a more holistic control of the entire site that a DPO Schedule could provide.

Council stated that:

in this instance it is appropriate that a DPO specific for the site in its entirety is developed to ensure that all objectives to be achieved are considered in the design stages ensuring the wider site is managed in its entirety rather than a piecemeal approach.

Council, took the Committee to a draft DPO for consideration. In response to Council's submission of inclusion of a DPO Schedule, the Site owner submitted that:

... under the proposed suite of planning controls, all relevant matters will be able to be considered and assessed, including with the participation of third parties. The existing suite of overlay controls, when combined with the GRZ and the range of other provisions in the planning scheme such as clauses:

- 54 – one dwelling on a lot
- 55 – two or more dwellings on a lot
- 56 – residential subdivision
- 52.06 – car parking
- 52.17 – native vegetation
- 65 – decision guidelines

will ensure that all of the built form, road, traffic, parking, vegetation and environmental concerns that have been raised by other submitters will be appropriately assessed as part of any future use and development proposals for the land.

The Australian Wildlife Protection Council, along with some submitters, raised concerns about impacts to the existing environmental values of the site, which includes native vegetation, a number of fauna and the Murray Anderson Creek and its environs. Submitters were particularly concerned with the removal of habitat.

In regard to submissions raising concerns about protecting the environmental values associated with the site, Mr Glossop stated:

I do not consider that there is any reason why properly managed urban development could not respond to the site's landscape and environmental values and, if required, secure an appropriate offset for the removal of native vegetation through the permit process.

The Site owner stated that the controls within the existing overlays negates the need for an additional DPO and that it would eliminate third party review. The Committee agrees with the Site owner that the existing suite of controls, as well as the constraints associated with the site, will provide an appropriate assessment and decision making framework for any future development proposals on the subject land.

The Site owner suggested that if one combines all the existing constraints of the subject land with the stringent overlay controls and existing easements, *'even a moderate form of development on this site will not be easy'*. The Site owner also suggested that the proposed draft DPO Schedule submitted by Council is a repetition of the existing zone and overlay controls whilst removing third party review.

Discussion and conclusion

The Committee agrees with the Site owner that the development potential of the site seems limited due to easements and environmental constraints. The existing overlays ensure environmental protection of the Murray Anderson Creek, remnant native vegetation, as well as development being considerate of existing neighbourhood character.

The Committee does not agree with Council that the introduction of a DPO Schedule over this site would be beneficial and agrees with the Site owner that third party review during the development permit process is important.

Appendix A: Document list

Documents Presented to Hearing (No.)	Description	Presented By
1	Melbourne Water submission	Peter O'Farrell
2	Easement plan – proposed (sheets 1 – 4)	Melbourne Water
3a	Memoranda of Common Provisions (2pp)	“
3b	Memoranda of Common Provisions (4pp)	“
4	Submissions	David Bergin, Mornington Peninsula Shire Council
5	Attachments to submissions	Mornington Peninsula Shire Council
6	E-mail from Department of Treasury and Finance to Council 28 July 2015	“
7	Vegetation analysis by section	“
8	Mr Murphy (Council Arborist) presentation slides	“
9	Proposed DPO	“
10	Purpose of DPOs	“
11	Submission	Australian Wildlife Protection Council
12	Submission	Mornington Peninsula Ratepayers and Residents Association Inc.

Government Land Standing Advisory Committee

Tranche 4 Report

Part 95 Williamsons Road, South Morang

17 March 2017

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List of Abbreviations

DPO	Development Plan Overlay
EAO	Environmental Audit Overlay
FTGL Service	Fast Track Government Land Service
MUZ	Mixed Use Zone
PUZ	Public Use Zone
VPO	Vegetation Protection Overlay
VPP	Victoria Planning Provisions

About this report

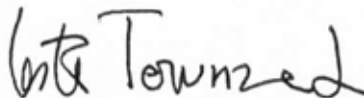
On 21 August 2016, the Minister for Planning referred the following sites to the Government Land Standing Advisory Committee as part of Tranche 4 Report:

- 145 Studley Road, Heidelberg (Austin Hospital)
- Part 48 Rona Street, Reservoir
- 1 Hopetoun Avenue, Brunswick West
- Part 95 Williamsons Road, South Morang.

On 27 September 2016, the Minister for Planning referred the following additional site to the Committee:

- 181-183 Jetty Road, 14 Cook Avenue, 318 Bayview Road and Herman Street Reserve, Rosebud.

This is a report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for **Part 95 Williamsons Road, South Morang**.

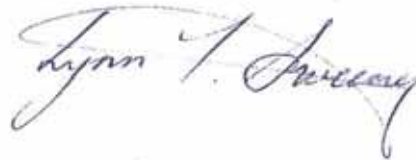


Lester Townsend, Chair



Brett Davis, Deputy Chair

17 March 2017



Lynn Sweeney

The Government Land Standing Advisory Committee

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

The purpose of the Committee is:

... to advise the Minister for Planning on the suitability of changes to planning provisions for land owned by the Victorian Government.

The Committee consists of:

- Chair: Lester Townsend
- Deputy Chairs: Brett Davis and Cathie McRobert
- Members: Gordon Anderson, Alan Chuck, John Collins, Mandy Elliott, Jenny Fraser, John Ostroff, Cazz Redding and Lynn Sweeney.

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

The Committee's Terms of Reference state:

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

- *An assessment of the appropriateness of any changes to planning provisions, in light of the relevant planning scheme and State and Local Planning Policy Frameworks.*
- *An assessment of whether planning scheme amendments could be prepared and adopted in relation to each of the proposals.*
- *An assessment of submissions to the Standing Advisory Committee.*
- *Any other relevant matters raised in the course of the Standing Advisory Committee Hearing.*
- *A list of persons who made submissions considered by the Standing Advisory Committee.*
- *A list of persons consulted or heard.*

Details of the site and process

Figure 1: Amendment summary

Amendment summary	
Tranche and site reference	Tranche 4: Site reference FT83
Previous use	Vacant
Site owner	Melbourne Water
Council	City of Whittlesea
Exhibition	31 October to 9 December 2016
Submissions	One submission was received in relation to this site: - City of Whittlesea

Figure 2: Proposed planning scheme changes

Current planning scheme controls	Proposed planning scheme controls
Public Use Zone – Schedule 1	Mixed Use Zone
	Development Plan Overlay
	Vegetation Protection Overlay – Schedule 1

Figure 3: Committee process

Committee process	
Members	Brett Davis and Lynn Sweeney
Information session	17 November 2016 at Mill Park Community Centre
Hearing	16 February 2017 at Planning Panels Victoria
Site inspections	9 February 2017 (unaccompanied)
Appearances	Melbourne Water – Paul Beatty of Planisphere, Rob White of Melbourne Water City of Whittlesea, Liam Wilkinson
Date of this Report	17 March 2017

1 Summary and recommendations

1.1 The site

The subject site is located in South Morang at 95 Williamsons Road.

The information sheet published by the FTGL Service describes the site as follows:

The site is approximately 2.8 hectares and is generally flat. It is adjacent to four large water tanks to the west of the site. It is approximately 80 metres from the proposed Marymede railway station and 500 metres from South Morang Station.

The site is located in an area consisting of residential and education facilities, commercial and industrial uses and the Mernda Railway Extension reserve.

The site is located on the southern side of Williamsons Road, approximately 475 metres west of Plenty Road. It has a 119.83 metre frontage to Williamsons Road and has trees situated on the northern, eastern and southern boundaries.

Figure 4: Site location



The site is opposite the Marymede Catholic College to the north. The land to the east is zoned Commercial 2. The Reserve for the Mernda Rail Extension is approximately 80 metres east of the site.

The proposed alignment for the Findon Road extension runs along the southern boundary of the site, which will create a second road frontage for the site.

1.2 Summary

The Site owner proposes to change the current Public Use Zone – Schedule 1 to Mixed Use and apply a Vegetation Protection Overlay and a Development Plan Overlay.

Council supported the rezoning and overlays but submitted that the Development Plan Overlay should include a requirement for 5 per cent affordable housing on the site. The Site owner did not support the requirement for a mandated 5 per cent of social housing though the use of a Section 173 Agreement.

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.

Figure 5: Existing and proposed controls

Current planning scheme controls	Proposed planning scheme controls	Recommendation
Part 95 Williamsons Road, South Morang		
Public Use Zone 1 – Service and Utility	Mixed Use Zone	Mixed Use Zone
	Vegetation Protection Overlay	Vegetation Protection Overlay
	Development Plan Overlay	Development Plan Overlay

1.3 Recommendations

The Committee recommends for Part 95 Williamsons Road, South Morang:

1. **A planning scheme amendment be prepared and approved to:**
 - a) **Rezone the subject site to the Mixed Use Zone**
 - b) **Apply the Vegetation Overlay**
 - c) **Apply the Development Plan Overlay.**
- 2.1 **If Amendment C197 is not approved before the rezoning of this site, include the following wording in the Development Plan Overlay:**

Requirements for the development plan

 - *A Housing Diversity Statement that explains the proposed mix of housing on the site including the provision of social and affordable housing. The statement is to demonstrate how it is proposed to address Council's aim to achieve the inclusion of 5 per cent social housing and 10 per cent affordable housing in the structure planning of any established or greenfield housing development.*
- 2.2 **If Amendment C197 is approved before the rezoning of this site, include the following wording in the Development Plan Overlay:**

Condition and requirements for permits

- **An agreement under section 173 of the Planning and Environment Act 1987, or as otherwise agreed in writing, is to be entered into between the applicant and the Responsible Authority, to the satisfaction of the Responsible Authority that the owners will:**
 - ~~to~~ **provide for construction of road, bicycle and pedestrian connections from the site to the future Marymede Train Station**
 - **provide for 5 per cent the total number of dwellings for the purpose of social housing developed in association with an accredited housing association, to the satisfaction of the Responsible Authority.**

Requirements for the development plan

- **A Housing Diversity Statement that explains the proposed mix of housing on the site including the provision of social and affordable housing. The statement is to demonstrate how it is proposed to provide 5 per cent of the overall housing stock as social housing and 10 per cent of the overall housing stock as affordable housing.**

2 Process issues for this site

No process issues were raised for this site.

3 Site constraints and opportunities

3.1 Zoning context

Figure 6: Current zoning

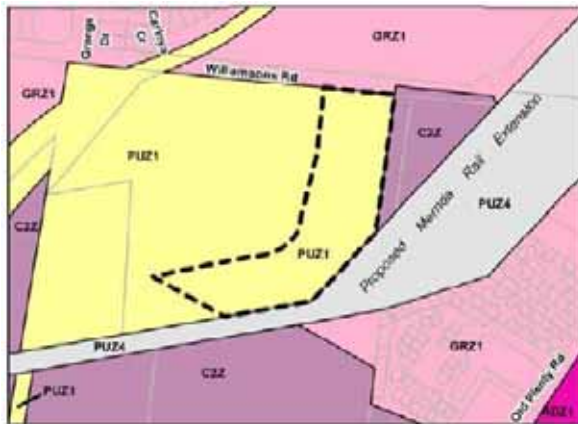


Figure 7: Proposed zoning



3.2 Planning constraints – overlays and restrictions

No overlays currently apply to the site.

3.3 Physical constraints

Council submitted that the site is part of a fast growing neighbourhood which will change radically over the next few years with the construction of significant road and rail infrastructure.

The irregular shape of the 2.8 hectare site currently has a single road access with a 120 metre frontage to Williamsons Road. Significant changes are planned with the alignment for the proposed extension of Findon Road creating a second street frontage for the land and the Marymde railway station will introduce public transport access.

4 Issues with the proposed changes

4.1 What zone is suitable

Submissions

Both the Site owner and Council were in agreement that the most appropriate zoning for the site is MUZ due to the close proximity of the Town Centre, lack of sensitive interfaces, planned public and road transport access and emerging activity centre potential once the Marymede Railway station is constructed.

The purposes of the MUZ are:

To implement the State Planning Policy Framework and the Local Planning Policy Framework.

To provide for a mix of residential, commercial, industrial and other uses which complement the mixed use function of the locality.

To provide for housing at high densities.

To encourage development that responds to the existing or preferred neighbourhood character of the area.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Discussion and conclusion

At the commencement of the Hearing the Committee noted that both the Site owner and Council were in agreement on the proposed zoning for the site and that further detailed submissions were not required on this issue.

The Committee is satisfied that the emerging nature of the neighbourhood and improved transport access to the site support the application of the MUZ, which will enable a mix of both residential and commercial uses on the site.

4.2 What overlays are suitable

Two overlays are proposed for the site: a Vegetation Protection Overlay (VPO) and a Development Plan Overlay (DPO).

Submissions

The Site owner and Council were in agreement that a DPO and VPO should be applied to the site. Council submitted that both tools would:

ensure that the development of the site occurs in a co-ordinated manner which maximises the strategic attributes of the site whilst sensitively addressing the site sensitivities and constraints.

Council submitted that the proposed DPO should be amended to support the provision of social and affordable housing on the site with the following additions and changes (shown in blue) to the DPO:

Condition and requirements for permits

An agreement under section 173 of the Planning and Environment Act 1987, or as otherwise agreed in writing, is to be entered into between the applicant and the Responsible Authority, to the satisfaction of the Responsible Authority that the owners will:

- ~~to~~ *provide for construction of road, bicycle and pedestrian connections from the site to the future Marymede Train Station*
- *provide for 5 per cent the total number of dwellings for the purpose of social housing developed in association with an accredited housing association, to the satisfaction of the Responsible Authority.*

Requirements for the development plan

- *A Housing Diversity Statement that explains the proposed mix of housing on the site including the provision of social and affordable housing. The statement is to demonstrate how it is proposed to provide 5 per cent of the overall housing stock as social housing and 10 per cent of the overall housing stock as affordable housing.*

Council submitted that the strategic justification for these additions was founded in the alignment with:

- Clause 16.01-5 (Housing Affordability) of the State Planning Policy Framework (SPPF), which guides and supports the facilitation of a mix of private, affordable and social housing in strategic redevelopment sites. Council submitted that the site has the transport and locational characteristics to qualify it as a strategic redevelopment site.
- *Plan Melbourne* Directions 2.3 and 2.4, which support the facilitation of social and affordable housing.
- *Infrastructure Victoria Draft 30-year Infrastructure Strategy* which includes support for consideration of inclusionary zoning and incentives to deliver affordable rental housing for government land where government is undertaking actions that will provide uplift to private land values.
- Council's *Social and Affordable Housing – Policy and Strategy*, particularly Strategic Action 1.1; *that Council, in the structure plan of any Established and new Greenfield housing development, advocate to the State Government to designate the appropriate and desired proportion of affordable and social housing of 10 per cent for affordable housing and 5 per cent for social housing (Strategy p13)*. Further, the Strategy includes the Action for Council to actively promote the facilitation sites located close to public transport identifying a target of 100 dwellings in the Urban Growth (South Morang) area.
- Local Planning Policy Framework – Amendment C197 (adopted by Council). The review of the Municipal Strategic Statement introduces Clause 21.09-3 (Social and Affordable Housing) to provide policy and guidance in planning for social

and affordable housing in the City of Whittlesea. The subclause implements the *Social and Affordable Housing – Policy and Strategy* with Council particularly noting the following statements within Clause 21.09-3:

- *The City aims to achieve the inclusion of 5 per cent social housing and 10 per cent affordable housing in the structure planning of any established or greenfield housing development.*
- *Objective 1: To facilitate the provision and access to social and affordable housing for low and moderate income households.*
- *Strategy 1.1 Support the provision of social and affordable housing associated with larger residential development/ mixed use development or on strategic redevelopment sites.*
- *Strategy 1.2 Promote and facilitate affordable housing in locations with good access to public transport and/ or services.*
- *Strategies 1.4 Facilitate a balanced mix of private, affordable and social housing within new developments.*

Council clarified that the *Social and Affordable Housing – Policy and Strategy* is included as a Reference document at Clause 21.14 of the Scheme.

Council submitted that Amendment C197 has been through a Panel Hearing process with no issues raised in the Panel report regarding Clause 21.09-3, adopted by Council and forwarded to the Minister for approval.

Council explained that the drafting of the proposed DPO provisions had been based on the same format applied to the Amcor site in Fairfield by the City of Yarra.

While not objecting to the inclusion of social housing aspirations for the site, the Site owner submitted that:

It is inappropriate to include any requirement prescribing the mandatory provision of social housing, using the mechanism of a Section 173 Agreement ...

Furthermore, if a social housing requirement is to be included within the proposed DPO, we submit that this should be addressed by way of an incentive to future developers of the land. That is, that provision of social housing is incentivised through the development process ...

It is noted that use of an incentive-based model for social housing provision and achieving Council's targets on this site was previously proposed by Council during discussions with Council and Melbourne Water for this site.

If the provision of social housing within the future development of the subject land is considered necessary, it is submitted that the inclusion of wording within the DPO schedule itself is sufficient.

Discussion

The Committee accepts that Amendment C197 is a seriously entertained amendment given that it has been through a Panel process and subsequently adopted by Council. For the

Amendment to support a requirement for social housing on this site, it would need to be approved and gazetted.

The Committee notes that whilst the proposed Clause 21.09-3 implements Council's Affordable and Social Housing Policy, its wording does not specifically mandate the requirement to use a Section 173 Agreement to provide for 5 per cent social housing. Indeed it would be a much clearer if Council's 'aim' to include 5 per cent of social housing had been expressed as a more explicit requirement.

Notwithstanding the ambiguity of the requirement, Council has been consistent and clear in its intention to address its lack of social and affordable housing through the inclusion of requirements at the structure planning stage.

If Amendment C197 is approved in its adopted form, then not including a specific requirement for affordable housing in the structure planning of this site would undermine the practical effect of including the strategies in the planning scheme.

This site is poised for a significant uplift in value due to the proximity to the public investment in the Marymede Railway Station and is a large parcel in single ownership. It is difficult to imagine a scenario where a social housing requirement might be more appropriate in the City of Whittlesea.

Conclusion

The Committee concludes that:

- If Amendment C197 is approved prior to the rezoning of this site, the DPO should be amended to include the requirement for a Housing Diversity Statement addressing how it will provide social and affordable housing and a Section 173 requirement for the provision of 5 per cent of dwellings for social housing, as proposed by Council.
- If Amendment C197 is not approved prior to the rezoning of this site, the Committee concludes that the DPO should be amended to only include an additional requirement for the Development Plan:

*A Housing Diversity Statement that explains the proposed mix of housing on the site including the provision of social and affordable housing. The statement is to demonstrate how it is proposed to address Council's **aim** to achieve the inclusion of 5 per cent social housing and 10 per cent affordable housing in the structure planning of any established or greenfield housing development.*

4.3 Plan Melbourne 2017–2050

Post-hearing, the Government released Plan Melbourne 2017-2050. The Committee notes that Policy 2.3.2 of this document states:

Streamlined approval processes for the government and the community-housing sector can help facilitate the supply of social housing.

To support an increase in the supply of social housing, a new streamlined approval process will be developed for social-housing projects. This will facilitate faster delivery of social-housing projects with lower holding costs and greater planning certainty.

4.4 Conclusion

The Committee concludes that the rezoning to MUZ and application of the DPO is appropriate. The proposed requirement for 5 per cent social housing on the site is supported by local policy, is consistent with recent policy announcements and should be included. If Amendment C197 is approved prior to the rezoning of the site, the requirement should be included in the Development Plan Overlay as a specific requirement.

Appendix A: Document list

Documents Presented to Hearing (No.)	Description	Presented By
1	Melbourne Water submission	Paul Beatty, Planisphere
2	City of Whittlesea Submission	Liam Wilkinson, City of Whittlesea
3	Marymede Station brochure	“
4	City of Whittlesea Social and Affordable Housing Policy	“
5	C197 Clause 21.14	“
6	City of Whittlesea Housing Diversity Strategy extract	“
7	City of Yarra Planning Scheme; Schedule 11 to the DPO, Amcor site	“